Agenda

Ordinary Meeting of Council

Tuesday, 14 May 2019
6:30pm
Ordinary Meeting of Council

Tuesday, 14 May 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, 23 April 2019.

5. Declarations of Conflict of Interest

6. Presentations
   Nil.

7. Petitions and Joint Letters
   7.1 Joint Letter - Unsafe section of Maribyrnong Road between the Maribyrnong River and the corner of Epsom Road, Ascot Vale. ............5

8. Public Question Time

9. Reports from Special Committees
   Nil.

10. Reports
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13. Confidential Reports
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14. Delegates Reports

15. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer
PETITIONS AND JOINT LETTERS

7.1 Joint Letter - Unsafe section of Maribyrnong Road between the Maribyrnong River and the corner of Epsom Road, Ascot Vale.

Author: Emily Chiles - Governance Officer
Directorate: Organisational Performance
Summary

Council has received a Joint Letter with 20 signatures, requesting a number of changes to the unsafe section of road on Maribyrnong Road between the Maribyrnong River and the corner of Epsom Road:

1. Reduce speed limit from 60 km/hr to 40 or 50 km/hr.
2. Change traffic light settings at the corner of Maribyrnong Rd and Epsom Road turning right inbound towards the city so the right turning arrow for vehicles is red when pedestrian light is green and make the same change at the corner of Maribyrnong Road and Orford Street inbound when motorists are turning left.
3. Improve the pedestrian signage at all three intersections including the pedestrian crossing at Maribyrnong River, the corners of Orford Street and the corners of Epsom Road.
4. Improve the signage and marking at the four tram stops and two bus stops in this area.

Recommendation
That Council resolves to:

1. Receive and note the Joint Letter.
2. Refer this matter to the Director Planning and Development for investigation and reporting back to Council.
3. Advise the organiser accordingly.

Attachments
Nil
10.1 14 Walker Street, Moonee Ponds (Lot 1 on TP242796P) - Construction of six dwellings

Author: Grant Michell - Principal Statutory Planner
Directorate: Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/611/2018</th>
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</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Construction of six dwellings of two, three and four bedrooms (4 x triple storey and 2 x four storey)</td>
</tr>
<tr>
<td>Applicant</td>
<td>DSP Architects</td>
</tr>
<tr>
<td>Owner</td>
<td>Mr Ilyas Elahi</td>
</tr>
<tr>
<td>Planning Scheme Controls</td>
<td>Activity Centre Zone, Schedule 1</td>
</tr>
<tr>
<td>Planning Permit Requirement</td>
<td>Clause 37.08-5 – to construct a building or construct or carry out works.</td>
</tr>
<tr>
<td>Car Parking Requirements (Clause 52.06)</td>
<td>Required: 10 car spaces Proposed: 10 car spaces</td>
</tr>
<tr>
<td>Bicycle Requirements</td>
<td>None</td>
</tr>
<tr>
<td>Restrictive Covenants</td>
<td>Restrictive Covenant 0823423 (varied on 9 August 2018) is not breached by this application.</td>
</tr>
<tr>
<td>Easements</td>
<td>None</td>
</tr>
<tr>
<td>Site Area</td>
<td>616m²</td>
</tr>
<tr>
<td>Number Of Objections</td>
<td>4 objections from 3 properties</td>
</tr>
</tbody>
</table>

**Executive Summary**

- The application seeks approval for the construction of four triple-storey dwellings and two four-storey dwellings.
- The subject site is located within the Moonee Ponds Activity Centre, has an area of approximately 616m², and is located on the southeast corner of Walker Street and Coats Street, Moonee Ponds.
The application was advertised and 4 objections from 3 properties received. Concerns were raised in relation to over-development, neighbourhood character, scale, number of dwellings, impacts on traffic and parking and amenity impacts.

In accordance with Council’s Statutory Planning Protocols, a Consultation Meeting was not held as less than 10 objections were received.

The application was referred to various internal departments who have not objected to the application, subject to conditions on any issued planning permit.

The proposal demonstrates an appropriate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It proposes intensification in a well-established residential area located within the Moonee Ponds Activity Centre, proximate to public transport and commercial, community and public facilities. The architectural response is considered appropriate within the site context and presents an acceptable level of articulation.

The proposal achieves an acceptable level of compliance with the requirements of the Activity Centre Zone, Schedule 1, with the exception of the proposed front setbacks. Additionally, the proposal achieves an appropriate level of compliance with the Standards of Clause 55, noting these requirements do not apply to this development, with three technical areas of non-compliance. The variations are associated with the street setbacks, rear setbacks of the third and fourth levels, daylight access to adjoining windows and overshadowing to the south, all considered appropriate. The proposed development represents an appropriate built form that provides a high level of internal amenity, protects the amenity of the adjoining properties and responds to its site context.

This report recommends Council issues a Notice of Decision to Grant a Permit, subject to conditions.
Recommendation
That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/611/2018 for the construction of six dwellings at 14 Walker Street, Moonee Ponds (Lot 1 on TP242796P), subject to the following conditions:

Endorsement Conditions
1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and be in an electronic format. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
   a) All habitable room windows on the southern and eastern elevations to be screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
   b) All tree protection requirements in accordance with the Arborist Report submitted with the application prepared by, Glenn Waters Arboriculture, dated 5 April 2017;
   c) The relocation of the two bicycle spaces within the Walker Street frontage to a location easily accessible by residents and visitors of the site;
   d) A notation that all vehicle crossovers are to be constructed in accordance with Council’s Vehicle Crossing Design Standards and Vehicle Crossing Policy;
   e) Trench grates with a width of 300mm in front of each garage;
   f) The western façade of Dwelling 1 to Walker Street to include large window forms at all levels to address the streetscape;
   g) A greater variation of materials and finishes within the Northern Elevation to Coats Street to minimise the visual dominance of the sheer wall forms;
   h) All BESS annotations and measures in accordance with Condition 4;
   i) All permeable and impermeable surfaces clearly noted and all WSUD treatment measures and associated annotations in accordance with the amended STORM report required by Condition 3; and
   j) An amended Landscape Plan in accordance with Condition 7.
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 published BESS report (or equivalent) must be submitted simultaneously with
amended plans in accordance with Condition 1 and must comply with Clause 21.04-3 (Ecologically Sustainable Development) of the Moonee Valley Planning Scheme.

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

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 User’s Guide or a Building Maintenance Guide.

7. Before the development starts and before any trees or vegetation are removed, an amended landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and in an electronic format. The amended landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:
   a) Any changes in accordance with Condition 1 of this permit;
   b) All tree protection requirements in accordance with the Arborist Report submitted with the application prepared by, Glenn Waters Arboriculture, dated 5 April 2017;
   c) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
   d) The use of drought tolerant species;
e) The provision of one small canopy tree within the front setback of each dwelling which are able to achieve a minimum mature height of 4 metres;

f) Features such as paths, paving and accessways;

g) All Environmentally Sensitive Design (ESD) design solutions in accordance with the successful STORM/BESS reports;

h) All planting abutting the accessway and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and

i) An appropriate irrigation system.

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

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

8. 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.

Development Conditions

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

10. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Standard B22 Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

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

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

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

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

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

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

14. The existing street trees on Coats Street must not be removed or damaged as a result of the permitted development.

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

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

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.

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

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

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

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

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

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

**Permit Notes:**

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- 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.
- No on street parking permits will be provided to the occupiers of the land.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- The required on-site detention system must be designed to limit the rate of
stormwater discharge from the property to pre-development levels in accordance with the following: $C_w=0.4$, $t_c=10\text{mins}$, $t_{so}=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development $C_w$ or $C_w=0.80$.

- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMP’s are required to be made via Council’s 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 subject property is located on the southeast corner of Walker Street and Coats Street, Moonee Ponds. The site is located 90 metres west of Moonee Valley Racecourse and 130 metres east of the Clocktower Centre.

The site is rectangular in shape with a frontage of 15.76 metres to Walker Street and a frontage of 39.07 metres to Coats Street. The site area is 616 square metres. The site has a laneway abuttal along its eastern boundary.

There are no easements on the Certification of Title, however, there is a Restrictive Covenant registered. Restrictive Covenant 0823423 was varied 9 August 2018 and is not breached by this application.

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

Figure 2 – Subject Site (14 Walker Street, Moonee Ponds)
The surrounding land is within the Activity Centre Zone, Schedule 1. Residential developments proximate to the subject site are varied, with a mix of single dwellings on large allotments and multi-unit developments.

The character of the area can be described as transitional as a result of its Activity Centre zoning and proximity to public transport options. External materials are a mixture of brick, weatherboard and rendered finishes in differing colours. Building frontages vary from single to double frontages. Roof forms in the area are predominantly hipped, with some examples of gabled-ended roof forms.

1.2 Proposal

The proposal seeks to construct four triple-storey dwellings and two four-storey dwellings. Dwelling 1 has a frontage to Walker Street while Dwellings 2-6 front Coats Street. Dwellings 1 and 6 are two bedroom dwellings with a single car space at ground level, open plan living at first floor and bedrooms at the upper level. Dwellings 2 and 5 are three bedroom dwellings with two car spaces at ground level, open plan living at first floor and bedrooms at the upper level. Dwellings 3 and 4 are four bedroom dwellings with two car spaces at ground level, open plan living at first floor, three bedrooms at second floor level and another bedroom at the upper level. The development can be generally summarised as:

**Table 1**

<table>
<thead>
<tr>
<th>Description</th>
<th>Specification</th>
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<tbody>
<tr>
<td>No of dwellings</td>
<td>6 dwellings</td>
</tr>
<tr>
<td>No of car spaces</td>
<td>10 car spaces</td>
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<tr>
<td>Max Building Height (Maximum height 14m)</td>
<td>12.7 metres</td>
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</tbody>
</table>
Refer Appendix B Plans (separately circulated).

2. **Background**

2.1 **Relevant Planning History**

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

The owner of the subject site applied to the Supreme Court of Victoria pursuant to Section 84 of the *Property Law Act 1958* for the modification of a restrictive covenant.

On 19 July 2018, the Supreme Court ordered that pursuant to section 84(1)(c) of the *Property Law Act 1958*, the restrictive covenant contained in instrument of transfer No. 823423 dated 26 March 1917 registered in Land Registry, be modified in so far as it affects the land described in folio of the Register volume 8253 folio 977 situated at 14 Walker Street, Moonee Ponds, by deletion of the words struck through in the part of the covenant extracted below, and insertion of the words in bold text and doubled-underlined, so that the covenant as modified reads:

…that not more than six dwellings houses shall be erected or left standing on the land hereby transferred and that each dwelling house shall be used for residential purposes only…

This modification to Covenant 823423 was registered on the Certificate of Title on 9 August 2018.

