Agenda

Ordinary Meeting of Council

Tuesday, 9 July 2019
6:30pm
Ordinary Meeting of Council
Tuesday, 9 July 2019 at 6:30pm
to be held at the Moonee Valley Civic Centre

<table>
<thead>
<tr>
<th>Members:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Narelle Sharpe</td>
<td>Mayor</td>
</tr>
<tr>
<td>Cr John Sipek</td>
<td>Deputy Mayor</td>
</tr>
<tr>
<td>Cr Samantha Byrne</td>
<td></td>
</tr>
<tr>
<td>Cr Jim Cusack</td>
<td></td>
</tr>
<tr>
<td>Cr Rebecca Gauci Maurici</td>
<td></td>
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<tr>
<td>Cr Richard Lawrence</td>
<td></td>
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<tr>
<td>Cr Cam Nation</td>
<td></td>
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<tr>
<td>Cr Andrea Surace</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Officers:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bryan Lancaster</td>
<td>Chief Executive Officer</td>
</tr>
<tr>
<td>Dino De Milis</td>
<td>Acting Director City Services</td>
</tr>
<tr>
<td>Kendrea Pope</td>
<td>Director Organisational Performance</td>
</tr>
<tr>
<td>Jessie Keating</td>
<td>Acting Director Planning and Development</td>
</tr>
<tr>
<td>Gil Richardson</td>
<td>Director Asset Planning and Strategic Projects</td>
</tr>
<tr>
<td>Petrus Barry</td>
<td>Manager Statutory Planning</td>
</tr>
<tr>
<td>Allison Watt</td>
<td>Manager Governance and Communications</td>
</tr>
</tbody>
</table>
Business:

1. Opening

2. Reconciliation Statement

3. Apologies and Leave of Absence
   Cr Marshall is seeking approved leave of absence for this meeting.

4. Confirmation of Minutes
   Ordinary Meeting of Council held on Tuesday, 25 June 2019.

5. Declarations of Conflict of Interest

6. Presentations
   Nil.

7. Petitions and Joint Letters
   Nil.

8. Public Question Time

9. Reports from Special Committees
   9.1 Grants Assessment Special Committee meeting ........................................5

10. Reports
    10.1 36 Wisewould Street, Flemington (Lot 2 on PS006391) - Construction of seven dwellings and removal of easement ...............12
    10.2 97 Glass Street, Essendon (Lot 1 on TP 906566J) - Construction of six dwellings .............................................................34
    10.3 19-21 Park Street and 2-4 Smith Street, Moonee Ponds (Lot 1 and Lot 2 on PS338924M, Lot 1 on TP216316F and Lot 1 on TP401597M) - Construction of ten dwellings with basement parking and variation and removal of easements ..................52
    10.4 Proposed At Call Hard Waste Collection ..............................................78
    10.5 Response to petition regarding Park and Ride Shuttle Bus Service ......................................................................................80
    10.6 Submission to the Local Government Bill 2019 ........................................84

11. Notices of Motion
    Nil.
12. Urgent Business

13. Delegates Reports

14. Confidential Reports
   Nil.

15. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer
9.1 Grants Assessment Special Committee meeting

Author: Emily McBlack - Community Grants Officer
Directorate: Planning and Development

1. Purpose

1.1 To present for noting the Grants Assessment Special Committee minutes for the 2018/19 Round 2 Biannual and Social Support Grants.

2. Background

2.1 On 27 March 2018, Council resolved to delegate decision making powers (pursuant to Section 86 of the Local Government Act 1989), to establish a Grants Assessment Special Committee (Special Committee) of Council to make funding decisions on Community Grants (Biannual Grants including the Social Support stream). On 27 March 2018, the Council Seal was placed on the Instrument of Delegation. Membership of the Committee includes Councillors (8), community members (5), and ex-officio / non-voting Council officers (2).

3. Issues

3.1 The Grants Assessment Special Committee met on 27 May 2019 to assess 58 eligible Biannual and Social Support grant applications with a total of $492,083 in funding requests.

3.2 The Grants Assessment Special Committee had a budget allocation of $258,500 for Round 2 2018/19 Biannual Grants program. A total of $190,999 was allocated to 38 grant recipients.

3.3 On 11 June 2019, Council resolved to adopt the Annual Budget 2019/20 which included a delegation of $67,500 of unspent funds from Round 2 2018/19 Biannual Grants to the 2019/20 Biannual Grants budget.

3.4 The Impact Assessment (see Attachment A) notes the new alignment to the MV2040 themes, and provides a breakdown by theme of the applications received in the 2018/19 Round Two Biannual and Social Support Grants.

3.5 The Special Committee is working effectively, with a high level of engagement between Council and the community around investment in positive and important local projects.

3.6 The Special Committee minutes for the 2018/19 Round Two Biannual and Social Support Grants are provided as Attachment B (confidential). In line with the Grants Assessment Special Committee Charter, Attachment B and Attachment D are confidential as resolved by the Grants Assessment Special Committee motion that closed the meeting to the public pursuant to Section 89(2)(d) Local Government Act. This report also includes:
3.6.1 Biannual and Social Support Grants 2018/19 Round 2 – Successful Applicants (Attachment C).


Recommendation

That Council notes the minutes from the 27 May 2019 Grants Assessment Special Committee meeting for the 2018/19 Round Two Biannual and Social Support Grants included in this report as Attachment B (confidential), Attachment C and Attachment D (confidential).

Attachments

A: Impact Assessment - Grants Assessment Special Committee 9 July 2019

B: Grants Assessment Special Committee Minutes 27 May 2019 (separately circulated) (confidential)

C: Biannual and Social Support Grants 2018 19 - Round 2 - Successful Recipients (separately circulated)

D: Biannual and Social Support Grants 2018 19 - Round 2 - Unsuccessful Recipients (separately circulated) (confidential)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Theme 1: Fair (Qeente Boordup)
   1.2 Theme 2: Thriving (Bandingith)
   1.3 Theme 3: Connected (Yanonion Maggolee)
   1.4 Theme 4: Green (Wunwarren)
   1.5 Theme 5: Beautiful (Nga-Ango Gunga)
   1.6 In presenting this report, Council is working to achieve its strategic objective to provide a range of community funding streams in accordance with MV2040 Strategic Direction 4: A city where residents can engage, participate and influence and Council Plan 2017-21 Objective 1.8: Our community is empowered to thrive.

2. Legislative obligations
   2.1 As per the Council resolution of 27 March 2017 and pursuant to Section 86 of the Local Government Act 1989, Council resolved to establish a Grants Assessment Special Committee of Council to make funding decisions on Community Grants (Biannual Grants including the Social Support stream).
   2.2 The Committee meetings are closed to the public pursuant to Section 89(2)(d) of the Local Government Act 1989 due to discussions relating to contractual matters and sensitive applicant information. As such, the minutes of the Committee meetings are deemed confidential.
   2.3 The program responds to the principle of equity as outlined under the Charter of Human Rights and Responsibilities Act (2006). Specifically the recognition of equity before the law and the recognition to participate in public life. The aim of which is to have a decision making system that results in the equitable distribution of resources, ensuring that the needs of the community especially those experiencing some form of disadvantage are addressed.
   2.4 Section 3 of the Local Government Act 1989 outlines the primary objective of Councils is ‘endeavouring to achieve the best outcomes for the local community through leadership and good governance’.
   2.5 Section 136 outlines the principles of sound financial management to which any policy governing the distribution of financial resources must align.

3. Legal implications
   3.1 All successful grant applicants enter into a funding agreement with Council.
4. Risks

4.1 Project risks, including the capability and capacity of the applicant to deliver the proposed project, is considered during the assessment period.

5. Social Impact assessment

5.1 There were 56 applications for Community, Events & Festivals and Social Support grants in Round 2 2018/19 Biannual & Social Support Grants (41 Biannual Grant applications and 17 Social Support applications).

5.2 Applicants within the Biannual Grants stream pick which MV2040 theme that they best align to during the application process, the breakdown is as follows:

<table>
<thead>
<tr>
<th>MV2040 Theme</th>
<th># of Applications</th>
<th># of Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fair (Qeente Boordup)</td>
<td>16</td>
<td>5</td>
</tr>
<tr>
<td>Thriving (Bandingith)</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Connected (Yanonion Maggolee)</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Green (Wunwarren)</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Beautiful (Nga-Ango Gunga)</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Table A: Number of applications by MV2040 theme

6. Economic impact assessment

6.1 There were 2 applications for Business grants in Round 2 2018/19 Biannual Grants.

7. Environmental impact assessment

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

8. Reputational impact assessment

8.1 The grants guidelines and application assessment ensure the process actively considers reputational impact at all stages. For example, eligibility criteria outlined in the Community Funding Guidelines 2018 19 exclude: projects promoting religious or party political views for the purpose of membership; as well as those that do not align with Council’s principles and values as identified in Moonee Valley 2040 Strategy’s Principles and other adopted policies.

9. Financial implications

9.1 On 27 May 2019, the Grants Assessment Special Committee (Committee) held a meeting to assess and award Round Two of the
2018/19 Biannual and Social Support Grants; funding applications to the value of $190,999 from a total budget allocation of $258,500.

9.1.1 The total amount requested was $492,083, an oversubscription of 63 per cent.

9.1.2 Following the consideration of all applications, it was proposed that the unallocated funds in the amount of $67,500 be referred to the 2019/20 Biannual Grants budget, as outlined in the meeting minutes (Attachment B).

9.2 The total operational budget of the 2018/2019 biannual grants program is $397,196. Round 1 2018/19 Biannual and Social Support Grants funded a total value of $178,930.

9.3 There were a number of unexpended grants monies available for allocation in this funding round, as outlined in Table B below.