2.2 **Planning Policies and Decision Guidelines**

**Planning Policy Framework**

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<tr>
<th>Clause</th>
<th>Policy Area</th>
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<tr>
<td>11.01-1R1</td>
<td>Settlement – Metropolitan Melbourne</td>
</tr>
<tr>
<td>11.02-1S</td>
<td>Supply of Urban Land</td>
</tr>
<tr>
<td>11.03-1R</td>
<td>Activity Centres – Metropolitan Melbourne</td>
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<tr>
<td>11.03-1S</td>
<td>Activity Centres</td>
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<td>15</td>
<td>Built Environment and Heritage</td>
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<td>15.01-5S</td>
<td>Neighbourhood Character</td>
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<td>15.02</td>
<td>Sustainable development</td>
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<tr>
<td>16</td>
<td>Housing</td>
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<td>18</td>
<td>Transport</td>
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<tr>
<td>19.03-3S</td>
<td>Stormwater</td>
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Local Planning Policy Framework
Clause 21.01 Municipal Profile
Clause 21.02 Key Issues and Influences
Clause 21.03 Vision
Clause 21.04 Sustainable Environment
Clause 21.04-7 Waste
Clause 21.05 Housing
Clause 21.06 Built Environment
Clause 21.07 Activity Centres
Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning
Clause 37.08 Activity Centre Zone, Schedule 1

Overlays
None

Particular and General Provisions
Clause 52.06 Car Parking
Clause 55 Two or More Dwellings on a Lot and Residential Buildings
Clause 64 General Provisions for Use and Development of Land
Clause 65 Decision Guidelines
Clause 66.02 Use and Development Referrals
Clause 71.02-3 Integrated Decision Making

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

Table 2

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Sustainable Design (ESD)</td>
<td>Amended BESS and STORM Report required and all annotations shown on plans.</td>
</tr>
<tr>
<td>Traffic and Transport Unit</td>
<td>No objection subject to standard parking and crossover conditions.</td>
</tr>
<tr>
<td>Development Engineering (Drainage)</td>
<td>No objection subject to standard drainage conditions.</td>
</tr>
<tr>
<td>Arborist</td>
<td>No objection.</td>
</tr>
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</table>
2.4 Public Notification of the Application

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

As a result, 4 objections from 3 properties were received and identified within Appendix A of this report.

The objections are discussed at Section 3.5 of this report.

2.5 Consultation Meeting

A Consultation Meeting was not held as there were less than 10 objections received, which is in accordance with Council’s Statutory Planning Protocols.

3. Discussion

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

The relevant State and Local Planning Policy Framework objectives are considered to have been satisfied by the proposal. The policy framework objectives broadly encourage consolidation of urban allotments in locations which can provide housing diversity and take advantage of existing public transport and community and commercial services. Relevant policy guidance is contained within ‘Plan Melbourne 2017-2050: Metropolitan Planning Strategy’ and Clauses 11, 15, 16, 18 and 21.05, which all seek to increase the residential supply in these areas.

Clause 21.05 (Housing) of the scheme is applicable, which has the objective of providing a variety of housing choices in appropriate locations to meet the needs of an increasingly diverse range of households. Strategies to achieve this objective generally echo the State Planning Policy directives, encouraging residential development in or near major transport routes.

Clause 21.05 also sets out policy guidelines for three identified categories of growth, being ‘High to Substantial’, and ‘Moderate to High’ and ‘Slight to Moderate’ housing intensification. The Moonee Valley Housing Strategy 2010, listed as a reference document under Clause 21.05-7, sets out a number of principles to define locations within these categories. Applying these principles, the land is considered to fall within the category of High to Substantial housing intensification. Clause 21.05-1 provides the following guideline:

Consider the majority of housing growth and higher density development to occur within Activity Centres identified in Plan Melbourne, provided that the height, scale and massing of new development is in accordance with the requirements and recommendations of adopted structure plans or strategies for those centres, and that development respects the surrounding built form context.

The Moonee Valley Housing Strategy describes this category as being suitable for apartment style developments at a height that is dependent on strategic policy (i.e. Activity Centre Zone, Schedule 1).
The view is that the proposed development represents an acceptable, incremental increase in housing opportunities to meet growing population needs, as well as a diversity of housing choice in an established major activity centre. The development will cater for different demographic groups and for varying household needs as they change over time.

The site offers an opportunity for redevelopment considering its size, Activity Centre zoning, corner position, and proximity to public transport, which already features a range of dwelling densities. The proposed development responds to the objectives and strategies of 21.06-4 (Urban Design). The key concepts of this clause are assessed in Section 3.2.

The proposal has the potential to comply with Clause 21.04 (Sustainable Environment) and Clause 22.02 (Storm Water Management) through the use of ecological sustainable design principles as highlighted within the submitted BESS assessment and STORM reports, subject to appropriate conditions on any permit issued requiring additional details on the development plans and an amended STORM report showing all impermeable areas.

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

The proposed development is consistent with the policy guidelines of Clause 21.07-1 (Moonee Ponds Activity Centre) as discussed in Section 3.2 of this report.

3.2 Does the proposal represent an appropriate built form outcome within the Activity Centre Zone, Schedule 1?

In determining whether the development represents an appropriate built form outcome, there is guidance provided within state policy at Clause 15.01-1S (Urban Design), as well as local policy at the first objective and associated strategies of Clause 21.06-4 (Urban Design).

The subject site is located within sub-precinct 8D under the Activity Centre Zone, Schedule 1. This precinct has a mandatory maximum building height of 14 metres and the Coats Street interface is noted as a Type 1 Residential Front Interface, which states that development should comply with Standard B6 (Street Setback) of Clause 55.03-1 of the Moonee Valley Planning Scheme.

The development is considered an acceptable response to the immediate context and requirements of the Activity Centre Zone, Schedule as follows:

- The contemporary built form of the development is consistent with both the emerging built form of the area and responsive to the high degree of change expected by policy in this location. The proposed architectural theme will contribute to the built form character of the area, whilst also achieving an acceptable and site responsive design outcome.

- The siting and massing of the development is compatible with the pattern of development which has occurred in the immediate and wider area and with new infill occurring to the north in the Activity Centre. The provision of a setback of 3.06 metres to Walker Street instead of the zero metres...
required under the zone, is regarded to be an appropriate outcome which responds to the residential character of the street without undermining the objective of the zone and relevant precinct.

- The setback to Coats Street while not compliant with the requirements of the Activity Centre Zone is acceptable in this instance due to its corner location and is consistent with average setback of the adjoining properties to the east and west. This is discussed in Section 3.4 of this report.

- The height of the development at three-four storeys (12.7 metres) is consistent with the emerging character of the area and well within the preferred height of 14 metres identified within the schedule to the Activity Centre Zone. The fourth levels of Dwellings 3 and 4 are centralised and articulated to reduce their dominance as viewed from the streetscapes and visually sensitive interfaces. Further, the height of the development presents a transition in building heights from the south through to the north. The image below demonstrates the maximum building heights allowable under the Moonee Valley Planning Scheme. Properties to the south of the subject site can be a maximum of 14 metres, while properties to the north on the opposite side of Coats Street can be 11 metres. The proposed 12.7 metre height presents an appropriate transition between the Activity Centre and the land zoned General Residential on the periphery.
The development is acceptably articulated through a variety of setbacks, window forms, roofing styles, materials and finishes that together present a contemporary and visually engaging built form. The materials and finishes complement the existing and emerging character of built form in the area and are consistent with this form of development, however it is appropriate to include a condition requiring greater variation of materials and finishes to limit the sheer walls to Coats Street.

The façade treatment to Walker Street provides little interaction with the streetscape at the upper levels. It is appropriate to include conditions requiring the development to better address the Walker Street streetscape through providing more interaction using window treatments and activation.

Landscaped areas are provided within the front setbacks to accommodate planting which will contribute to the garden character of the area, and filter views of new built form. Canopy planting will be achieved within the front setback and northern boundary. Further, the development has been designed to maintain the existing established street trees within Coats Street which are a valued character element within the streetscape and filter views of the built form.

The use of the rear Right of Way to access the ground level garaging ensures car parking is concealed entirely within the site and has been appropriately designed to ensure its functional and convenient use. This use of the rear Right of Way allows the proposal an active and landscaped presentation to the street, its immediate residential interfaces as well as internal pedestrian approaches.

The attached form of the development is appropriate in this instance as it maintains the existing built form pattern of the existing building to the east and is reflective of the building typology encouraged within Activity Centre locations.

The proposed 1m high front fencing proposed to both Walker Street and Coats Street is appropriate and maintains views of the landscaped frontages while delineating public and private land.

### 3.3 Does the proposal comply with Clause 52.06 (Car Parking) and Clause 52.34 (Bicycle Facilities)?

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

#### Table 3

<table>
<thead>
<tr>
<th>Proposed</th>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two x two bedroom dwellings</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Two x three bedroom dwellings</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Two x four bedroom dwellings</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Totals</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>
The development fully complies with the statutory parking requirements of Clause 52.06-5 of the Moonee Valley Planning Scheme as demonstrated in the table above.

The design of car spaces and accessways generally complies with the requirements of Clause 52.06-9.

The application was referred to Council’s Traffic and Transport Unit who do not object to the proposal subject to conditions relating to the crossover construction.

The proposal provides two bicycle spaces within the Walker Street frontage, which complies with the two spaces required under Clause 52.34 (Bicycle Facilities) of the Moonee Valley Planning Scheme. While bicycle provision complies with the requirements of this Clause, a condition is appropriate on any permit issued relocating the spaces to an area easily accessible by residents or visitors to the site. As proposed, the spaces are within a landscaped area with limited access.