<table>
<thead>
<tr>
<th>Description</th>
<th>Funding stream</th>
<th>Financial Year</th>
<th>Amount (excl GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant to Essendon Doutta Stars Football Club did not proceed due to applicant unable to complete the project as per application. Funds recently returned to Council.</td>
<td>Biannual</td>
<td>2015/16</td>
<td>$20,000</td>
</tr>
<tr>
<td>A portion of the grant to Mr Arad Pour Keyvan was returned due to a variation in their grant.</td>
<td>Responsive</td>
<td>2018/19 (December 2018)</td>
<td>$350</td>
</tr>
<tr>
<td>Grant to Essendon Citizens Advice Bureau did not proceed due to its ceasing of operations.</td>
<td>Social Support</td>
<td>2018/19 (Round 1)</td>
<td>$680</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$21,030</td>
</tr>
</tbody>
</table>

Table B: Unexpended grants monies from previous rounds

9.4 In addition, there has been a lower number of requests for responsive grants during the 2018/19 financial year which means $19,204 of monies from the Responsive Grants stream was also reallocated to the Biannual Grants program.

10. Sensitivity / scenario analysis

10.1 n/a

11. Conflict of interest declaration

11.1 All conflicts of interest identified by Committee members were managed in accordance with standard Council meeting procedure and
in accordance with the *Local Government Act 1989*. It should be noted that not all applications for funding were discussed in detail in the Committee meetings if they received a lower score during the individual assessment process undertaken in April and May 2019. This process is outlined in the decision making framework prioritising the highest ranking applications, which was adopted by Council on 27 March 2018, as part of the establishment of the Grants Assessment Special Committee.

11.2 Committee members are briefed on the process for registering conflict of interest relating to any specific applications. Where a conflict of interest is identified by a Committee member, the relevant member declares the conflict:

11.2.1 When completing the individual application assessments using the SmartyGrants assessment tool;

11.2.2 At the assessment and decision meeting, and does not remain present during assessment discussions and deliberation of identified applications. This is also recorded in the meeting minutes.

12. Consultation undertaken or planned

12.1 A key objective in the establishment of the Grants Assessment Special Committee of Council was to directly involve community in decision making around grants assessment and funding, including delegation of Council’s decision making powers under the *Local Government Act 1989*. To this end, membership of the Committee includes Councillors (8), community members (5), and ex-officio non-voting Council officers (2). Community members are selected through an Expression of Interest process.

12.2 The Committee meetings are closed to members of the public due to the confidential nature of grant application material pursuant to section 89(2)(d) of the *Local Government Act 1989*.

12.3 The Committee commenced assessment of the 2018/19 Round Two Biannual and Social Support Grants in April 2019, awarding funding to successful applicants in June 2019. During April 2019 Committee members individually assessed and scored funding applications, and these individual member assessment scores and comments were recorded on Council’s grants administration system (http://wwwsmartygrants.com.au/). Individual member assessment scores are then collated into a combined overall score for each application.

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

12.5 Following the awarding of funding, all applicants were advised of outcomes in writing and a list of the successful applications was posted on Council’s website. Council also offers successful and unsuccessful applicants an opportunity to meet with Council officers.
REPORTS

10.1  36 Wisewould Street, Flemington (Lot 2 on PS006391) - Construction of seven dwellings and removal of easement

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

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/562/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Construction of seven dwellings and removal of easement, comprising:</td>
</tr>
<tr>
<td></td>
<td>6 triple storey dwellings.</td>
</tr>
<tr>
<td></td>
<td>1 double storey dwelling.</td>
</tr>
<tr>
<td></td>
<td>Removal of a drainage easement.</td>
</tr>
<tr>
<td>Applicant</td>
<td>36 Wisewould Unit Trust C/- Squareback Pty Ltd</td>
</tr>
<tr>
<td>Owner</td>
<td>Michael McNamara</td>
</tr>
<tr>
<td>Planning Scheme Controls</td>
<td>General Residential Zone</td>
</tr>
<tr>
<td></td>
<td>Abutting Road Zone, Category 1</td>
</tr>
<tr>
<td>Planning Permit Requirement</td>
<td>Clause 32.08-6 – to construct two or more dwellings on a lot</td>
</tr>
<tr>
<td></td>
<td>Clause 52.02 – to remove an easement</td>
</tr>
<tr>
<td>Car Parking Requirements (Clause 52.06)</td>
<td>Required: 8 car spaces</td>
</tr>
<tr>
<td></td>
<td>Proposed: 10 car spaces</td>
</tr>
<tr>
<td>Bicycle Requirements</td>
<td>N/A</td>
</tr>
<tr>
<td>Restrictive Covenants</td>
<td>Restrictive covenant 1004449 is not breached by this application.</td>
</tr>
<tr>
<td>Easements</td>
<td>A 1.83 metre wide easement is located along the northern boundary and within the centre of the site.</td>
</tr>
<tr>
<td>Site Area</td>
<td>598m²</td>
</tr>
<tr>
<td>Number Of Objections</td>
<td>35 objections from 18 properties</td>
</tr>
<tr>
<td>Consultation Meeting</td>
<td>30 January 2019</td>
</tr>
</tbody>
</table>
Executive Summary

- The application seeks approval for the construction of seven dwellings and removal of an existing easement. The dwellings are of a townhouse format with basement car parking.

- The site area is approximately 598m$^2$ and is located on the northeast corner of Epsom Road and Wisewould Street, Flemington.

- The application was advertised and 35 objections from 18 properties were received. Concerns were raised in relation to over-development, neighbourhood character, scale, heritage impacts, impacts on traffic and parking and amenity impacts.

- A Consultation Meeting was held on 30 January 2019 and attended by Councillors Marshall and Cusack, Objectors, the Permit Applicant and Council’s Planning Officer.

- Amended plans were submitted pursuant to Section 57A of the Planning and Environment Act 1987 to address some comments raised at the Consultation Meeting.

- The application was referred to various internal departments who have not objected to the application, subject to conditions on any issued planning permit. Further, the removal of easement was referred externally to Melbourne Water and City West Water and no objections were received.

- 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 proximate to public transport, commercial, community and public facilities. The architectural response is considered appropriate within the site context and presents a high level of articulation.

- The proposal achieves an acceptable level of compliance with the Standards of Clause 55, with three technical areas of non-compliance. The variations are associated with the street setbacks, side and rear setbacks, private open space location, daylight to new windows and front fence heights. The variations are considered appropriate, subject to conditions. The proposed development, as amended, depicts 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 issue a Notice of Decision to Grant a Permit, subject to conditions.
Recommendation

That Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/562/2018 for the construction of seven dwellings and removal of easement at 36 Wisewould Street, Flemington (Lot 2 on PS006391), 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 amended plans submitted 5 April 2019 and assessed with the application, but modified to show:
   a) All habitable room windows on the eastern and northern elevation to be screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
   b) The location of all mailboxes;
   c) Details of the northern boundary wall;
   d) Double glazed windows to all habitable room windows fronting Epsom Road and Wisewould Street;
   e) The term ‘Townhouse’ removed and replaced with ‘Dwelling’;
   f) The proposed masonry wall on the eastern boundary to be at least 1.8 metres in height as measured from the Natural Ground Level of 34 Wisewould Street;
   g) Swept path diagrams for a B99 vehicle demonstrating access to car spaces within the basement with cars parked in abutting spaces and clearances for a car parked on the turn-table;
h) All habitable room windows and terraces to be screened in accordance with Standard B23 of Clause 55.04-7 (Internal Overlooking) of the Moonee Valley Planning Scheme;

i) A notation that all vehicle crossovers are to be constructed in accordance with Council’s Vehicle Crossing Design Standards and Vehicle Crossing Policy;

j) The column locations within the basement to be in accordance with Diagram 1 of Clause 52.06-9 of the Moonee Valley Planning Scheme;

k) Trench grates with a width of 300mm at the bottom of the basement ramp;

l) The basement ramp grades at the top of the ramp to provide transition lengths of at least 2 metres, with grades over the first 5 metres from the property boundary to not exceed 1:10;

m) Pedestrian visibility splays in accordance with Clause 52.06-9 (Car Parking) of the Moonee Valley Planning Scheme;

n) The headroom clearance at the basement access with the security door in an open position to be a minimum 2.2 metres in height;

o) Any changes as required by the Waste Management Plan in accordance with Condition 9;

p) All BESS annotations and measures in accordance with Condition 4;

q) 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

r) 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 Section 57A application but modified to show:

   a) Any changes as required by Condition 1 of this permit;
   b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
   c) The use of drought tolerant species;
   d) Features such as paths, paving and accessways;
   e) All Environmentally Sensitive Design (ESD) design solutions in accordance with the successful STORM/BESS reports;
   f) All planting abutting the accessway and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-9 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and
   g) 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.

9. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

The Waste Management Plan must be in accordance with the City of Moonee Valley’s 'Waste Management Plans – Guidelines for Applicants’ in relation to expected recycling rates and bin capacities and ensure that collection of waste is undertaken on-site.

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

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

10. Before the development starts, a Car Parking Management Plan (CPMP) prepared by a suitably qualified person or firm to the satisfaction of the Responsible Authority must be submitted in an electronic format and approved by the Responsible Authority. The CPMP must include, to the satisfaction of the Responsible Authority:

   a) All car spaces, loading areas, passing areas, etc. to be signed and line marked;
   b) Details of the stop and go system;
   c) All access controls, such as boom gates, roller doors etc.;
   d) Lighting of parking areas, entries and exits;
   e) Details of all mechanical parking devices;
   f) The operation and management of the mechanical parking devices, including, service times, vehicle waiting areas, etc;
   g) A mechanical parking device maintenance schedule including preventative maintenance and reactive measures;
   h) All directional signage (occupants, visitors, pedestrians, cyclists etc.) within the carpark; and
   i) Any waste collection arrangements in accordance with the endorsed waste management plan.

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

**End Endorsement Conditions**

**City West Water Conditions**

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

13. Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

End City West Water Conditions

Development Conditions

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

15. Before the 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.

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

17. Before the 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.

18. Service units, including air conditioning units, must not be located on any roof areas, balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.

19. 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.

20. 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.

21. The existing street tree on Epsom Road must not be removed or damaged as a result of the permitted development.

22. 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.

23. 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.

24. 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.

25. 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.

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

27. 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; or
   c) The approved easement removal is not registered with the Land Titles Office, within two (2) years of the date 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: Cw=0.4, tc=10mins, tso=5mins, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development Cw or Cw=0.80.
- 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 northeast corner of Epsom Road and Wisewould Street, Flemington. The site is located opposite Flemington Racecourse and 450 metres south of the Melbourne Showgrounds.

The site is irregular in shape with a frontage to Wisewould Street of 42.67 metres and a frontage to Epsom Road of 20 metres and an overall area of 598sqm.

An easement is located along the northern boundary and within the centre of the site. There is a covenant on the Certificate of Title, that requires that any dwelling is to be constructed at a cost of at least three hundred pounds and that the land will not be used as a shoeing forge, timber yard or for the storage of timber, which is not breached by this development.

The subject site currently accommodates a single storey weatherboard dwelling with a pitched roof and a partial double storey stable/garage along the eastern boundary.

![Subject Site (1 St Leonards Road, Ascot Vale)](image)

The surrounding land is within a General Residential Zone. Residential developments in proximity of the subject site is varied, with a mixture of single dwellings on large allotments and multi-unit developments.

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

The proposal seeks to construct seven attached dwellings with basement parking. Dwellings 1 – 6 are triple storey in height and Dwelling 7 is double storey in height. Vehicular access is proposed to be provided in proximity to the eastern boundary. Dwelling 1 is a three bedroom dwelling, while Dwellings 2-7 are two bedroom dwellings.

The existing sewerage and drainage easement along the northern boundary and within the centre of the site and is proposed to be removed under this application.

In general, the application comprises:

<table>
<thead>
<tr>
<th>Table 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of dwellings</td>
</tr>
<tr>
<td>No of car spaces</td>
</tr>
<tr>
<td>Max Building Height (Maximum height 11m)</td>
</tr>
<tr>
<td>Site Coverage</td>
</tr>
<tr>
<td>Permeability</td>
</tr>
<tr>
<td>Garden Area (Mandatory 30%)</td>
</tr>
</tbody>
</table>

Refer Appendix B Advertised Plans (separately circulated).

An application to amend the planning application pursuant to Section 57A of the Planning and Environment Act 1987 was submitted, which incorporates the following amendments:

- Replacement of the boundary wall adjoining 34 Wisewould Street with a new brick wall that is to be rendered and painted
- Inclusion of metal slatted gates across the driveway
- Provision of fixed obscure glass screening to the second floor northern elevation balconies of Dwellings 5 and 6
- Provision of fixed obscure glass screening to the first floor windows of Dwelling 6 within the northern elevation
- Provision of full height fixed louvered screening to the second floor windows of Dwelling 6 within the eastern elevation
- Provision of full height fixed louvered screening to the first floor windows of Dwelling 7 within the northern and eastern elevations
- Updated landscaping as a result of the changes
- Updated shadow diagrams as a result of the changes
- Updated site calculations (noted in the table above) as a result of the changes.

Refer Appendix D – Section 57A Decision Plans (separately circulated).
2. **Background**

2.1 **Relevant Planning History**

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

2.2 **Planning Policies and Decision Guidelines**

**State Planning Policy Framework**

Clause 11.01-1R1  Settlement – Metropolitan Melbourne
Clause 11.02-1S  Supply of Urban Land
Clause 15  Built Environment and Heritage
Clause 15.01-5S  Neighbourhood Character
Clause 15.02  Sustainable development
Clause 16  Housing
Clause 19.03-3S  Stormwater

**Local Planning Policy Framework**

Clause 21.01  Municipal Profile
Clause 21.02  Key Issues and Influences
Clause 21.03  Vision
Clause 21.04-7  Waste
Clause 21.05  Housing
Clause 21.06  Built Environment
Clause 22.03  Stormwater Management (Water Sensitive Urban Design)

**Zoning**

Clause 32.08  General Residential Zone
Clause 36.04  Road Zone, Category 1 (Abutting)

**Overlays**

None

**Particular and General Provisions**

Clause 52.02  Easements, Restrictions and Reserves
Clause 52.06  Car Parking
Clause 52.29  Land Adjacent to a Road Zone, Category 1
Clause 53.18  Stormwater Management in Urban Development
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
The following external referrals were undertaken:

Table 2

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melbourne Water</td>
<td>No objection subject to standard conditions.</td>
</tr>
<tr>
<td>City West Water</td>
<td>No objection subject to standard conditions.</td>
</tr>
</tbody>
</table>

The following internal referrals were undertaken:

Table 3

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<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>Waste Management</td>
<td>No objection subject to waste collection occurring on-site. A Waste Management Plan will be required by permit condition.</td>
</tr>
</tbody>
</table>

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

As a result, 35 objections from 18 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 held on 30 January 2019, which was attended by Councillors Marshall and Cusack, objectors, the permit applicant and Council’s Planning Officer. There was no resolution achieved at this meeting.

Following the Consultation Meeting, amended plans pursuant to Section 57A of the Planning and Environment Act 1987, were submitted to address overlooking concerns, landscaping concerns and the wall on the eastern boundary. Refer to Section 1.2 for details.
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 dwelling 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 and activity centres.

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 Slight to Moderate housing intensification area as:

- The site is within 400 metres safe walking distance to a tram line
- The site is within proximity to both the Racecourse Road and Union Road Neighbourhood Activity Centres
- The site is within 400 metres safe walk of a range of community facilities and services
- The site is within 400 metres of a full line supermarket
- The area is not located within a Heritage Overlay
- The housing market produces a greater level of diversification than typically found in the area
- The surrounding character is evolving and includes a mix of new and old built forms.

Clause 21.05-1 provides the following applicable discretionary policy guidelines:

- Consider infill medium density development that is respectful of the character of the neighbourhood to occur in areas within easy walking distance to Activity Centres identified in Plan Melbourne.
- All new development must be in accordance with the preferred character statement for the area.
It is considered that the proposed development represents an acceptable, incremental increase in housing opportunities to meet growing population needs, as well as contributing to providing a diversity of housing choice in proximity to established activity centres within the PPTN and an area where there is a diversity in built form. The development will cater for different demographic groups and for varying household needs.

The site offers an opportunity for redevelopment considering its size, corner position, proximity to public transport and location in a residential area, which already features a range of dwelling densities. The proposed development responds to the objectives and strategies of 21.06 (Built Environment). The key concepts of this clause are assessed against the relevant Neighbourhood Character Precinct Profile Guidelines in Section 3.2.

The proposal complies 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 BESS and STORM report reflecting the amendments to the development plans.

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. Council’s Waste Management Unit has reviewed the application and requires that collection be undertaken on-site by private contractors.

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

The subject land is identified as being within character area ‘Inner Urban 1’ within the Moonee Valley Neighbourhood Precinct Profiles 2012. The development is considered a suitable response to the immediate context and the preferred character statement of the precinct as follows:

- The proposed built form is contemporary in style and reflective of the emerging character in the surrounding area, while still referencing architectural styles such as the terraces further to the east in Wisewould Street
- The proposed development presents a highly contemporary built form to both Epsom Road and Wisewould Street, which is consistent with its corner siting and location on a main road. Additionally, the design is consistent with the directly abutting properties to the north and east. Further, the built form is consistent with similar developments further to the north, which consist of contemporary apartment and town house developments
- The siting and massing of the development is consistent with the pattern of development which has occurred in the immediate and wider area and is responsive to its corner site context
- The three storey height of the development is consistent with its site context and zoning and is consistent with the emerging character along Epsom Road. Additionally, the height of the development reduces to two storeys at the interface with the residential property to the east, which provides an appropriate transition in height from Epsom Road to the more residential context of Wisewould Street
• The flat roof form is consistent with the contemporary architecture proposed and assists in reducing the overall height of the development. It is considered that this roof form is also consistent with the directly abutting properties both to the north and east of the subject site.

• The development has been oriented to front both Epsom Road (Dwelling 1) and Wisewould Street (Dwellings 2-7), which activates both streetscapes. The setbacks of the development from the streets, while not consistent with the residential development further south along Epsom Road, are consistent with the commercial property to the north and similar higher density residential developments further to the north on the opposite side of the rail bridge. It is considered the proposed siting of the development is consistent with its context and is an appropriate response to a corner location with a main road frontage.

• The setbacks to Wisewould Street are generally consistent with the streetscape rhythm, which is one where buildings are typically setback between 2-3 metres from the front setback.

• The proposed materials and finishes are consistent with the contemporary form of the development and are consistent with the palate of colours found within the wider area.

• Car parking is provided within a basement level with access to Wisewould Street, generally in a similar location as the existing crossover. On this basis, car parking will not dominate the frontage and will not disrupt the existing streetscape due to it being located well below natural ground level.

• The proposed landscaping response provides landscaping to both streetscapes in the form of planter boxes and canopy tree planting to contribute to the garden character of the streetscape. It is noted that the removal of the existing structure on the southern boundary fronting Wisewould Street enables a greater landscaping response than the current site conditions.

• It is acknowledged the proposed front fencing to both streetscapes is higher than the preferred 1.2 metre high fencing encouraged under the guidelines. In relation to the fencing along Wisewould Street, the 1.6 metre high metal baton fence is considered an acceptable response as this fence replaces an existing retailing wall and paling fence with a combined height in excess of 1.8 metres. As such, the proposed fencing to Wisewould Street is an improvement, which is further enhanced through to the location of landscaping behind the transparent fencing to contribute to the garden character of Wisewould Street. Additionally, the height of the fence reduces to 1.2 metres near the basement ramp area at the abuttal with the adjoining residential property to the east and as such provides a transition in heights from the residential land to Epsom Road.

The front fencing to Epsom Road ranges in height from 0.8 – 2.4 metres in height. The height is due to the natural ground level of the site being higher than the footpath level and as such includes a retaining wall with a fence above. It is considered that the height of the fence is acceptable in
this instance due to its frontage to a Road Zone, which allows a 2 metre height, abuttal to a commercial property to the north and location of a secluded private open space area behind. Further, the height of the fence reduces to 0.8-0.9 metres at the corner with landscaping incorporated to provide a landscaped edge that is consistent with properties further to the south along Epsom Road.