3.4 Does the proposal appropriately address the requirements of Clause 55?

The subject site is located within the Activity Centre Zone, Schedule 1, as such, the Standards and Objectives of Clause 55 do not specifically apply to the proposed development. The Decision Guidelines require however, the Responsible Authority to consider the Objectives and Standards of Clause 55 where appropriate. The proposal is considered to appropriately address the relevant provisions of Clause 55 with exceptions as assessed below:

Table 4 – Areas of non-compliance with Standards & Objectives of Cl55

<table>
<thead>
<tr>
<th>Res Code Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 55.03-1 (Standard B6 - Street Setback)</td>
<td>The proposed street setback to Walker Street of 3.04 – 4.13 metres does not comply with the 9 metre setback requirement of this Standard. However, the Activity Centre Zone states that all buildings up to 11 metres in height should have a zero metre front setback unless noted as a residential interface. Under the zone, only Coats Street is noted to have a Residential Interface setback requirement. The proposed setback to Walker Street is found to be acceptable given its Activity Centre zoning and the consistency of the setback both with existing dwellings within the streetscape and recently approved developments. In particular, 10 Walter Street includes a solid arbour on the street boundary, 8 Walter Street is setback approximately 4.5 metres from the street boundary, and a recently approved development for 5 dwellings at 6 Walker Street (MV/108/2017) has an approved street setback of 2.4 metres. As noted above, the subject site is located within precinct 8D under the Activity Centre Zone, Schedule 1. The frontage to</td>
</tr>
<tr>
<td>Res Code Standard</td>
<td>Response</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Coats Street is noted as 'Residential Front Interface – Type 1', which detailed that properties should provide front setbacks in accordance with Standard B6. The proposed setback of Dwellings 2-6 at 2 – 2.1 metres does not comply with the 3 metre setback requirement of this Standard. It is considered the proposed setback is acceptable in this instance as the setback is generally consistent with the average setback for this side of Coats Street, which is 2.1 metres, and there is sufficient area within the setback for landscaping. Additionally, there is no unreasonable impact to the existing street trees within Coats Street. It is noted that the setback for Dwelling 1 at 2 metres is compliant with this Standard.</td>
<td></td>
</tr>
<tr>
<td>Clause 55.04-1 (Standard B17 - Side and Rear Setbacks)</td>
<td>The proposed southern setbacks at both the third and fourth level do not comply with the requirements of this Standard. A variation of between 1.69 – 1.89 metres is required at the third level, and a variation of between 1.79 – 2.09 metres is required at the fourth level. The proposed variations sought are considered acceptable given the site’s physical context and location within the Activity Centre Zone, where more robust built forms are appropriate. The area of non-compliance at the fourth level is centrally located within the site and not opposite any sensitive areas of the adjoining property to the south. Additionally, the proposed area of non-compliance at the fourth level is relatively minimal in width (7 metres) within the overall width of the building (35 metres) with the remainder of this level complying with this Standard, and having regard for the fact the assessment must only consider the Objectives and Standards of Clause 55 rather than comply with ResCode. The proposed setbacks of Dwelling 6 to the eastern boundary at all levels do not comply with the requirements of this Standard. It is regarded the setbacks are appropriate given the site’s abuttal with the laneway and its interface with the Quest Apartments further to the east.</td>
</tr>
<tr>
<td>Clause 55.04-3 (Standard B19 – Daylight to Existing Windows)</td>
<td>The proposed development does not comply with this Standard at the second level to the south. The proposed built form is appropriate in this instance as a result of the sites location within an Activity Centre and the future expected built form outcome in this area. It is considered that the existing windows of the adjoining property to the south will maintain an adequate level of daylight throughout the day.</td>
</tr>
<tr>
<td>Clause 55.04-4</td>
<td>The proposed development does not comply with this</td>
</tr>
<tr>
<td>Res Code Standard</td>
<td>Response</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------</td>
</tr>
<tr>
<td>(Standard B20 – North Facing Windows)</td>
<td>Standard at the second and third level. It is considered the proposed built form is appropriate in this instance as a result of the sites location within an Activity Centre and the future expected built form outcome in this area.</td>
</tr>
<tr>
<td>Clause 55.04-5 (Standard B21 Overshadowing)</td>
<td>The proposed development will result in increased overshadowing impacts to the secluded private open space area of 12 Walker Street from noon onwards. The overshadowing impacts are regarded as acceptable in this instance due to the site’s Activity Centre zoning with its expectation of large built forms. Additionally, the layout of the open space of 12 Walker Street is such that the primary usable space is located within the eastern section of the property opposite the garage due to the existing vegetation on the site and 2.3 metre high boundary fencing; this area is not significantly overshadowed from noon onwards.</td>
</tr>
<tr>
<td>Clause 55.04-6 (Standard B22 - Overlooking)</td>
<td>It is appropriate to include a condition requiring all habitable room windows be screened in accordance with Clause 55.04-6 (Standard B22 Overlooking) of the Moonee Valley Planning Scheme.</td>
</tr>
</tbody>
</table>

### 3.5 Objections (Discussion)

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

**Table 5**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Parking</td>
<td>Refer to Section 3.4 of this report for discussion.</td>
</tr>
<tr>
<td>Neighbourhood Character</td>
<td>Refer to Section 3.2 of this report for discussion.</td>
</tr>
<tr>
<td>Height</td>
<td>The proposed height at 12.7 metres is consistent with the 14 metre mandatory maximum height requirement under Schedule 1 of the Activity Centre Zone.</td>
</tr>
<tr>
<td>Non-compliant setbacks</td>
<td>Refer to Section 3.4 of this report for discussion.</td>
</tr>
<tr>
<td>Provision of private open space</td>
<td>The proposed development complies with the requirements of Clause 55.05-4 (Standard B28 Private Open Space) of the Moonee Valley Planning Scheme, which requires at least 8sqm of private open space with a minimum width of 1.6 metre.</td>
</tr>
<tr>
<td>Site coverage</td>
<td>The proposed development complies with Clause 55.03-3 (Standard B8 Site Coverage) of the Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>Issue</td>
<td>Officer Response</td>
</tr>
<tr>
<td>----------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Noise impacts</td>
<td>It is considered that there will be no unreasonable noise impacts above that normally experienced within an urban environment as a result of this development.</td>
</tr>
<tr>
<td>Daylight to windows</td>
<td>The proposed development complies with the Objectives of Clauses 55.04-3 (Standard B19 Daylight to Existing Windows) and 55.04-4 (Standard B20 North-facing Windows) of the Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>Overshadowing</td>
<td>Refer to Section 3.4 of this report for discussion.</td>
</tr>
<tr>
<td>Visual Bulk</td>
<td>Refer to Section 3.2 of this report for discussion.</td>
</tr>
</tbody>
</table>

3.6 Will the development impact upon the existing street trees in Coats Street?

Coats Street includes two large established street trees opposite the proposed development. An Arborist Report, prepared by Glen Waters Arboriculture, was submitted with the application which identified a number of tree protection measures to ensure the retention of these trees. Council’s Arborist has reviewed this report and does not object to the proposal subject to conditions requiring compliance with the nominated tree protection measures. A condition to this affect can be included on any permit issued.

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

On 26 June 2018, Council adopted the MV2040 Strategy as its long-term plan for the city. It is considered that the proposal is consistent with the relevant strategic directions set out in the MV2040 Strategy, including:

- Strategic Direction 3: A city where people are healthy and safe
- Strategic Direction 5: A city with housing for all
- Strategic Direction 11: A city with streets and spaces for people
- Strategic Direction 14: A city that is green and water-sensitive
- Strategic Direction 16: A city that is cool and climate-adapted
- Strategic Direction 17: A city that fosters local identity
- Strategic Direction 18: A city of high-quality design
- Strategic Direction 20: A city in a beautiful landscape setting

6. Conclusion

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

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

On balance the proposal demonstrates general compliance with the requirements of these provisions and policies. The application is supported as detailed above within the recommendation section.

**Attachments**

A: Objector Location (separately circulated)

B: Advertised Plans (separately circulated)
10.2 21 Argyle Street, Moonee Ponds (Lot 96 on Plan of Subdivision 002250) - Construction of four dwellings

Author: Vi Neilsen - Senior Statutory Planner
Directorate: Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/549/2018</th>
</tr>
</thead>
</table>
| Proposal          | Construction of four double storey dwellings, each containing three-bedrooms  
Dwelling 1 facing Argyle Street  
Dwellings 2-4 facing Melrose Street |
| Applicant         | Alexandrou and associated Pty Ltd |
| Owner             | RCK Investments Pty Ltd |
| Planning Scheme Controls | General Residential Zone |
| Planning Permit Requirement | Clause 32.06-8 – Construct two or more dwellings |
| Car Parking Requirements (Clause 52.06) | Required – 8 spaces  
Provided – 8 spaces |
| Bicycle Requirements | N/A |
| Restrictive Covenants | N/A |
| Easements | None |
| Site Area | 804.1 square metres |
| Number Of Objections | 16 |
| Consultation Meeting | 6 February 2019 |

Executive Summary
- The application seeks planning permission for the construction of four double storey dwellings.
- The site is located on the north-western corner of the intersection of Argyle and Melrose Street, Moonee Ponds within an established residential area. The site is rectangular in shape with a site area of 804.1 square metres.
• The application was advertised with sixteen (16) objections received. Concerns were raised primarily in relation to neighbourhood character, overdevelopment and off-site amenity impacts.

• A Consultation Meeting was held on 6 February 2019, which was attended by Councillor Cusack, the permit applicant, objectors and Council’s planning officer.

• The development is consistent with the Garden Suburban 5 neighbourhood character precinct profile, subject to minor conditions.

• The proposal achieves a high level of compliance with the quantifiable standards of ResCode. Conditions are proposed to be imposed to improve the design details and internal amenity / safety impacts of the development and meet the standard requirements for street setback, landscaping and overlooking. A variation is considered acceptable to the side setback to Dwelling 4 and for solar access to Dwellings 2 and 3 secluded private open space (SPOS) areas for the reasons discussed in this report.

• The proposal achieves the mandatory 35% Garden Area and height requirements in accordance with Clause 32.08-4 and Clause 32.08-10, General Residential Zone of the Moonee Valley Planning Scheme.

• Overall, this assessment report finds the proposal demonstrates sufficient compliance with the Garden Suburban 5 neighbourhood character precinct profile, the relevant provisions of the Planning Policy and Local Planning Policy Framework, Zone and Particular and General Provisions of the Moonee Valley Planning Scheme. It is recommended a Notice of Decision to Grant a Permit be issued subject to conditions.