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

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

**Table 3**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>One x three bedroom dwellings</td>
<td>2</td>
</tr>
<tr>
<td>Six x two bedroom dwelling</td>
<td>6</td>
</tr>
<tr>
<td>Totals</td>
<td>8</td>
</tr>
</tbody>
</table>

The development exceeds, the statutory parking requirements of Clause 52.06-5 of the Moonee Valley Planning Scheme.

The design of car spaces and accessways generally complies with the requirements of Clause 52.06-9, including the provision of pedestrian visibility splays.

The 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, internal basement layout and management of the stop and go system and vehicular turn-table.

3.4 Does the proposal comply with the requirements of Clause 55?

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 are assessed below:

**Table 4**

<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 of Dwellings 2-7 to Wisewould Street of 2.59-3 metres does not comply with the 3 metre setback requirement of this Standard. The proposed setback to Wisewould Street is consistent with the pattern of development within the streetscape, which includes buildings setback less than 3 metres (i.e. 32 Wisewould St at 2.8m) and a number of carports built to the front boundary. On this basis, the setback is consistent with the character of the area and is appropriate within its context. Further, appropriate areas for landscaping are provided, particularly at the abuttal with the residential properties along the eastern boundary and the area of non-compliance is associated with angled walls.</td>
</tr>
<tr>
<td>Res Code Standard</td>
<td>Response</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------</td>
</tr>
<tr>
<td>The proposed setback of the development to Epsom Road complies with this Standard. It is relevant to note that the adjoining property to the north is setback 0 metres from the street frontage. As such, the required setback for the proposal is 0 metres. The proposed setback of 1.16 metres is an appropriate response that allows for some landscaping along the street edge.</td>
<td></td>
</tr>
<tr>
<td>Clause 55.04-1 (Standard B17 Side and Rear Setbacks)</td>
<td>The proposed setbacks to the northern boundary at all levels do not comply with the setback requirements of this Standard. It is considered that the proposed setbacks are appropriate within the context of the area as the adjoining property to the north is a commercial building. As such, there are no sensitive areas that will be impacted upon. The proposed setbacks at ground and first floor to the eastern boundary do not comply with this Standard. The areas of non-compliance are the northeast corners of Dwelling 7 and as a result of the angle of the eastern boundary. It is considered that the area of non-compliance is minimal and will not have any significant amenity impact to the adjoining property to the east.</td>
</tr>
<tr>
<td>Clause 55.05-3 (Standard B27 Daylight to New Windows)</td>
<td>The northern habitable room windows of Dwellings 2-6 at the ground and first floor level, while having an area in excess of 3sqm do not have a minimum dimension of 1 metre clear to the sky due to the 0.95 metre setback to the northern boundary. It is considered that this is acceptable in this instance, as the area of non-compliance is minimal and will not have any significant on the amenity of these spaces.</td>
</tr>
<tr>
<td>Clause 55.05-4 (Standard B28 Private Open Space)</td>
<td>The overall areas of private open space provided to Dwelling 1 at 38.1sqm and Dwelling 7 at 31sqm do not comply with the required 40sqm of this Standard. It is considered that the overall area of private open space provided to these dwellings is appropriate as both dwellings provide over 25sqm of secluded private open space with a northerly aspect. Additionally, the area provided is consistent with this form of development and is considered to adequately cater to the future needs of residents. It is noted there is sufficient public open space areas within the surrounding area, such as Crown Street Stable park area 440 metres east, Newmarket Oval 480 metres</td>
</tr>
</tbody>
</table>
### Res Code Standard | Response
--- | ---
 | southeast, Victory Park to 700 metres to the northwest, and Walter Reserve and access to Maribyrnong River 1.2 km to the northwest. The private open space areas provided to Dwellings 2-6 comply with this Standard.

| Clause 55.06-2 (Standard B32 Front Fences) | In relation to the fencing along Wisewould Street, the 1.6 metre high metal baton fence does not comply with the 1.5 metre height requirement of this Standard. It is considered an acceptable response as this fence replaces an existing retailing wall and paling fence with a combined height in excess of 1.8 metres. As such, the proposed fencing to Wisewould Street is an improvement, which is further enhanced through to the location of landscaping behind the transparent fencing to contribute to the garden character of Wisewould Street. Additionally, the height of the fence reduces to 1.2 metres near the basement ramp area at the abuttal with the adjoining residential property to the east and as such provides a transition in heights from the residential land to the corner of Epsom Road.

The front fencing to Epsom Road ranges in height from 0.8 – 2.4 metres in height, which does not comply with the 2 metre height requirement of this Standard. The height is as a result of the Natural Ground Level of the site being higher than the footpath level and as such includes a retaining wall with a fence above. It is considered the height of the fence is acceptable in this instance due to its frontage to a Road Zone, which allows a 2 metre height, abuttal to a commercial property to the north and location of a secluded private open space area behind. Further, the height of the fence reduces to 0.8-0.9 metres at the corner with landscaping incorporated to provide a landscaped edge that is consistent with properties further to the south along Epsom Road. |

### 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 3.3 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>Lack of Landscaping</td>
<td>The site includes sufficient areas within the front setbacks and rear areas of the development for an appropriate landscaping response consistent with the streetscapes and for this form of development. Further, greater landscaping is provided at the abuttal to the east to provide a transition in landscaping between Wisewould Street and the corner.</td>
</tr>
<tr>
<td>Overdevelopment</td>
<td>The proposed density of the development is consistent with the site’s location within an established residential area and urban consolidation objectives of the State Planning Policy Framework.</td>
</tr>
<tr>
<td>Overlooking</td>
<td>The development complies with Clause 55.04-6 (Standard B22 Overlooking) of the Moonee Valley Planning Scheme. It is noted that the Section 57A amended plans provide for additional screening to the eastern elevation to further limit overlooking impacts to the site’s only residential abuttal to the east.</td>
</tr>
<tr>
<td>Overshadowing</td>
<td>The proposed development complies with Clause 55.04-5 (Standard B21 Overshadowing) of the Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>Visual Bulk</td>
<td>Refer to Section 3.2 of this report for discussion.</td>
</tr>
<tr>
<td>Compliance with Clause 55</td>
<td>Refer to Section 3.4 of this report for discussion.</td>
</tr>
<tr>
<td>Loss of Heritage Building</td>
<td>Refer to Section 3.6 of this report for discussion.</td>
</tr>
<tr>
<td>Retention of existing eastern boundary wall</td>
<td>The existing wall on the eastern boundary is part of the existing outbuilding built to this boundary and proposed to be demolished under this application. The applicant has proposed to provide a 2.0-3.1 metre high masonry fence to replace the wall to be removed. It is considered that this is an acceptable response subject to a condition requiring the fence to be a minimum 1.8 metres in height as measured from the Natural Ground Level of 34 Wisewould Street to ensure that the adjoining property’s amenity is retained.</td>
</tr>
</tbody>
</table>
3.6 Does the subject site have any heritage significance due to being in the Moonee Valley Heritage Gap Study Area?

The subject site was listed as a place of potential heritage significance under the Moonee Valley Heritage Gap Study, due to its link to the racing industry as a saddlery. The subject site’s heritage values were assessed under the Moonee Valley Heritage Study 2015, which recommended the site not proceed for Stage 2 assessment, as the site only served as a harness-maker for three years, after which it reverted to domestic use. As such, the period of association with the historic theme (Transport) was too brief.

On this basis, the subject site has no heritage significance.

3.7 Is the removal of Easement Appropriate?

The proposal involves the removal of easements currently specified within TP476214G. More specifically, the proposal seeks the removal of the internal easement marked as ‘E-1’ which partially runs along the northern boundary and then through the centre of the site to the southern boundary.

As mentioned in Section 2.3 of this report, the proposed variation of the existing drainage and sewerage easement has been referred to City West Water and Melbourne Water, who provided conditional support. Council’s Development Engineering (Drainage) also had no objection to the removal of the easement. As such, the variation of the easement is considered to comply with the decision guidelines of this clause.

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 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 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.

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

Attachments

A: Objector Location (separately circulated)
B: Advertised Plans (separately circulated)
C: Clause 55 Table (separately circulated)
D: Section 57A Amended Plans (separately circulated)
### 10.2 97 Glass Street, Essendon (Lot 1 on TP 906566J) - Construction of six dwellings

**Author:** Justin Scriha - Senior Statutory Planner  
**Directorate:** Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/992/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Construction of six dwellings</td>
</tr>
<tr>
<td></td>
<td>- 4 x triple storey</td>
</tr>
<tr>
<td></td>
<td>- 2 x double storey</td>
</tr>
<tr>
<td>Applicant</td>
<td>ARCHSIGN P/L</td>
</tr>
<tr>
<td>Owner</td>
<td>ACA INVESTMENT CO PTY LTD</td>
</tr>
<tr>
<td>Planning Scheme Controls</td>
<td>General Residential Zone</td>
</tr>
<tr>
<td>Planning Permit Requirement</td>
<td>Clause 32.08-6 – Construct two or more dwellings on a lot</td>
</tr>
<tr>
<td>Car Parking Requirements (Clause 52.06)</td>
<td>Requires – 6 car spaces</td>
</tr>
<tr>
<td></td>
<td>Proposed – 6 car spaces</td>
</tr>
<tr>
<td>Restrictive Covenants</td>
<td>None</td>
</tr>
<tr>
<td>Easements</td>
<td>None</td>
</tr>
<tr>
<td>Site Area</td>
<td>761 square metres</td>
</tr>
<tr>
<td>Number Of Objections</td>
<td>22 from 18 properties</td>
</tr>
<tr>
<td>Consultation Meeting</td>
<td>20 May 2019</td>
</tr>
</tbody>
</table>

**Executive Summary**

- This application seeks planning approval for the construction of six (four triple storey and two double storey) dwellings on the lot.
- The site has an area of 761 square metres and is located on the southern side of Glass Street, Essendon.
- The application was advertised with 22 objections received from 18 properties. Concerns were raised primarily in relation to car parking, traffic, neighbourhood character and visual bulk, overdevelopment, design detailing, demolition of the existing dwelling, waste collection, solar access and internal amenity.
- A Consultation Meeting was held on 20 May 2019, attended by Councillors Sharpe and Lawrence, the permit applicant and Council’s Planning Officer. No formal resolution was achieved at the meeting and it is noted that no objectors were in attendance.

- The application was referred internally to Council’s Development Engineering (Drainage) Unit, Traffic and Transport Unit, Environmentally Sustainable Design (ESD) Officer, Waste Strategy and Planning Officer and Strategic Planning Unit. No objections were received, with conditions of permit imposed where necessary, should a permit be issued.

- The subject site and the two adjoining properties (93 and 95 Glass Street) to the east were included in the 2014 Heritage Gap Study as being part of a potential extension to the nearby Glass Street (HO2) heritage precinct. However, further investigations undertaken as part of the Heritage Study 2017 found this particular cluster of dwellings are physically separated from the rest of the HO2 precinct and therefore, given this separation and due to the dwellings not being deemed to have individual significance, they were not recommended for heritage controls by the study.

- The proposal is considered to be an appropriate design response which successfully addresses the unique physical characteristics and highly accessible location of the site. The development will result in a moderate intensification of housing in accordance with State and Local policy directions in this context. The design of the dwellings accords with the existing and preferred character of the area.

- The proposal achieves a high level of compliance with the objectives and standards of Clause 55 of the Moonee Valley Planning Scheme. One condition is proposed to be imposed to ensure the proposal meets the standard requirement for side and rear setbacks and there are no other Clause 55 variations or non-compliances to consider.

- Overall, this assessment report finds that the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It is recommended that a Notice of Decision to Grant a Permit be issued subject to conditions.
Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/992/2018 for the construction of six dwellings at 97 Glass Street, Essendon (Lot 1 on TP 906566J), 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) Either the wall height, setback, or both, of the second floor level of Dwellings 2-5 modified to comply with Standard B17 of Clause 55.04-1 (Side and Rear Setbacks) of the Moonee Valley Planning Scheme along the western elevation;

   b) Any structures such as mail boxes and services located within the pedestrian visibility splays must be no higher than 0.9 metres or be relocated outside of the splays. Any relocated structures must be no higher than 1.5 metres;

   c) Any vegetation adjacent to the southern edge of the accessway to be limited to plants/shrubs with a maximum height of not more than 150mm to allow vehicles exiting Dwelling 6 to overhang when manoeuvring (alternatively, this area should not be landscaped);

   d) The headroom clearance at the garage entrance to each parking area to be shown at a minimum of 2.1m with the garage door in an open position, to the satisfaction of the Responsible Authority;
e) The Ground Floor plan to demonstrate that the Dwelling 6 garage is at least 6 metres long internally;

f) The Ground Floor plan to demonstrate that the bicycle parking space within the Dwelling 6 garage does not interfere with the area set aside for car parking;

g) The gradients between the property boundary and the dwellings and between the garages of Dwellings 5 and 6 to be confirmed on the plans in accordance with Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme and any relevant Australian Standard;

h) A minimum grade of 1:200 towards a discharge point to be achieved for all garages and demonstrated on the plans;

i) The existing vehicle crossing is to be widened to 3 metres, appropriately splayed in accordance with the Vehicle Crossings Policy, and aligned with the driveway at the property boundary;

j) Demonstrate satisfactory access by the B99 design vehicle to the vehicle crossing with on-street parking occupied, using an industry recognised software, i.e. AutoTurn;

k) All bicycle parking spaces located within the garages must be designed in accordance with Clause 52.34 (Bicycle Facilities) of the Moonee Valley Planning Scheme and AS2890.3-2015;

l) An amended BESS report in accordance with Condition 3 of this permit;

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

n) 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 BESS assessment report must be submitted simultaneously with the submission of amended plans and STORM report in accordance with Condition 1. The BESS Assessment must comply with Clause 21.04 (Sustainable Environment) of the Moonee Valley Planning Scheme and must accord with the approved STORM report.

4. 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.

5. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council’s CSMP’s Guidelines and Template.
When approved, the CSMP will be endorsed and will form part of this permit. The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

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

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

7. Before the development starts, or any trees or vegetation removed, an amended landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the landscape plan submitted with the application but modified to show:
   a) Any changes as required by Condition 1.

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

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

End 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. Service units, including air conditioning units, must be visually and acoustically screened to the satisfaction of the Responsible Authority.

10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater downpipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
11. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

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

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits and on-street parking bays. 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 building approved by this permit is occupied, the areas set aside for the parking of vehicles together with the associated driveways and access lanes as shown on the endorsed plans must be:

a) Constructed;

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

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

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

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

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

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

b) Not be used for any other purpose,

to the satisfaction of the Responsible Authority.

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 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.

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

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

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

**End Development Conditions**

19. 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.

• 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.

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

• 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 site is located on the southern side of Glass Street, approximately 150 metres east of Mt Alexander Road, Essendon. It is currently occupied by a single storey interwar period brick bungalow.

The allotment is regular in shape with a frontage to Glass Street of 15.24 metres, a depth of 49.91 metres and a total area of 761 square metres. There are no covenants, Section 173 Agreements, easements or other encumbrances registered on the Certificate of Title.
The immediately surrounding land is within a General Residential Zone, with the Glass Street heritage precinct (HO2) applying approximately 180 metres east of the site. Residential developments proximate to the subject site are varied, with a mix of single dwellings on large allotments and multi-unit developments.

To the west of the site (approximately 150 metres) is Mt Alexander Road, which forms the spine of the Essendon North Activity Centre which consists of both Commercial 1 and General Residential zoned land. Built form in the Essendon North Activity Centre is diverse, ranging from single storey retail premises to multi storey mixed-use buildings.

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

The site is located within 400 metres the Principal Public Transport Network (PPTN) and the area is well-served by public transport, including the Route 59 Tram line (Melbourne CBD - Airport West) traversing Mt Alexander Road, Glenbervie Railway Station located 660 metres east of the site, Essendon Railway Station located 970 metres south of the site and a number of bus routes with stops within easy walking distance (routes 476, 477, 483, 903 and 954 which traverse Mt Alexander Road through the Essendon North Activity Centre).

1.2 Proposal

It is proposed to construct four-triple storey and two-double storey dwellings in a tandem arrangement across the depth of the site. Each dwelling has two-bedrooms, with Dwellings 1-5 designed in a reverse
living arrangement and Dwelling 6 in a traditional ground-floor living arrangement. The proposal as advertised can be summarised as follows:

Table 1

<table>
<thead>
<tr>
<th>Development Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>No of dwellings</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>No of car spaces</td>
</tr>
<tr>
<td>Max Building Height</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Site Coverage</td>
</tr>
<tr>
<td>Permeability</td>
</tr>
<tr>
<td>Garden Area</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

Refer Attachment C Plans (separately circulated).

2. Background

2.1 Relevant Planning History

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

2.2 Planning Policies and Decision Guidelines

Planning Policy Framework

Clause 11.01-R1 Settlement – Metropolitan Melbourne
Clause 11.02-1S Supply of Urban Land
Clause 15 Built Environment and Heritage
Clause 15.01-5S Neighbourhood Character
Clause 15.02 Sustainable development
Clause 16 Housing
Clause 19.03-3S Stormwater

Local Planning Policy Framework

Clause 21.01 Municipal Profile
Clause 21.02 Key Issues and Influences
Clause 21.03 Vision
Clause 21.04-3 Ecologically Sustainable Development
Clause 21.04-7 Waste
Clause 21.05 Housing
Clause 21.06 Built Environment
Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning
Clause 32.08 General Residential Zone

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>Internal Referrals</th>
<th>Comments/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Transport Unit</td>
<td>No objection subject to standard conditions relating to car space and accessway design, crossover design, provision of bicycle parking and waste collection.</td>
</tr>
<tr>
<td>Development Engineering (Drainage)</td>
<td>No objection subject to standard drainage conditions.</td>
</tr>
<tr>
<td>Environmental Sustainable Design (ESD) Officer</td>
<td>No objection subject to the submission of an amended BESS report and WSUD and ESD notations on the plans.</td>
</tr>
<tr>
<td>Waste Strategy and Planning Officer</td>
<td>No objection – there is sufficient space for Council waste collections.</td>
</tr>
<tr>
<td>Strategic Planning Unit</td>
<td>No objection – the property is not recommended for heritage controls in Council’s Heritage Study 2017.</td>
</tr>
<tr>
<td>Heritage Advisor</td>
<td>No objection</td>
</tr>
</tbody>
</table>
2.4 Public Notification of the Application

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

As a result, 22 objections from 18 properties were received and identified within Attachment A of this report. It is noted that out of the 18 different properties, 4 are located more than 500 metres away from the subject site.

A response to the objections is provided at Section 3.6 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 20 May 2019, which was attended by Councillor Sharpe, Councillor Lawrence, the Permit Applicant and Council’s Planning Officer. There was no resolution achieved as no objectors were in attendance.

3. Discussion

3.1 Does the proposal comply with the relevant Planning Policy Framework?

The relevant Planning Policy 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 community, transport 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.

The site offers an opportunity for redevelopment considering its size, location within the Principal Public Transport Network (PPTN), proximity to the Essendon North Activity Centre and location in a residential area, which already features a range of dwelling densities. The proposed development responds to the objectives and strategies of 21.06 (Built Environment). The key concepts of this clause are assessed against the relevant Neighbourhood Character Precinct Profile Guidelines in Section 3.2. The proposal therefore, represents an appropriate degree of housing intensification in this location and contributes to the objective of moderately increasing housing density by providing six dwellings that are well placed to service the needs of future residents.

The proposal generally complies with Clause 21.04-3 (Ecologically Sustainable Development), through the submission of a successful Sustainable Design Assessment (SDA), subject to conditions on any permit issued, including one condition for an amended BESS report to address some minor non-compliances as advised by Council’s ESD Officer.

The proposal accords with the objectives of Clause 21.04-7 (Waste) and can be adequately catered for by Council’s waste collection service.

The proposal also complies with Clause 22.03 (Stormwater Management – Water Sensitive Urban Design) by providing adequate on-site stormwater treatment, subject to conditions on any permit issued.
3.2 Does the proposal accord with the preferred character of the area?