Figure 1: Aerial photograph of subject site and surrounds
Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/549/2018 for the construction of four dwellings at 21 Argyle Street, Moonee Ponds (Lot 96 on Plan of Subdivision 002250), 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 be in an electronic format. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

   a) All nominated dimensions drawn to scale;
   b) Deletion of the balcony to Dwelling 1 and the incorporation of ground floor roof form to all recessed areas, including above the garage;
   c) The south facing family room wall to Dwelling 4 setback 3.0 metres from the Melrose Street front boundary with no changes to any other setbacks;
   d) All habitable room windows of Dwelling 4 to be double glazed;
   e) The headroom clearance to each garage door to be a minimum 2.1 metres in height with the garage door in an open position;
   f) Pedestrian visibility splays along both sides of each driveway in accordance with Clause 52.06-9 (Car Parking) of the Moonee Valley Planning Scheme;
   g) Notation stating ‘the crossovers designed in accordance with Council’s Vehicle Crossing Policy’;
   h) Provision of a 1.8 metre boundary fence to the service yard of Dwelling 4;
   i) The bins to Dwelling 4 relocated from the garage and in an area that is not visible from the street;
   j) The existing 2.1 metre high northern boundary fence be specified on the plans;
   k) A revised External Materials and Finishes Schedule to incorporate greater reds, creams, greys, browns or greens tones to the external facades in accordance with the Garden Suburban 5 precinct profile;
   l) The driveway of Dwelling 1 to be aligned with the 3 metre wide vehicle crossover;
   m) A prominent note on all floor and elevation plans stating: “Refer to endorsed Sustainable Design Assessment, and associated BESS Report, for all Environmentally Sustainable Design (ESD) commitments and requirements”;
   n) The location and details of all Water Sensitive Urban Design (WSUD) treatment measures outlined within the successful STORM Rating Report, including provision of a roof plan indicating all WSUD rainwater collection areas; and
o) An amended Landscape Plan in accordance with Condition 7. When approved, these plans will be endorsed and will form part of this permit.

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

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

4. A minimum 30 days prior to any building or works commencing, a WSUD Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
   a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

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

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

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

6. A BESS Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1 and the provisions of Clause 21.04-3 (Ecologically Sustainable Development) of the Moonee Valley Planning Scheme. The BESS Report must be a ‘published’ version, achieve all minimum requirements, meet best practice standards and be to the satisfaction of the
Responsible Authority for approval. Once approved the BESS Report is to be implemented and appropriately managed during construction of the proposed dwellings.

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

a) Any changes in accordance with Condition 1 of this permit;

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

c) The use of drought tolerant species;

d) The provision of a canopy tree within the rear setback of each dwelling which are able to achieve a minimum mature height of 3 metres;

e) Provision of additional and low scale planning within the front and rear setback;

f) Features such as paths, paving and accessways;

g) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-9 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and

h) An appropriate irrigation system.

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

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

End of Endorsement Conditions

Development Conditions

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

9. Before the buildings approved by this permit are occupied, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

18. The following street tree/nature strip protection measures must be undertaken;
   a) The nature strip and street trees located within the Argyle and Melrose Street frontage of the land must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder;
   b) No pruning of the nature strip and street trees located within the Argyle and Melrose Street frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and
   c) No building materials are to be stacked and/or dumped on any nature strip during construction.

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

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

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.
If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

**Permit Notes:**

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

- 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: $C_w=0.4$, $tc=10\text{mins}$, $tso=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development $C_w$ or $C_w=0.80$.

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

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

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

1. **Introduction**

1.1 **Subject Site and Surrounds**

The subject property is located on the western side of Argyle Street, bounded by Melrose Street to the south and Margaret Muir Way to the west.

The site is rectangular in shape with a frontage of 16.76 metres and a depth of 47.98 metres. The site area is 804.1 square metres.

There are no easements noted on the certificate of title and the site is not affected by any covenants. The subject site currently vacant.

Residential development in proximity of the subject site is varied, with a mixture of single and double fronted detached dwellings, some with first floor extensions as well as some multi-unit developments in the street and surrounds.

1.2 **Proposal**

<table>
<thead>
<tr>
<th>No of dwellings</th>
<th>4 double storey dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of car spaces</td>
<td>8 car parking spaces</td>
</tr>
<tr>
<td>Max Building Height</td>
<td>7.5 metres</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>55%</td>
</tr>
</tbody>
</table>
Permeability | 45%
---|---

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

2. **Background**

2.1 **Relevant Planning History**

- MV/20117/2009 – Construction of three dwellings on one lot. Planning permit issued on 10 May 2010 at the direction of VCAT. The planning permit and plans were amended on 10 May 2010.

2.2 **Planning Policies and Decision Guidelines**

**Planning Policy Framework**

- Clause 11 Settlement
- Clause 12 Environmental Landscape Values
- Clause 13 Environmental Risks and Amenity
- Clause 14 Natural Resource Management
- Clause 15 Built Environment and Heritage
- Clause 16 Housing
- Clause 18 Transport
- Clause 19 Infrastructure

**Local Planning Policy Framework**

- Clause 21.03 Vision
- Clause 21.04 Sustainable Environment
- Clause 21.05 Housing
- Clause 21.06 Built Environment
- Clause 21.09 Transport
- Clause 21.10 Social and Physical Infrastructure
- Clause 22.03 Stormwater Management (Water Sensitive Urban Design)
Zoning
- Clause 32.08 General Residential Zone

Overlays
- None

Particular and General Provisions
- Clause 52.06 Car Parking
- Clause 55 Two or More Dwellings on a Lot
- Clause 65 Decision Guidelines
- Clause 71.02-3 Integrated Decision Making

2.3 Referrals
External Referrals
- None.

Internal Referrals
Engineering Services Unit
- No objection subject to standard conditions.
Traffic and Transportation Unit
- No objection subject to standard conditions.
Environmental Sustainable Design (ESD) Officer
- No objection subject to standard conditions.

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

Notification attracted 16 objections from 14 properties detailed at Appendix B of this report. The objections are discussed at Section 3.6 of this report.

2.5 Consultation Meeting
A Consultation Meeting was held on 6 February 2019, which was attended by Councillor Cusack, the permit applicant, objectors and Council’s planning officer. No resolution was reached at this meeting.

3. Discussion
3.1 Planning Policy and Local Planning Policy Framework
The proposal is considered to comply with the relevant Planning Policy Framework and Local Planning Policies. Generally, these objectives seek to encourage urban consolidation in locations which take advantage of existing commercial and community services and public transport.
The site offers an opportunity for redevelopment considering its size and location in a residential area. The proposal represents an appropriate degree of housing intensification and contributes to the objective of housing diversity, providing a mix of dwelling sizes and styles that will cater for the increasingly diverse needs of future residents.

The proposal generally complies with the requirements of Clause 21.04-3 (Ecologically Sustainable Development) and Clause 22.03 (Water Sensitive Urban Design) through the use of ecological sustainable design principles. The development incorporates the use of rainwater tanks (connected to toilets) demonstrating a commitment to design measures which will reduce the environmental impact of the development.

Assessment against the STORM and BESS reports show compliance, subject to the STORM and BESS measures annotated on the plans which will be required as a condition of any permit.

The proposal accords with the objectives of Clause 21.04-7 (Waste) as the development encourages the use of recycling and achieving best practice in waste minimisation.

The proposal accords with the objectives of Clause 21.05 (Housing) by increasing housing opportunities to meet growing population needs, providing diversity of housing choice in a well-established area with access to public transport options and local/community services.

The proposed development is considered to adequately respond to the key objectives and strategies of Clause 21.06 (Built Environment). The key concepts of this clause are assessed against the Neighbourhood Character Precinct Profile Guidelines within Section 3.3 of this report.

The proposal complies with the provisions of Clause 71.02-3 (Integrated Decision Making), subject to conditions. As discussed throughout this report, the proposal addresses aspects of economic, environmental and social well-being by balancing conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

3.2 Clause 32.08-4, Garden Area of the General Residential Zone

The proposal achieves the minimum garden area requirement of 35% and the height requirement in accordance with Clause 32.08-4 and Clause 32.08-10 of the Moonee Valley Planning Scheme. Accordingly, an assessment against Clause 55 (ResCode) has been undertaken as outlined within Section 3.5 and Appendix C of this report.

3.3 Neighbourhood Character Guidelines

The subject site is located within the Garden Suburban 5 neighbourhood character precinct. The proposal is considered to meet the design objectives of this precinct as discussed below:

Architectural styles

The development incorporates contemporary framed porches and parapet walls. These features appropriately fit the siting and form of the Melrose...
Street streetscape which contains varied architectural styles being a mixture of both conventional and modern dwellings.

Further, the proposed zero lot line and service yard to Dwelling 4 is consistent with the built form and siting of development along Margaret Muir Way where garages built to the boundary and where rear fences predominate.

However, the Argyle Street streetscape is cohesive with older housing stock that feature pitched roofs, gable ends, eaves and portrait style windows. To ensure Dwelling 1 complements the architectural style that predominates along the Argyle Street, a condition of any permit will require the provision of greater ground level roof form, achieved by deleting the balcony and incorporating a roof form above the recessed ground floor footprint, including above the garage.

Building height, form and layout

The design of the dwelling’s front facades appropriately incorporates varied setbacks, recesses and windows treatments to articulate the development.

The dwelling facades are well setback and staggered from the street with the first floor recessed making it a secondary and unimposing feature from the street. Where there are sheer two storey form these walls are significantly setback from the boundary and / or not located to any sensitive interfaces.

Further, the composition of windows to the front façade appropriately adds lightness to the development whilst providing a strong residential address along all street frontages.

Building materials, design and details

The development incorporates a mix of materials to add interest to the dwellings. However, the proposed colour palette is largely monochromatic and inconsistent with the neutral tones in the street. As such, a condition of any permit issued will require a revised External Materials and Finishes Schedule to incorporate some reds, creams, greys, browns or greens tones to the external facade.

Roof styles

The dwellings appropriately incorporate hipped roof forms with prominent eaves to the first floors. However, as hipped roof forms predominate along Argyle Street, a condition of any permit will require the addition of ground floor roof form to Dwelling 1.

Siting and setbacks

The dwellings are appropriately orientated to their respective frontages. The orientation of Dwelling 4 to Melrose Street is considered appropriate as Margaret Muir Way predominately serves as a rear access road to the dwellings fronting Argyle and Scotia Street.

Dwelling 1 appropriately maintains the continuity of the front setback pattern along Argyle Street. Dwellings along Melrose Street are setback
approximately 3.0 metres from the street. The encroachment of Dwelling 4, south facing family room wall into this setback interrupts the rhythm and flow of this setback pattern. As such, a condition of any permit issued will require this wall be setback to 3.0 metres from Melrose Street.

Dwelling 1 appropriately provides a single dwelling appearance from Argyle Street. The Melrose Street frontage contains three dwellings; the siting, coupled with the length of the site, maintains a detached appearance and silhouette that reflects the mixture of single and double fronted dwellings along Melrose Street.

Garages, carports and outbuildings

The garages to Dwelling 1, 2 and 3 are appropriately setback behind the front wall of the dwellings. It is acknowledged the garage to Dwelling 4 has a zero lot line to Margaret Muir Way, however this is considered appropriate in context to Margaret Muir Way, which largely serves as rear access to the dwellings fronting Argyle and Scotia Streets.

Garden styles

Subject to an amended landscape plan, as required by any condition of permit, there is sufficient area within the rear secluded private open spaces of each dwelling for landscaping planting, including canopy trees to enhance the garden settings of dwellings and soften the development from the adjoining residential interface; this will form part of any condition of permit.

Further, the proposed crossovers are well setback from the existing street trees located along the Argyle and Melrose Street road reserve, and the retention of these trees provide an immediate landscape benefit to the street and surrounds.

Front fencing

The proposed horizontal slat front fence is low at 900mm, maintaining clear views into the front garden setting and the dwellings. Further, this style of fencing complements the dwelling as well as existing front fencing in the street.

3.4 Compliance with Clause 52.06 (Car Parking)

Table 2

<table>
<thead>
<tr>
<th>Car parking</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>Four 3+-bedroom dwellings</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Total</td>
<td>8</td>
<td>8</td>
</tr>
</tbody>
</table>

The proposal provides the required car parking provision for each dwelling as set out in Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme, however the bins to Dwelling 4 are located within the delineated car parking area. To ensure access to these car parking spaces is not obstructed, a condition of permit will require the bins be relocated.

Furthermore, Council’s Traffic and Transport Unit has assessed the design layout of the car parking and access arrangement as acceptable, subject
to a condition of any permit requiring vehicular sightline splays be correctly shown. Crossovers will need to be designed in accordance with Council’s vehicle crossing policy and the headroom clearance of the garage doors be a minimum of 2.1 metres in an open position.

Except for Dwelling 4, sightline splays are provided along the driveway of each dwelling. Due to the zero lot line of the garage of Dwelling 4, the plans show an external light located on the northern side of the garage to warn pedestrians of reversing vehicles. The proposed warning light is not considered necessary and should be deleted as there is clear sightlines along the road reserve to see the opening and reversing of vehicles from the garage. Further, the location of the garage of Dwelling 4 is no different to other garages along Margaret Muir Way and is considered to meet the sightline intent of Standard 1, Accessways of Clause 52.06 (Car parking) of the Moonee Valley Planning Scheme. To ensure appropriate access and egress, a condition of any permit issued will require the crossovers and garage doors headroom clearance be appropriately designed as specified above.

Swept paths for Dwelling 4 have been provided for B99 vehicles that demonstrate sufficient area for efficient access and egress from Margaret Muir Way.

### 3.5 Clause 55 / Compliance with the other provisions of the Planning Scheme

The proposal is considered to generally comply with the provisions of Clause 55 as set out in the assessment table (refer to Appendix C).

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

**Table 3**

<table>
<thead>
<tr>
<th>ResCode Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 55.02-1 (Standard B1 – Neighbourhood character)</td>
<td>Refer to assessment in Section 3.3 of this report.</td>
</tr>
<tr>
<td>Clause 55.03-1 (Standard B6 – Street setback)</td>
<td>Dwelling 4 is orientated to Melrose Street and proposes a front setback that staggers from 2.0 to 3.0 metres and a side setback that staggers from 1.0 to 1.7 metres. The proposed front setback of Dwelling 4 does not reflect the predominant setbacks along Melrose Street. To ensure the front setback is consistent with the pattern of development and maintains the prominent front garden setting along Melrose Street, a condition of permit will require the south facing family room wall be setback 3.0 metres from Melrose Street. The proposed side setback of a zero lot line</td>
</tr>
<tr>
<td>ResCode Standard</td>
<td>Response</td>
</tr>
<tr>
<td>------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>(garage) and 1.0 metres (western family room wall) is reflective of the side setback pattern along Margaret Muir Way which contains predominately buildings (garages) constructed with a zero lot line.</td>
</tr>
<tr>
<td>Clause 55.03-7</td>
<td>The service yard located along the western boundary to Dwelling 4 is unfenced. To ensure the layout of the development maintains the safety and security to occupants of this dwelling, a condition of any permit will require the provision of a 1.8 metre high fence to this area.</td>
</tr>
<tr>
<td>(Standard B12 – Safety)</td>
<td></td>
</tr>
<tr>
<td>Clause 55.03-8</td>
<td>Refer to assessment in Section 3.3 of this report.</td>
</tr>
<tr>
<td>(Standard B13 - Landscaping)</td>
<td></td>
</tr>
<tr>
<td>Clause 55.04-6</td>
<td>The Survey Plan shows the northern boundary fence as 2.1 metres in height. To ensure the ground floor overlooking requirement is met, a condition of permit will require the existing northern boundary fence height be notated on the plans.</td>
</tr>
<tr>
<td>(Standard B22 – Overlooking)</td>
<td></td>
</tr>
<tr>
<td>Clause 55.04-8</td>
<td>Dwelling 4 has an interface with Margaret Muir Way which predominately serves as a laneway for the residential dwellings fronting Argyle and Scotia Streets. To limit vehicular noise a condition of permit will require all habitable rooms to be double glazed.</td>
</tr>
<tr>
<td>(Standard B24 – Noise)</td>
<td></td>
</tr>
</tbody>
</table>
| Clause 55.05-5  | The Survey Plan shows the south wall of the adjoining dwelling at 23 Argyle Street is 3.03 metres in height. This requires Dwelling 2 and 3 SPOS areas to be setback of 4.72 metres from this wall. A setback of 4.0 metres from this wall is provided.  
However, an assessment of the shadows demonstrate the SPOS areas of Dwellings 2 and 3 will receive sufficient solar access and daylight for the majority of the day and therefore the proposed shortfall of 0.72 metres is considered acceptable as the intent of this Standard is met. |
| (Standard B29 – Solar access to open Space) |                                                                                                                                                                                                                       |
| Clause 55.06-1  | Refer to assessment in Section 3.3 of this report.                                                                                                                                                              |
| (Standard B31 – Design detail) |                                                                                                                                                                                                                       |

3.6 Objections

Table 4
<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbourhood character</td>
<td>Refer to response in Sections 3.3 of this report.</td>
</tr>
<tr>
<td>Overdevelopment</td>
<td>The development meets with the garden area requirement of Clause 32.08-4 and the site coverage, permeability, side and rear setback and building height requirements of Clause 55 (ResCode) of the Moonee Valley Planning Scheme. As such, the proposal is not considered an overdevelopment of the site.</td>
</tr>
<tr>
<td>Overlooking</td>
<td>There will be no unreasonable overlooking from the ground floor windows as the finished floor level is less than 800mm above natural ground level and the northern boundary fence is 2.1 metres in height (as nominated on the Survey Plan). Further, all the first floor north facing habitable room windows have been screened in accordance with Clause 55.04-6, Overlooking of the Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>Overshadowing</td>
<td>The northern wall of Dwellings 1 and 2 have been appropriately setback from the south facing habitable room windows of the adjoining property at 23 Argyle Street in accordance with Clause 55.04-3 (Daylight to existing windows) of the Moonee Valley Planning Scheme. Further, given the orientation and siting of the development the proposal will not overshadow the adjoining property at 23 Argyle Street and therefore accords with Standard 55.04-5 (Overshadowing open space) of the Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>Use of Lilydale toppings</td>
<td>The use of Lilydale topping is limited to the internal service yards and pathways and will not have any implication on the appearance of the front garden or useability of each dwelling’s main SPOS area.</td>
</tr>
<tr>
<td>Increased noise</td>
<td>The proposed residential development is consistent with the purpose of the zone (General Residential Zone). Further, the proposed residential use / equipment is unlikely to generate substantial noise greater than expected in a typical residential area.</td>
</tr>
<tr>
<td>(vehicular, air conditioning units, noise and pumps directing grey water to the water tanks)</td>
<td></td>
</tr>
<tr>
<td>Increased stormwater run-off</td>
<td>Council’s Drainage engineers raised no concern in this regards subject to standard drainage</td>
</tr>
<tr>
<td>Issue</td>
<td>Officer Response</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Offsetting conditions.</td>
<td>Further, the proposal incorporates measures to capture and reuse stormwater on the site. This will minimise any unreasonable off-site impacts.</td>
</tr>
<tr>
<td>Overloading existing infrastructure</td>
<td>The site is located in an established residential area that is well connected to existing services. The proposed development is unlikely to place an unreasonable load on existing infrastructure.</td>
</tr>
<tr>
<td>Property damage</td>
<td>This is not a planning consideration. The protection of existing assets is assessed at the Building permit stage.</td>
</tr>
<tr>
<td>Neighbouring property not agreeable to a combined double width crossover with the proposed Dwelling 1</td>
<td>Refusing a combined double width cross over would contravene Council’s Vehicle Crossover Policy and would result in a loss of on-street parking within the property frontage.</td>
</tr>
<tr>
<td>The development attracting undesirable tenants</td>
<td>The value judgement regarding tenancy is not a planning consideration.</td>
</tr>
<tr>
<td>Historical Planning Permit Approvals</td>
<td>The current planning permit application has been assessed on its merits.</td>
</tr>
<tr>
<td>Discrepancies on the Plans</td>
<td>A proper assessment has been undertaken of the proposed development.</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**

On 26 June 2018, Council adopted the *MV2040 Strategy* as its long-term plan for the city. It is considered that the proposal is consistent with the relevant strategic directions set out in the *MV2040 Strategy*, including:

- Strategic Direction 3: A city where people are healthy and safe;
- Strategic Direction 5: A city with housing for all;
- Strategic Direction 11: A city with streets and spaces for people;
- Strategic Direction 14: A city that is green and water-sensitive;
- Strategic Direction 16: A city that is cool and climate-adapted;
- Strategic Direction 17: A city that fosters local identity;
· Strategic Direction 18: A city of high-quality design; and
· Strategic Direction 20: A city in a beautiful landscape setting.

6. Conclusion

The application has been assessed against the relevant provisions of the Planning Policy and Local Planning Policy Framework the relevant Particular and General Provisions of the Moonee Valley Planning Scheme. In light of the above, it is considered the proposal should be supported, subject to conditions.

Attachments

A: Plans (separately circulated)
B: Objectors List (separately circulated)
C: ResCode Table (separately circulated)
10.3 Exclusion of 2 Curtis Street, Essendon from Amendments C200moon and C201moon

Author: Christina Collia - Strategic Planner
Directorate: Planning and Development

1. Purpose
1.1 To request the exclusion of 2 Curtis Street, Essendon from Amendments C200moon and C201moon which respectively propose to apply the Heritage Overlay on a permanent and interim basis to properties identified in the Moonee Valley 2017 Heritage Study.