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

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

- The siting and massing of the development is appropriate given the pattern of development in the area. The first and second floor footprints are generally well recessed from all sensitive interfaces (by a minimum of 2.05 metres to the first floor and a minimum of 4.1 metres to the second floor). The development responds to the preferred character statement of the precinct as it provides front façade articulation at the Glass Street interface through the use of recesses, particularly at the second floor level. The second floor is situated 6.89 metres behind the first floor building line which ensures this element of the development is recessive when viewed from the street.

Whilst there is some cantilevering of the built form over the shared accessway along the western interface of the site this is mostly limited to the first floor balconies of Dwellings 2 – 5 and small portion of the main Dwelling 1 bedroom. This is considered an appropriate outcome and in particular it is noted that the positioning of balconies over the shared accessway is a good urban design outcome, in terms of passive surveillance of open space.

- The reverse living’ layout of Dwellings 1 - 5 is considered suitable in this instance. Each of these dwellings is provided with generously sized service yards along the eastern interface of the site which successfully references the detached nature of development in the area. Dwelling 6, at the rear of the development, has a traditional ground floor living arrangement with a generous ground level secluded private open space area of 46 square metres.

- Whilst it is acknowledged the prevailing building typology in the area is of single and double storey dwellings the area also has a number of three storey buildings, including along Glass Street (No’s 91, 96 and 106 Glass Street are the most proximate examples). Additionally, as discussed above, the recession provided to the second floor level of the dwellings successfully minimises the visual impact of the development from Glass Street. Further to this, the maximum height of the development at 9.3 metres is relatively modest considering the three storey form and also given the mandatory height limit is 11 metres.
• Further articulation (aside from setbacks and recesses) of the development is achieved through material variation applied across each dwelling façade. This includes a mix of brickwork and render across the ground floor levels, along with render, cladding (timber and painted finishes) and perforated screens across the first and second floor levels. The selected palette of colours and materials includes light finishes (brickwork, beige painted cladding and light beige render) in accordance with the preferred character statement of the precinct. Darker colours (such as charcoal painted cladding and charcoal ‘Colorbond’ gutters, fascia and garage roller doors) are applied more sparingly to create contrast across all interfaces.

• A skillion roof with prominently protruding eaves is provided to Dwelling 1, as a contemporary reference to the predominant pitched style of roofing in the area. The three-storey elements of Dwellings 2-5 however, are provided with flat roofs which successfully minimises the building bulk.

• Sufficient areas within the front, side and rear setbacks are provided for an acceptable landscaping response, including canopy tree planting to contribute to the garden character of the area. In particular, landscaping within the front setback and along the western side boundary will soften the appearance of the shared accessway.

• A 900mm high brick pillar and aluminium front fence is proposed across the Glass Street interface, responding to the established streetscape character and ensuring that views to front landscaping will be maintained.

• Car parking is concealed entirely within the site with the garage of each dwelling fronting the shared accessway. Further, the proposed utilisation of the existing crossover entry to the development results in no impact on the availability of on-street parking and existing infrastructure services.

3.3 Is the provision and design of car parking acceptable?

The proposal is considered to generally comply with the provisions of Clause 52.06, Car parking of the Moonee Valley Planning Scheme.

The site is located in the Principal Public Transport Network Area https://www.planning.vic.gov.au/resource-library/principal-public-transport-network. As such, the applicable car parking rates are specified in Column B of Table 1 to Clause 52.06-5 of the Moonee Valley Planning Scheme and calculated below:

Table 3

<table>
<thead>
<tr>
<th>Component</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>Six two-bedroom dwellings</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Visitor</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>6</td>
<td>6</td>
</tr>
</tbody>
</table>
The design of car spaces and accessways generally complies with the requirements of Clause 52.06-9, including the provision of pedestrian visibility splays.

The following requirements raised by Council’s Traffic and Transport Unit will be included as conditions on any permit issued:

- Any vegetation adjacent to the southern edge of the accessway to be limited to plants/shrubs with a maximum height of not more than 150mm to allow vehicles exiting Dwelling 6 to overhang when manoeuvring (alternatively, this area should not be landscaped);
- The headroom clearance at the garage entrance to each parking area to be shown at a minimum of 2.1m with the garage door in an open position, to the satisfaction of the Responsible Authority;
- The Ground Floor plan to demonstrate that the Dwelling 6 garage is at least 6 metres long internally;
- The Ground Floor plan to demonstrate that the bicycle parking space within the Dwelling 6 garage does not interfere with the area set aside for car parking;
- The gradients between the property boundary and the dwellings and between the garages of Dwellings 5 and 6 to be confirmed on the plans to the satisfaction of the Responsible Authority;
- A minimum grade of 1:200 towards a discharge point to be achieved for all garages and demonstrated on the plans to the satisfaction of the Responsible Authority;
- The existing vehicle crossing is to be widened to 3 metres, appropriately splayed in accordance with the Vehicle Crossings Policy, and aligned with the driveway at the property boundary to the satisfaction of the Responsible Authority;
- Demonstrate satisfactory access by the B99 design vehicle to the vehicle crossing with on-street parking occupied, using an industry recognised software, i.e. AutoTurn;
- All bicycle parking spaces must be designed in accordance with Moonee Valley Planning Scheme Clause 52.34 and AS2890.3-2015, to the satisfaction of the Responsible Authority.

All other requirements previously raised by the Traffic and Transport Unit have been satisfied on the advertised plans.

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

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

The following point of exception, which has not been technically satisfied through this development, is listed below with corresponding assessments:
### Table 4

<table>
<thead>
<tr>
<th>ResCode Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 55.04-1 Standard B17 Side and Rear Setbacks</td>
<td>A minor variation to this standard occurs for Dwellings 2 - 5 at the second floor level along the western elevation. A setback of 4.31 metres from the western boundary is provided in lieu of the requirement of 4.39 metres based on a maximum wall height of 9.3 metres. It is considered the plans can be easily modified to comply with this standard and as such this will be included as a conditional requirement of any permit issued.</td>
</tr>
</tbody>
</table>

#### 3.5 Is the demolition of the existing dwelling appropriate?

The subject site and the adjoining properties to the east at 93 and 95 Glass Street were identified in Council’s Heritage Gap Study 2014 (Gap Study) as being of potential heritage significance, and specifically forming part of the nearby Glass Street heritage overlay precinct (HO2). The subsequent Heritage Study 2017 which was recently completed, investigated a large proportion of the properties included in the Gap Study and makes recommendations for which properties should be included in the heritage overlay. The study concluded the properties at 93 – 97 Glass Street do not warrant inclusion in HO2 due to the physical separation between the dwellings and the heritage precinct. Given this separation and due to the properties not being deemed to be of individual heritage significance, it is therefore concluded the demolition of the existing dwelling at No. 97 Glass Street can be supported.

#### 3.6 Objections (Discussion)

The following table provides a discussion of the concerns raised within the objections (Attachment A) to the application:

### Table 5

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and parking impacts</td>
<td>As discussed under Section 3.3 of this report, the proposal provides adequate on-site car parking for each dwelling and the design standards of Clause 52.06-9 are met. Whilst it is acknowledged the area may experience levels of congestion in terms of street traffic and on-street parking, it is not considered the development would impact on these to an unacceptable degree. Further, Council’s Traffic and Transport Unit had no objection to the application on these grounds. As previously highlighted, the development will utilise and upgrade the existing crossover entry thereby eliminating any impacts on the supply and...</td>
</tr>
<tr>
<td>Issue</td>
<td>Officer Response</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>operation of on-street car parking and existing infrastructure services.</td>
<td></td>
</tr>
<tr>
<td>Overdevelopment, dwelling density and triple storey built form</td>
<td>The proposal is considered to achieve a suitable balance between the expected housing growth and the preferred character of the area and represents an appropriate level of intensification in this context. Further, the development meets the relevant Site Layout and Building Massing requirements of Clause 55 (ResCode) being street setback, building height, site coverage and permeability of the Moonee Valley Planning Scheme. Finally, as discussed in Section 3.2 of this report, the second floor level is generously setback from all sensitive interfaces (subject to a condition to correct a very minor variation to Standard B17 as discussed in Section 3.4).</td>
</tr>
<tr>
<td>Neighbourhood character and design detailing</td>
<td>As discussed under Section 3.2 of this report, the development is considered to be an appropriate design response.</td>
</tr>
<tr>
<td>Off-site amenity impacts (solar access to adjoining habitable windows)</td>
<td>The proposal generally complies with the relevant standards and objectives of Clause 55 (ResCode) as they relate to the protection of amenity on neighbouring properties. This includes Standard B20 which imposes setback requirements to protect solar access to adjoining habitable room windows.</td>
</tr>
<tr>
<td>On-site amenity impacts (no visitor parking, no disability access, pedestrian access via the driveway, lack of open space and excessive screening for overlooking)</td>
<td>The proposal complies with all relevant internal amenity standards of Clause 55 (ResCode).</td>
</tr>
<tr>
<td>Waste collection</td>
<td>As discussed in Section 2.3, Council’s Waste Strategy and Planning Officer has reviewed the application and confirmed that there is enough space in the road reserve adjoining the lot frontage for Council waste collections.</td>
</tr>
<tr>
<td>Demolition of the existing period house</td>
<td>Refer to Section 3.5 of this report.</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 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 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 Framework, Local Planning Policy Framework, zoning and overlay controls and the relevant provisions of the Moonee Valley Planning Scheme. It is considered the proposal demonstrates compliance with the requirements of these provisions and policies.