2. Background
2.1 Heritage Gap Study and 2017 Heritage Study:
2.1.1 On 25 November 2015, Council adopted the Heritage Gap Study 2014. The Gap Study identifies potential gaps in Moonee Valley’s heritage overlays and outlines a prioritised work program and structure to undertake future heritage studies.

2.1.2 On 13 June 2017, Council resolved to commence the Moonee Valley 2017 Heritage Study. The study focuses on interwar, Victorian and Edwardian places and precincts and extensions to existing Heritage Overlay precincts as recommended in the Heritage Gap Study.

2.1.3 The Moonee Valley 2017 Heritage Study recommends the application of the heritage overlay to 60 individual places, 18 precincts, one serial listing and nine precinct extensions (Attachment B).

2.1.4 On 12 March 2019, Council resolved to adopt the Moonee Valley 2017 Heritage Study and request a ministerial amendment under section 20(4) of the Planning and Environment Act 1987, to apply the interim Heritage Overlay to 60 individual places, 18 precincts, one serial listing and nine precinct extensions (Amendment C200moon).

2.1.5 The precinct extension to HO3 - Peterleigh Grove/Kalimna Street, Essendon proposes the inclusion of 2 Curtis Street, Essendon.

2.2 Demolition application - 2 Curtis Street, Essendon
2.2.1 On 20 January 2017, Council received a request for demolition (25/2017/DEMO) for the existing dwelling and carport at 2 Curtis Street, Essendon.

2.2.2 As the property is identified in the Heritage Gap Study, the request was assessed against the threshold criteria adopted by Council on 26 May 2015 for seeking to apply interim heritage controls for buildings that are under threat of demolition (refer to Attachment C).

2.2.3 The assessment established the demolition of the dwelling would not ‘irreversibly jeopardise the significance of the entire precinct’
(Threshold Criteria 4). In this instance ‘the entire precinct’ is HO3. Under the threshold criteria (refer to Attachment C) it is not possible to seek interim heritage protection on a property which forms part of a precinct, if the precinct is not deemed to be compromised by the individual demolition.

2.2.4 The property was therefore not deemed to meet the threshold for requesting interim heritage controls at the time and consent to the demolition request was granted on 9 February 2017.

2.2.5 The consent to demolition expired on 9 February 2018.

2.2.6 A building permit for the construction of a new dwelling at 2 Curtis Street, Essendon was issued on 13 March 2019 by an appointed building surveyor, Philip Watt of BSP Melbourne.

3. Issues

3.1 On 1 April 2019, Council received a second request for demolition of the existing dwelling and carport (149/2019/DEMO) in order to act on the issued building permit, as the owner’s building surveyor had alerted them to the fact the demolition consent had expired.

3.2 Given a request for interim heritage controls was submitted to the Minister for Planning on 21 March 2019 (Amendment C201moon), Council issued a suspension notice on 18 April 2019 as per the requirements of the Building Act 1993.

3.3 The applicant has since advised Council a contract has been signed for the construction of a new dwelling and extensive preparations have been made to commence building works.

3.4 With the completion of the 2017 Heritage Study, it is now possible to request interim heritage protection on a property which forms part of a broader precinct. This was not possible prior to the study’s completion.

3.5 It should be noted the issues discussed above represent a relatively unique set of circumstances regarding demolition and interim heritage controls.

3.6 Council has often experienced significant delays from DELWP in the issuing of interim heritage protection (for example, 89 Glass Street, Essendon, 66 Buckley Street, Essendon and 5 Alma Street, Aberfeldie).

3.7 Due to the level of uncertainty present in the planning process regarding interim heritage protection coupled with Council’s previous consent to demolition for 2 Curtis Street, Council officers consider it appropriate to request the exclusion of 2 Curtis Street from Amendments C200moon and C201moon and grant consent to the currently suspended demolition request.

Recommendation

That Council resolves to:

a. Consider the specific circumstances outlined in this report pertaining to 2 Curtis Street, Essendon.
b. Request the CEO to write to the Minister for Planning to request 2 Curtis Street, Essendon, be excluded from the previously requested Ministerial Amendment, Amendment C201moon, to the Moonee Valley Planning Scheme under Section 20(4) of the Planning and Environment Act 1987, which proposes to apply an interim Heritage Overlay to various heritage places within the City of Moonee Valley.

c. Authorise officers to request deletion of 2 Curtis Street, Essendon, from Council’s previous request for Authorisation to prepare Amendment C200moon to the Moonee Valley Planning Scheme, which would apply permanent heritage controls to the property and various other heritage places within the City of Moonee Valley.

d. Notify the owner of 2 Curtis Street, Essendon, of Council’s requests to exclude the property from proposed Amendments C200moon and C201moon.

Attachments

A: Impact assessment 📂
B: Extract - Moonee Valley 2017 Heritage Study Vol 1 Precincts and Precincts Extensions Feb 2019 (separately circulated) 📂
C: Process and threshold criteria for consideration of demolition requests and planning applications (separately circulated) 📂
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 The exclusion of 2 Curtis Street, Essendon from proposed Amendments C200moon and C201moon achieves Council Plan objective 1.5 pursuant to the theme Fair QEEENTE BOORDUP and MV2040 Strategic Direction 5.2.

2. Legislative obligations
   2.1 This item relates to Council’s obligations under the Planning and Environment Act 1987. The proposed changes to Amendments C200moon and C201moon have been discussed with DELWP who have advised a request to exclude the property will have no impact on the progression of the proposed amendments. There are no human rights implications as a result of this report.

3. Legal implications
   3.1 The exclusion of 2 Curtis Street, Essendon from the amendments is unlikely to result in legal implications.

4. Risks
   4.1 The risk rating for the proposal is High (10). The measure of consequence (Reputational) is assessed as minor and the measure of likelihood is almost certain.

5. Social impact assessment
   5.1 There are no social impacts as a result of this report.

6. Economic Impact assessment
   6.1 The exclusion of the property recognises the specific circumstances of the matter and gives due regard to the economic impacts pursuing heritage controls would have in this particular instance.

7. Environmental impact assessment
   7.1 There are no environmental impacts as a result of this report.

8. Reputational impact assessment
   8.1 Exclusion of the property from the amendments may be viewed by some members of the community as contrary to the Moonee Valley Heritage Study 2017 findings.

9. Financial implications
   9.1 There are no financial implications as a result of this report.

10. Sensitivity / scenario analysis
10.1 Council will honour existing planning and building permits that are affected by the Moonee Valley Heritage Study 2017 and corresponding amendments C200moon and C201moon. In this instance, an oversight on the property owner’s behalf has resulted in a lapsed demolition permit. Given a valid building permit exists for the construction of a replacement dwelling, it is considered reasonable to grant consent to the demolition in light of the circumstances outlined in the report.

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 The property owner will be notified of Council’s requests to exclude 2 Curtis Street, Essendon from proposed Amendments C200moon and C201moon.
10.4 Update on VicRoads Children's Crossing Supervisor Subsidy program

Author: James Kempen - Traffic and Transport Engineer
Directorate: Planning and Development

1. Purpose
   1.1 To report on the status of funding for children’s crossings in the municipality.

2. Background
   2.1 At the Ordinary Meeting on 11 December 2018 Council resolved to adopt the ‘Guidelines for Funding of Crossing Supervisors’ shown in Attachment B.
   2.2 As part of the adoption of these guidelines the removal for the crossing supervisor after the end of Term 2, 2019 at Cashmere Street, near Mangalore Street, Travancore was identified.

3. Issues
   3.1 Following the adoption of the Guidelines for Funding of Crossing Supervisors, Council officers met with representatives from Flemington Primary School and reviewed the operation of the crossing in Cashmere Street.
   3.2 Issues identified as part of the review include sight constraints, potential distraction resulting from use of the convex mirror, drop-off and pick-up occurring in the laneway and pedestrians approaching the laneway from the walkway through to Mooltan Street.
   3.3 Following the review of the crossing, and noting that during the State election the State Government dedicated $450,000 to create a drop-off and pick-up zone for the school, Council officers recommend the crossing supervisor should remain in place while consideration is given to traffic management improvements for the site.

Recommendation
That Council resolves to allocate a crossing supervisor to Cashmere Street, near Mangalore Street, Travancore while Council officers consider traffic management improvements for this site.

Attachments
A: Impact assessment
B: Guidelines for Funding of Crossing Supervisors (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Key priorities and strategies of MV2040 supported by the Children’s Crossing Supervisor Subsidy program supports Theme 3: Connected (Yanomimon Maggolee, which means ‘travel here’ in Woi wurrung language), including the following:
      1.1.1 STRATEGIC DIRECTION 10: A city where sustainable transport is the easy option
      1.1.2 STRATEGIC DIRECTION 11: A city with streets and spaces for people
   1.2 This report also relates to Council’s resolution at the Ordinary Meeting on 11 December 2018.

2. Legislative obligations
   2.1 There are no legislative or Human Rights implications associated with the recommendation of this report.

3. Legal implications
   3.1 There are no legal implications associated with the recommendation of this report.

4. Risks
   4.1 No significant risks have been identified, as the recommendation results in the continuation of the existing arrangements whilst traffic management improvements are considered.

5. Social impact assessment
   5.1 The recommendation of this report will maintain existing conditions whilst consideration is given to traffic management improvements for the site

6. Economic impact assessment
   6.1 The nature of this report does not have any economic development implications.

7. Environmental impact assessment
   7.1 The nature of this report does not have any environmental implications.

8. Reputational impact assessment
   8.1 The recommendation of this report supports Council’s reputation as a responsible road manager.

9. Financial implications
9.1 The recommendations in this report represents a continuing cost to the operating budget of $11,000 per year which will require savings to be achieved from the operational budget.

10. Sensitivity / scenario analysis

10.1 No significant variables or externalities relating to the recommendation of this report have been identified.

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 with the school and adjacent property owners and occupiers will be undertaken as part of any proposed traffic management improvements.
10.5 Moonee Ponds Activity Centre Special Rate and Charge Declaration

Author: Nadine Muscat - Business Development Officer
Directorate: Planning and Development

1. Purpose
   1.1 The purpose of this report is to declare a Special Rate and Charge for the Moonee Ponds Activity Centre, commencing on 1 July 2019 and ending on 30 June 2024.

2. Background
   2.1 The Moonee Ponds Special Rate and Charge has been operating in the activity centre since 1992. The current Special Rate and Charge will expire on 30 June 2019.

   2.2 At the Ordinary Meeting on 11 December 2018, Council gave notice of its intention to declare a Special Rate and Charge for the Moonee Ponds Activity Centre seeking submissions from business and property owners liable to pay the Moonee Ponds Special Rate and Charge. Refer Attachment B – separately circulated.

   2.3 The funds from the Special Rate and Charge provide marketing services designed to benefit the commercial and business and property owners within the designated boundary of the Moonee Ponds Activity Centre.

3. Issues
   3.1 The Special Rate and Charge will apply to 556 rateable properties within the Moonee Ponds Activity Centre and will raise $190,000 in the first year and increase in $10,000 increments per year for a five year period from 1 July 2019 to 30 June 2024. The Special Rate and Charge will collect $1.05 million over the five year period.

   3.2 Consultation for the renewal of the Moonee Ponds Special Rate and Charge followed the statutory process outlined in accordance with section 163 of the Local Government Act 1989. A Public Notice appeared in The Moonee Valley Leader and The Weekly Review Moonee Valley on Wednesday 13 February 2019, (every business and property owner approximately 950) also received a notification letter outlining the rate renewal and requesting comment.

   3.3 No objections or submissions to the renewal of the Special Rate and Charge were received from any of the approximate 950 business operators and property owners. As there were no objections or submissions, the Section 223 Committee hearing was cancelled.

   3.4 An absence of submissions indicates support and commitment from local traders to renew the Special Rate and Charge for a further five years, and a Business Plan has been developed by the Moonee Ponds Rate Levy Association to provide long term direction. Refer (Attachment C – separately circulated). The draft business plan does not specifically refer
Recommendation

That Council resolves:

a. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (Act), and otherwise according to law, hereby declares a Special Rate and Charge under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Moonee Ponds Rate Levy Association (Traders Association), with funds, subject always to the approval, direction and control of Council, are to be used for the purposes of funding a part-time Shopping Centre Coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and the Traders Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Moonee Ponds Activity Centre (Activity Centre).

b. To endorse the criteria which form the basis of the declaration of the Moonee Ponds Special Rate and Charge, being the ownership and the capital improved value of rateable land used, or reasonably capable of being used, for commercial retail or professional purposes, situated within the geographical area of the Moonee Ponds Activity Centre.

c. That in declaring the Moonee Ponds Special Rate and Charge, Council is performing functions and exercising powers in relation to peace, order and good government of the municipal district of the City of Moonee Valley, in particular the encouragement of commerce, retail activity and employment opportunities within the area for which the Moonee Ponds Special Rate and Charge is declared.

d. To endorse the total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Moonee Ponds Special Rate and Charge is declared); and confirm the total amount of the Special Rate and Charge to be levied by Council is referrable to an amount of $190,000 in the first year and increase in $10,000 increments, for a five year period (year five will collect $230,000) collecting a total of $1.05 million over the five year period.

e. To set the period for which the Moonee Ponds Special Rate and Charge is declared for a period of five years commencing 1 July 2019 and ending on 30 June 2024.

f. To note amounts have respectively been assessed by:

   a) an 80 per cent special rate component calculated and assessed by multiplying the capital improved value of each property in the boundary by a rate in the dollar (adjusted annually);
b) a 20 per cent fixed special charge component assessed as a flat charge of $68.84 in the first year;

c) all properties not located on Puckle Street will have their rate component discounted by 20 per cent; and

d) the Special Rate and Charge will be capped at a maximum amount of $5,000 per rated property.

g. To define the area for which the Moonee Ponds Special Rate and Charge is declared, as all of the land referred to as the Activity Centre, as identified and shown on the plan set out in the attachment forming a part of this declaration (Attachment B – separately circulated).

h. To define the land in relation to which the Moonee Ponds Special Rate and Charge is declared as all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration (Attachment B – separately circulated).

i. To levy the Special Rate and Charge by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Rate and Charge, which will require that the Special Rate and Charge must be paid by one instalment, to be paid by the date which are fixed by Council in the notice.

j. To consider cases of financial and other hardship and possibly reconsider other payment options for the Moonee Ponds Special Rate and Charge.

k. To endorse that no incentives will be given for payment of the Moonee Ponds Special Rate and Charge before the due date for payment.

l. To consider there will be a special benefit to the persons required to pay the Moonee Ponds Special Rate and Charge, because there will be a benefit to those persons that is over and above, or greater than, the benefit available to persons who are not subject to the Special Rate and Charge, and directly and indirectly as a result of the expenditure of the Special Rate and Charge the viability of the Activity Centre as a business, commercial and retail area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Moonee Ponds Special Rate and Charge will be maintained or enhanced through increased economic activity.

m. That for the purposes of having determined the total amount of the Moonee Ponds Special Rate and Charge to be levied under the scheme, further consider and formally determine for the purposes of sections 163(2)(a), (2A) and (2B) of the Act, that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits), that will accrue as special benefits to all of the persons who are liable to pay the Special Rate and Charge is in a ratio of 1:1 (100 per cent). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Moonee Ponds Special Rate and Charge are marketing, promotion and advertising related and will accordingly only benefit those properties and
businesses included in the scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.

n. To authorise the Chief Executive, or the person for the time being acting in that position, for the purposes of paragraph 14 of this resolution, to prepare the funding agreement between Council and the Traders Association by which administrative arrangements in relation to the Moonee Ponds Special Rate and Charge are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any fund by Council to the Traders Association. Council is and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Moonee Ponds Special Rate and Charge in accordance with its obligations under the Local Government Act 1989 to do so, and such funding agreement to be submitted to Council for sealing.

o. To enter into a funding agreement with Moonee Ponds Rate Levy Association to enable the administration of proceeds of the Moonee Ponds Special Rate and Charge for the period of the Special Rate and Charge.

p. To give notice to all owners and occupiers of properties included in the Moonee Ponds Special Rate and Charge and all persons who have lodged a submission and/or objection in writing of the decision of Council to declare and levy the Moonee Ponds Special Rate and Charge commencing on 1 July 2019, and the reasons for the decision.

q. To confirm that for the purpose of paragraph p, the reasons for the decision of Council to declare the Moonee Ponds Special Rate and Charge are that:
   a. There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Rate and Charge from all property owners and occupiers;
   b. Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;
   c. All persons who are liable or required to pay the Moonee Ponds Special Rate and Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and
   d. The basis of distribution of the Moonee Ponds Special Rate and Charge amongst those persons who are liable or required to pay the Special Rate and Charge is considered to be fair and reasonable.

r. To advise the Traders Association of the matters specified in paragraphs a., n. and o. of this resolution.
Attachments

A: Impact assessment

B: Final Declaration - Moonee Ponds Special Rate and Charge 2019 (separately circulated)

C: Business Plan 2019 – 2024 Moonee Ponds Rate Levy Association (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 The renewal of the Moonee Ponds Special Rate and Charge supports key strategies in the Council Plan under Theme 4 Vibrant and diverse, Objective 4.3 Our local economy is strong.
   1.1.1 Support the growth of activity centres as entertainment precincts that have a high level of activity day and night to increase the vitality of precincts and the viability of businesses.
   1.1.2 Improve and increase visits and spending at local shopping precincts.
   1.2 The renewal of the Moonee Ponds Special Rate and Charge also supports MV2040 Strategic Direction 7 target under the theme of Thriving (Bandingith which means ‘doing well’ in Woi wurrung language), ‘Our economic environment facilitates thriving activity centres and new and emerging enterprise’.

2. Legislative obligations
   2.1 The process for declaring the Moonee Ponds Special Rate and Charge was followed in accordance with the statutory requirements in section 163 of the Local Government Act 1989.
   2.2 Consultation was followed in accordance with the Local Government Act in the form of a Public Notice that appeared in The Moonee Valley Leader and Domain Review Moonee Valley Wednesday 13 February 2019 and a notification letter sent to every business and property owner (approximately 950) allowing for at least 28 day objection/submission period.

3. Legal implications
   3.1 Under Section 185 of the Local Government Act 1989 a person may apply to VCAT for review of a decision of a Council imposing a special rate or charge on that person.
   3.2 Council is obligated to ensure funds collected from the Special Rate and Charge, and disbursed to the Moonee Ponds Rate Levy Association (MPRLA) for expenditure, are expended appropriately and subject always to the approval, direction and control of Council. This is outlined in the funding agreement entered into between Council and the MPRLA at the beginning of the rate period (commencing 1 July 2019). The MPRLA’s five year business plan provides direction for the expenditure funds and Council requests regular, third party audited income/expenditure reports, yearly plans and reports to ratify expenditure.
4. **Risks**

4.1 Moonee Ponds Activity Centre is a principal activity centre for the municipality and economic activity is centred in this activity centre. The renewal of the Moonee Ponds Special Rate and Charge demonstrates Council’s support for the Activity Centre and highlights its regional and local economic importance.

5. **Social impact assessment**

5.1 The Special Rate and Charge aims to support local businesses which in turn supports the local community. Identified in MV2040 as a community anchor, Puckle Street Moonee Ponds is a place where communities gather for activities, events, recreation and to socialise at the heart of the community. The vision for Moonee Ponds is for it to be a premier business, civic, cultural, creative and entertainment destination of the municipality. The Special Rate and Charge provides the Traders Association with the means to activate spaces and hold community events leading to increased local pride.

6. **Economic impact assessment**

6.1 Moonee Ponds Activity Centre is the municipality’s economic and employment centre. Supporting the precinct and providing opportunities to local businesses will enhance the Activity Centre’s reputation as a regional destination that will see increased visitation and local economic benefit.

6.2 The Special Rate and Charge funds activities associated with the encouragement of commerce, retail and professional activity and employment in the Moonee Ponds Activity Centre.

7. **Environmental impact assessment**

7.1 By shopping locally, residents can reduce traffic congestion and related impacts to the environment. Considering the huge increase in new residents to the Activity Centre local shopping will be an important market.

8. **Reputational impact assessment**

8.1 In declaring the Moonee Ponds Special Rate and Charge, Council is performing functions and exercising powers in relation to peace, order and good government of the municipal district of the City of Moonee Valley, in particular the encouragement of commerce, retail activity and employment opportunities within the area for which the Moonee Ponds Special Rate and Charge is declared.

9. **Financial implications**
9.1 Council's contribution to the Special Rate and Charge is the provision of resources for set up and administration. This is included in the operational budgets of the various departments involved.

9.2 The Moonee Ponds Special Rate and Charge will raise $190,000 in the first year and increase in $10,000 increments per year for a five year period from 1 July 2019 to 30 June 2024. The Special Rate and Charge will collect $1.05 million over the five year period.