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

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

**Attachments**

A: Location of Objectors (separately circulated)
B: ResCode Assessment (separately circulated)
C: Advertised Plans (separately circulated)
10.3 19-21 Park Street and 2-4 Smith Street, Moonee Ponds (Lot 1 and Lot 2 on PS338924M, Lot 1 on TP216316F and Lot 1 on TP401597M) - Construction of ten dwellings with basement parking and variation and removal of easements

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

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/605/2018</th>
</tr>
</thead>
</table>
| **Proposal**      | Construction of ten dwellings comprising:  
|                   | - Seven double storey dwellings  
|                   | - Three triple storey dwellings  
|                   | - Vehicle access via Smith Street  
|                   | - Provision of 20 residential car spaces within a basement level  
|                   | - Variation and removal of drainage easements. |
| **Applicant**     | Clarke Planning Pty Ltd |
| **Owner**         | Park Smith Pty Ltd |
| **Planning Scheme Controls** | General Residential Zone |
| **Planning Permit Requirement** | Clause 32.08-6 – to construct two or more dwellings on a lot  
| | Clause 52.02 – to vary and remove easements |
| **Car Parking Requirements (Clause 52.06)** | Requires: 20 car spaces  
| | Proposed: 20 car spaces |
| **Bicycle Requirements** | N/A |
| **Restrictive Covenants** | None |
| **Easements** | Drainage & Sewage Easements marked as ‘A’ & ‘B’ on Title Plan 216316F |
| **Site Area** | 1,915m² |
| **Number Of Objections** | 19 |
| **Consultation Meeting** | 6 March 2019 |
Executive Summary

- The application seeks approval for the construction of ten dwellings. The dwellings are of a townhouse format and split into three distinct built forms.

- The site area is approximately 1,915m² and comprises of four separate allotments. Two allotments are located on the south side of Park Street and the remaining two are on the north side of Smith Street, Moonee Ponds.

- The application was advertised and 19 objections were received. Concerns were raised in relation to over-development, neighbourhood character, scale, heritage impacts, compliance with the previous VCAT decision, landscaping, site coverage, impacts on traffic and parking, along with amenity impacts.

- A Consultation Meeting was held on 6 March 2019 and attended by Councillors Marshall and Cusack, objectors, the permit applicant and Council’s Planning Officer. No resolution was reached at this meeting.

- 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 proximate to public transport, commercial, community and public facilities. The architectural response is considered appropriate within the site context and presents a high level of articulation.

- The proposal achieves an acceptable level of compliance with the Standards of Clause 55, with three technical areas of non-compliance. The variations are associated with street setbacks, site permeability, private open space location, solar access to private open spaces and front fence heights. The variations are considered appropriate, subject to conditions. The proposed development, as amended, depicts 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 issue a Notice of Decision to Grant a Permit, subject to conditions.
Recommendation

That Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/605/2018 for the construction of ten dwellings with basement parking and variation and removal of easements at 19-21 Park Street and 2-4 Smith Street, Moonee Ponds (Lot 1 and Lot 2 on PS338924M, Lot 1 on TP216316F and Lot 1 on TP401597M), subject to the following conditions:

Endorsement Conditions

1. Prior to the commencement of any part of the development, Lot 1 and Lot 2 on PS338924M, Lot 1 on TP216316F and Lot 1 on TP401597M must be consolidated and a copy of the Plan of Consolidation including proof of its registration must be submitted to the Responsible Authority.

2. 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) The removal of Easement ‘A’ and the variation of Easement ‘B’ to along the western boundary of 21 Park Street, Moonee Ponds, on a separate plan;

   b) Alterations to the screening within the eastern elevation in accordance with the without prejudice plans being sheets A-101 and A-401 Revision C, A-028 Revision E, and A-029 Revision D dated 23 May 2019;

   c) The location of the existing power pole on all floor plans;

   d) All habitable room windows on the eastern and western elevations and the eastern and western elevations of the roof terrace to be screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
e) All habitable room windows and roof terraces to be screened in accordance with Standard B23 of Clause 55.04-7 (Internal Overlooking) of the Moonee Valley Planning Scheme;

f) A notation that the roof terraces are not roofed;

g) Details and location of bollard lighting within the pedestrian walkway;

h) Details of storage provided within the basement levels of Dwellings 4-8;

i) The pedestrian walkway along the eastern boundary to incorporate permeable paving where not located over the basement level;

j) A notation that all vehicle crossovers are to be constructed in accordance with Council’s Vehicle Crossing Design Standards and Vehicle Crossing Policy;

k) Trench grates with a width of 300mm at the bottom of the basement ramp;

l) The height of the kerbs along the basement ramp to be no more than 150mm in height;

m) A 2 metre by 2 metre splay at both ends of the laneway;

n) A warning/signal system to manage access in and out of the basement. Access priority is to be assigned to vehicles entering the car park including a holding line in the basement where the exiting vehicles are required to queue and wait for a green signal;

o) A convex mirror installed at the corner of garage 3 and the eastern boundary wall to allow vehicles travelling northbound outside of garages 4-8 to observe the conditions outside of garage 1;

p) Pedestrian visibility splays in accordance with Clause 52.06-9 (Car Parking) of the Moonee Valley Planning Scheme;

q) The headroom clearance at the basement access with the security door in an open position of at least 2.1 metres in height;

r) A headroom clearance of at least 2.3 metres where waste collection is to occur and at least 2.1 metres anywhere else within the basement;

s) All BESS annotations and measures in accordance with Condition 5

t) 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 4 and

u) An amended Landscape Plan in accordance with Condition 8.

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

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

4. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 2. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
5. A published BESS report (or equivalent) must be submitted simultaneously with amended plans in accordance with Condition 2 and must comply with Clause 21.04-3 (Ecologically Sustainable Development) of the Moonee Valley Planning Scheme.

6. 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.

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

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

8. 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 as required by Condition 2 of this permit;
   b) A notation that any planting within the Smith Street nature strip is to the satisfaction of the Responsible Authority;
   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.

9. 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.

10. Before the development starts, an Amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

The Amended Waste Management Plan must be in accordance with the City of Moonee Valley’s ‘Waste Management Plans – Guidelines for Applicants’ in relation to expected recycling rates and bin capacities.

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

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

11. Before the development starts, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an Agreement with the Responsible authority under Section 173 of the Planning and Environment Act 1987, which provides for the following:

a) Allowing for the establishment of landscaping within the frontage to Smith Street to the satisfaction of the Responsible Authority; and
b) Liability and maintenance of those parts of the development which extends into land under the care and management of Council and disclaiming any right or intention to make or cause to be made at any time any claim or application relating to adverse possession of the land.

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

End Endorsement Conditions

City West Water Conditions

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

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

14. Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

End City West Water Conditions

Development Conditions

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

16. 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.

17. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.

18. 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.

19. 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.

20. 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.

21. The existing street tree on Park Street must not be removed or damaged as a result of the permitted development.

22. The following street tree/nature strip protection measures must be undertaken:
   a) The nature strip and street tree located within the Park 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 tree located within the Park 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.

23. The street tree within Smith Street must not be removed or replaced without the prior written consent of the Responsible Authority. Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and the street tree replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.
24. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.

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

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

26. A Council drain (minimum 300mm dia uPVC or FRC or RCP RRJ) must be constructed to reach the approved point of discharge. Before the development commences, Engineering Design Plans and a Drainage Layout Plan (with computations) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The Engineering Design Plans and Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must accord with Council’s Drainage Design Guidelines.

When approved, the Engineering Design Plans and Drainage Layout Plan will be endorsed and will form part of this permit.

The drainage must be constructed in accordance with the endorsed Engineering Design Plans and Drainage Layout Plan and the provisions, recommendations and requirements of the endorsed Engineering Design Plans and Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

After the drainage works have been constructed and before the building/s approved by this permit is/are occupied, as constructed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

All costs associated with the preparation of the plans and installation and construction of the required drainage works must be borne by the permit holder.

27. 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.
28. 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.

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

End Development Conditions

30. 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.
   c) The approved easement variation and removal is not registered with the Land Titles Office, within two (2) years of the date 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: Cw=0.4, tc=10mins, tso=5mins, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development Cw or Cw=0.80.
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 site consists of four lots and are located in Moonee Ponds, approximately 130m north of the edge of the Moonee Ponds Activity Centre.

The site fronts Park St to its north, Smith St to its south and a lane to its east. The interfaces to the west are to a block of flats at the Smith St end and a single dwelling at its Park St end.

The site is around 25m in width along its Park St and Smith St frontages with a maximum length of 84m along its eastern boundary. A notable feature of the titles is that the boundary from Smith St is curved and in part adjoins with the road at its eastern end, but is then setback around 6m from the road at its western end. There is no footpath along this northern side of Smith St. Within this space is a landscaped garden and driveway to No.4 Smith St.

The subject site currently contains detached brick dwellings on the two Park St lots, each with a driveway to its western side. No.21 has been subject to a first floor addition to its rear. The site contains a variety of outbuildings noting No.21 includes a garage in its south-west corner on its boundary line.

The Smith St lots consist of a semi-attached brick pair with driveways on their outer edges. The front yards and connecting backyards of these blocks are largely devoid of vegetation other than fruit trees, shrubs and other smaller sized specimens as opposed to anything of a truly canopy variety.

Figure 2: Subject Site – 19-21 Park Street, Moonee Ponds
The character of Park St is very mixed with fine examples of well restored period homes of a single storey nature, sitting along-side numerous 2 and 3 storey apartment blocks.

Smith St is even more eclectic with ad-hoc setback patterns, subdivision patterns and dwelling alignment. Smith St essentially funnels into a lane at this eastern end and to its west is a narrow street with an unusual kink, consisting of numerous side frontages for corner lots, some very tight-knit building forms in other places, along with flats to the immediate west being the most prominent building in the street (in part because of their front setback).

The site is around 350m north of the Moonee Ponds train station and whilst the Activity Centre Zone is only 130m or so from the site, actual retail and commercial components of the Activity Centre are around 250m away from the site. Given the zoning, this could change over time. Queens Park is around 300m to the east of the site.