10. Sensitivity / scenario analysis

10.1 There are no known anticipated variables that may significantly affect the decision.

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

1.1 Consultation for the renewal of the Moonee Ponds Special Rate and Charge followed the statutory process outlined in accordance with section 163 of the Local Government Act.


1.3 Every business and property owner (approximately 950) were sent a notification letter and detailed information regarding how to make a submission or objection to the Special Rate and Charge. Submissions were required to be lodged with Council by 5pm on Friday 22 March 2019 and verbal submission/s heard at a Section 223 Committee hearing on Monday 1 April 2019.

1.4 No objections or submissions to the renewal of the Special Rate and Charge were received from approximately 950 business operators and property owners. As there were no objections or submissions the Section 223 Committee hearing was cancelled.

1.5 Although there were no formal objections received against the renewal of the Special Rate and Charge, there were a number of phone enquiries, predominately from business owners, interested in the amount they would be required to pay.

1.6 There is support and commitment from local traders to renew the Special Rate and Charge for a further five years and a Business Plan has been developed to demonstrate that commitment.
10.6 Financial Performance Report March 2019

Author: Damian Hogan - Manager Finance
Directorate: Organisational Performance

1. Purpose

1.1 To receive a report on Council’s financial performance for the financial year to date, ending 31 March 2019.

2. Background

2.1 The provision of regular reports to Council on its financial performance ensures that Council’s financial management and associated processes are accountable, transparent and responsible.

The attached financial report for the period 1 July 2018 to 31 March 2019 is a component of ensuring the accountability of Council’s operations and in line with good governance it forms part of the public accountability process and reporting that includes the following Financial Statements:

- Operating Statement;
- Balance Sheet;
- Cash Flow Statement; and
- Capital Expenditure.

3. Issues

3.1 Council’s overall financial position as at 31 March 2019 is a forecast annual surplus of $19.8 million compared to the budgeted surplus of $11.3 million, resulting in a favourable variance of $8.5 million. The forecast annual surplus and favourable variance will be used to fund the annual capital works program. Contributing to the variance is $5.1 million for unbudgeted capital grant revenue and $2.2 million increase above budget for developer open space contributions. The quarterly finance report is shown as Attachment A.

3.2 The Capital Works Program annual forecast is $43.98 million and excludes projected carryovers into 2019/20 of $21.76 million. The status of current projects and the list of projects to be carried over are shown in Attachment B.

3.3 The Grant Register Status Report provides an update as to the status – successful, unsuccessful or pending of the various grant applications across Council (Shown as Attachment C).

Recommendation

That Council resolves to:


Attachments

C: Grant Register Status Report (separately circulated)
10.7 2018/19 Capital Works Program Update

Author: Nikhil Aggarwal - Acting Manager Assets Planning, Property and Procurement

Directorate: Asset Planning and Strategic Projects

1. Purpose

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

2. Background

2.1 Council adopted 2018/19 CWP of $54.82 million (including part 2017/18 CWP carryovers), which was revised to $69.77 million to include all 2017/18 CWP carryovers and 2018/19 CWP variations approved through various reports and/or delegations endorsed to 26 March 2019 (including 2018/19 CWP Update on 26 March 2019).

2.2 Council officers have identified necessary variations to the program that require Council authorisation to deliver the program and/or improved outcomes for the wider community. Details of these variations are as per Section A1 of Attachment B and summarised as below:

<table>
<thead>
<tr>
<th>Scope/Budget Variations</th>
<th>Comments on the Variation</th>
<th>Change in 2018/19 Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strathnaver Reserve Car Park Improvements (Stage 1)</td>
<td>Authorisation sought for additional funds to address the following changes to tendered design and complete the works: 1. Increased height of gabion walls required for pedestrian safety 2. Safety railing- timber bollards replaced with steel and concrete bollards on a 3m high retaining wall. 3. Extension of path to the pavilion to enhance user safety including provision of required hand rails/tactiles.</td>
<td>$223,000</td>
</tr>
<tr>
<td>Bridge Remedial /Renewal Works- Annual Renewal Program</td>
<td>Authorisation sought for funds to undertake design works for the 2019/20 Afton Street Bridge project rehabilitation project (to be undertaken in association with Maribyrnong City Council).</td>
<td>$37,386</td>
</tr>
<tr>
<td>Airport West Green Spine Works</td>
<td>Additional budget authorisation sought for the following project items: 1. Finalisation of variations with Green Spine contractor 2. Sow an alternative grass more suitable to the existing ground conditions to that in the design.</td>
<td>$30,000</td>
</tr>
</tbody>
</table>
### Scope/Budget Variations

<table>
<thead>
<tr>
<th>Scope/Budget Variations</th>
<th>Comments on the Variation</th>
<th>Change in 2018/19 Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>LATM Works-McCracken Street - Installation of threshold treatment</td>
<td>Additional budget authorisation sought to pay end of contract variations assessed as necessary to undertake the works.</td>
<td>$15,385</td>
</tr>
<tr>
<td>Building Renewals-DDA compliance Works</td>
<td>Additional budget authorisation sought to undertake storm and sewer drainage system works encountered as part of installing DDA compliant ramp/access at Doutta Galla Community Hall</td>
<td>$44,745</td>
</tr>
<tr>
<td>Walter St Reserve to Ascot Chase-Linking pathway</td>
<td>Authorisation sought for additional funds to expand the scope of works from construction of the linked pathways for the reserve to upgrade of complete path at Walter Street Reserve in a consistent surface material.</td>
<td>$34,922</td>
</tr>
<tr>
<td>Facilities Related Energy and Water Efficiencies projects</td>
<td>Additional budget authorisation sought for multiple minor scope issues, and auditing requirements across the minor work items. Additional costs offset by savings previously advised on this program of works.</td>
<td>$5,625</td>
</tr>
</tbody>
</table>

2.3 Section B of Attachment B lists variations previously authorised through Tender reports, Capital Works Program Updates, Other Reports and CEO delegation (approvals up to +5 per cent of authorised project budget).

2.4 As of end of March 2019, $55.23 million (79%) of the program (by budget) is completed / under construction/ awarded or in procurement phase. The remainder of the program is in planning/design/ consultation phase. Additional unbudgeted grant income of $5.5 million has been approved for various projects.

3. Issues

3.1 While 79 per cent of the program (by budget) is completed/under implementation/awarded or in procurement phase, the full delivery is reliant on a number of factors (some outside Council control) including design capacity, extensive consultation, external approvals (e.g. VicRoads, Melbourne Water, utility companies, cultural heritage) and contractor availability.

Recommendation

That Council resolves to authorise requested 2018/19 Capital Works Project variations as per Section A.1 of Attachment B.

Attachments

A: Impact assessment (May 2019)
Attachment A

Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Theme 6: Resilient organisation (Balit Djerring-dha, which means resilient organisation in Woi wurrung language).
   1.2 The request for variation is subsequent to the variations endorsed through various reports and/or delegations endorsed to 26 March 2019.

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

3. Legal implications
   3.1 There are no Legal implications of this report except to the extent that it relates to revision in Council’s budget.

4. Risks
   4.1 There are no risks arising out of this report.

5. Social impact assessment
   5.1 The report seeks endorsement for variations considered necessary to deliver improved outcomes for the wider community.

6. Economic impact assessment
   6.1 There are no economic impacts arising out of this report.

7. Environmental impact assessment
   7.1 There are no environmental issues associated with this report.

8. Reputational impact assessment
   8.1 There are no reputational impacts arising out of this report.

9. Financial implications
   9.1 This report details changes to Council’s funding commitments to 2018/19 CWP.
   9.2 The report seeks authorisation for budget variations in addition to the variations endorsed through various reports and/or delegations to 26 March 2019.
   9.2.1 Variations being endorsed are expected to have operational cost impact. In the absence of detailed whole of life costing guidelines, it is estimated that operational costs for each project will be average 2% per annum calculated on the final project costs.

10. Sensitivity / scenario analysis
Attachment A

10.1 There are no variables expected to impact outcomes of this report.

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 Detailed consultation has been undertaken with capital works project officers, and has been endorsed by Council’s Capital Works Review Committee and Executive Team.
Notice Of Motion Report No. 2019/13 - Queens Park

From:

Councillor Nicole Marshall

Take notice that at the Ordinary Meeting of Council to be held on 14 May 2019, it is my intention to move:

That Council resolves to:

Receive a report at an upcoming ordinary council meeting considering opportunities to increase the hours and dates of usage of Queens Park outdoor pool/s, including options for enclosure and/or heating during cooler months in light of:

1. Council’s overarching policy of planning on a neighbourhood basis;
2. The large increase in population projected for Moonee Ponds over the coming years;
3. The closure of the East Keilor Leisure Centre while it is being rebuilt;
4. Other municipalities and countries being able to provide extended usage for outdoor pools (include Brimbank Council).

Officer Comments

The Notice of Motion is not supported.

The Notice of Motion is not supported due to the high operational cost and capital renewal involved to deliver such an outcome, and having regard for the extensive capital works program to which Council has already committed.

Council’s Aquatic Leisure Centre Plan 2014-23 outlines the proposed actions for East Keilor and Ascot Vale Leisure Centres and the Queens Park Pool and Council is currently delivering against these commitments.
Notice Of Motion Report No. 2019/14 - Newmarket Bridge

From: Councillor Nicole Marshall

Take notice that at the Ordinary Meeting of Council to be held on 14 May 2019, it is my intention to move:

That Council resolves to write to the relevant State Ministers, the State Member for Essendon, VicTrack and other relevant authorities:

1. Outlining the safety, aesthetic and other issues encountered in relation to the Newmarket Bridge (including the repeated truck collisions with the bridge); and
2. Requesting advice and action in relation to the mitigation and resolution of these issues.

Officer Comments

Council officers support this Notice of Motion and in particular the repeated issue of truck collisions at the Newmarket Rail Bridge in Flemington, causing significant road safety and congestion issues to the road network and public transport system.

As initiated by Yarra Trams in June 2018, an action plan to address the current spate of incidents is urgently required with involvement of key members from the following organisations highly recommended:

- Moonee Valley City Council;
- Melbourne City Council;
- Victrack;
- Metro Trains;
- Yarra Trams;
- VicRoads; and
- Victoria Police

This Notice of Motion is also in line with Council’s Transport Safety Plan and our commitment to prioritise safe people, safe roads and assist us to achieve our goal of zero fatalities and serious injuries within Moonee Valley.