1.2 Proposal

The proposal seeks to construct ten dwellings, of which seven are double storey and three are triple storey in height. Dwellings 1-3 are four bedroom triple storey dwellings with studies, oriented to face Park Street. Dwellings 4-8 are double storey in height with three bedrooms and roof terraces and are oriented to the laneway along the eastern boundary. Dwellings 9 and 10 are double storey in height with three bedrooms plus studies with roof terraces, and oriented to Smith Street. Each dwelling has two car spaces within secure garages at the basement level.
Table 1

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<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No of dwellings</td>
<td>10 dwellings</td>
</tr>
<tr>
<td>No of car spaces</td>
<td>20 car spaces</td>
</tr>
<tr>
<td>Max Building Height</td>
<td>10.5 metres</td>
</tr>
<tr>
<td>(Maximum height 11m)</td>
<td></td>
</tr>
<tr>
<td>Site Coverage</td>
<td>59%</td>
</tr>
<tr>
<td>Permeability</td>
<td>17%</td>
</tr>
<tr>
<td>Garden Area</td>
<td></td>
</tr>
<tr>
<td>19 Park St (Mandatory 35%)</td>
<td>19 Park St – 32%</td>
</tr>
<tr>
<td>21 Park St (Mandatory 25%)</td>
<td>19 Park St – 44%</td>
</tr>
<tr>
<td>2 Smith St (Mandatory 0%)</td>
<td>19 Park St – 34%</td>
</tr>
<tr>
<td>4 Smith St (Mandatory 0%)</td>
<td>19 Park St – 38%</td>
</tr>
</tbody>
</table>

Refer Appendix B Plans (separately circulated).

2. Background

2.1 Relevant Planning History

The following planning history is applicable:

- Planning Permit ES/10139/1998 was granted on 13 November 1998 for the construction of four double storey attached dwellings at 2 Smith Street. The permit was never enacted.

- Planning Application MV/848/2015 for the construction of a multi storey building comprising dwellings, along with the removal and variation of easements was ultimately refused by the Victorian Civil and Administrative Tribunal (VCAT) after the applicant had taken Council to VCAT for failure to make a decision within the statutory timeframe. Council’s position at VCAT was that the application should be refused.

2.2 Planning Policies and Decision Guidelines

Planning Policy Framework

Clause 11.01-1R1 Settlement – Metropolitan Melbourne
Clause 11.02-1S Supply of Urban Land
Clause 15 Built Environment and Heritage
Clause 15.01-5S Neighbourhood Character
Clause 15.02 Sustainable development
Clause 16 Housing
Clause 19.03-3S Stormwater
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 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning
Clause 32.08 General Residential Zone

Overlays
None

Particular and General Provisions
Clause 52.02 Easements, Restrictions and Reserves
Clause 52.06 Car Parking
Clause 53.18 Stormwater Management in Urban Development
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
The following external referrals were undertaken:

Table 2

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>City West Water</td>
<td>No objection subject to conditions.</td>
</tr>
<tr>
<td>Melbourne Water</td>
<td>No objection.</td>
</tr>
</tbody>
</table>
The following internal referrals were undertaken:

Table 3

<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>Waste Management Officer</td>
<td>Amended Waste Management Plan is required in accordance with Council’s guidelines.</td>
</tr>
<tr>
<td>Arborist</td>
<td>No objection subject to conditions.</td>
</tr>
</tbody>
</table>

2.4 Public Notification of the Application

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

As a result, 19 objections were received and identified within Appendix A of this report.

The objections are discussed at Section 3.5 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 6 March 2019, which was attended by Councillors Marshall and Cusack, objectors, the permit applicant and Council’s Planning Officer. There was no resolution achieved.

The Permit Applicant has provided ‘without prejudice’ plans (Appendix D) in response to comments raised by objectors at the Consultation Meeting, which provide additional screening within the eastern elevation of Dwellings 4-8 and provide view line diagrams of the roof terrace access structures.

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 dwelling 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 and activity centres.

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. In relation to the Moderate to High intensification area, these are sites that are generally:

- Within 400 metres safe walking distance to train or tram stations within major activity centres
- Within 400 metres safe walk of a range of community facilities and services
- Within 400 metres of a major activity centre
- Within 400 metres of a full line supermarket
- The area is not located within a Heritage Overlay
- The housing market produces a greater level of diversification that typically found in the area
- The surrounding character is evolving and includes a mix of new and old built forms.

Applying these principles, the land is considered to fall within the category of Moderate to High housing intensification. Clause 21.05-1 provides the following applicable discretionary policy guidelines:

- New development will generally be housing above or to the rear of retail / commercial premises, or as part of a more intensive mixed-use development on larger sites.
- The intensity and scale of new development must respect the existing streetscape character and commercial context of the centre, and any development controls that may apply.
- All new development in residential areas must be in accordance with the preferred character statement for the area.

It is considered 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 proximity to an established major activity centre, location within the PPTN and an area where there is a great diversity in built form. The development will cater for different demographic groups and for varying household needs.

The site offers an opportunity for redevelopment considering its size, proximity to public transport and the Moonee Ponds Major Activity Centre and location in a residential area, which already features a range of dwelling densities. The proposed development responds to the objectives and strategies of 21.06 (Built
Environment). The key concepts of this clause are assessed against the relevant Neighbourhood Character Precinct Profile Guidelines in Section 3.2.

The proposal complies 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. An amended SDA report, including a BESS report will be required as a condition to ensure that all changes to the built form are reflected within the reports.

The proposal accords with the 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 private collection within the subject site and a condition has been included to this effect.

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

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

- The proposed built form is contemporary in style and reflective of the emerging character in the surrounding area, while still referencing architectural styles such as the adjoining terraces to the south

- The proposed development presents a double storey built form to Park Street with a recessed third level. The built form is highly articulated and contemporary in form and is reflective of the emerging character of the streetscape

- The proposed development presents two attached double storey dwellings to Smith Street that are well articulated and reflective of the more intensive streetscape presentation in this section of Smith Street. In particular, the adjoining property to the west is a sheer double storey apartment block while a sheer wall is presented to the streetscape by the property on the opposite side of Smith Street. As a result of an unusual title boundary, the proposed built form, while only 1.5 metres from the boundary, is in reality setback further from the street than the surrounding built form by a wide nature strip. This wider nature strip provides a greater setback and additional landscaping opportunities to soften this section of Smith Street

- The siting and massing of the development is consistent with the pattern of development which has occurred in the immediate and wider area and is responsive to its site context. It particular, the built form has been split into three distinct forms at all levels to present a building frontage to Park Street, Smith Street and the laneway interface. Further, the overall scale of development has been primarily limited to two storeys in height with a three storey component limited to the Park Street interface. This is an appropriate design response given the more robust built form of Park Street as opposed to the other interfaces
The breaks in the built form is further reflective of the surrounding subdivision pattern and allows for additional landscaping opportunities throughout the site.

- The height of the development is primarily double storey in height (8.3 metres) with a section that is three storeys in height (10.5 metres) located within the Park Street interface. It is noted that the dwellings within the Smith Street and Laneway interface built forms include roof terraces, however, these are not defined as storeys under the Moonee Valley Planning Scheme and are not dominant features within the streetscapes. Overall the scale of the development is consistent with the prevailing heights in the area.

- The setbacks of the dwellings from both street frontages maintain the setback rhythm in the streetscape and maintain sufficient areas for landscaping to contribute to the garden character of the area. As discussed, the unusual title boundary to Smith Street results in a very wide nature strip that results in the development presenting a setback that is in excess of the surrounding built form and increases landscaping opportunities to the public realm.

- The dwellings are designed with flat roof forms primarily with skillion elements to the Laneway interface built form. This design response is reflective of the surrounding built form and is consistent with the contemporary built form proposed.

- The proposed materials and finishes are consistent with the surrounding built form and are appropriate for the proposed contemporary built form.

- Car parking is located within a basement form and is screened from view.

- Fencing to Park Street is up to 1.8 metres in height, which is not generally in keeping with the neighbourhood character precinct for this area. However, the fencing has been setback from the boundary to allow for a planter box with a height of 900mm to be provided along the boundary interface. It is considered this is an appropriate design response that provides for a green edge to the development that screens the higher section of fencing behind while providing appropriate amenity to the ground floor dwellings. Further, the higher sections of fencing are semi-transparent, which is reflective of the streetscape.

- Fencing to Smith Street is 1.5 metres in height and is semi-transparent, which is acceptable to the streetscape.

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

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

**Table 4**

<table>
<thead>
<tr>
<th>Proposed</th>
<th>Requirement</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ten x three or more bedroom dwellings</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>Visitor spaces</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>20</strong></td>
<td><strong>20</strong></td>
</tr>
</tbody>
</table>
The development, as advertised, fully complies with the statutory parking requirements of Clause 52.06-5 of the Moonee Valley Planning Scheme. It is noted residential visitor car spaces are not required in this instance as the subject site is located within the Principal Public Transport Network area.

The proposed development is compliant with the Design Standards of Clause 52.06-9 of the Moonee Valley Planning Scheme. The application has been referred to Council’s Traffic and Transport Unit who has no objections to the proposed parking generation or parking layout, subject to conditions.

3.4 Does the proposal comply with the requirements of Clause 55?

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 are assessed below:

Table 5

<table>
<thead>
<tr>
<th>Res Code Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 55.03-1 (Standard B6 - Street Setbacks)</td>
<td>The proposed 5.4-5.5 metre setback to Park Street does not comply with the 5.5 metre setback requirement of this Standard. It is considered the non-compliance is acceptable in this instance as the area of non-compliance is 100mm and is as a result of a slight angle to the front boundary. As a result, the majority of the frontage is compliant with this Standard. Further, appropriate landscaping opportunities are provided. The proposed 1.2 – 3.3 metre setback to Smith Street does not comply with the 4.8 metre setback requirement of this Standard. It is considered the proposed setback is an appropriate built form as a result of the existing built form within Smith Street, which is typically built to the boundary or provided with a reduced setback. Further, the 6 metre wide nature strip provides a further setback from the road alignment and provides additional landscaping opportunities and results in the built form presenting as being set within landscaped surrounds. The proposed setback of Dwelling 3 from the laneway of 1.7 metres does not comply with the 2 metre setback requirement of this Standard. It is considered that the proposed setback is acceptable as the prevailing setback pattern within Park Street is maintained and it is reflective of developments which typically provide built form on laneway abutts such as 81 Margaret Street. The setbacks of Dwellings 4-8 to the laneway of 2.8 metres does not comply with the 3 metre setback requirement of this Standard. It is considered the proposed development is appropriately setback from the laneway interface as good pedestrian access is maintained, it is separated from the road way and landscaping is proposed. Further, this is a laneway interface where reduced setbacks are typically accepted.</td>
</tr>
</tbody>
</table>
The 4.1 metre setback of Dwelling 10 is setback in compliance with this Standard, which requires 3 metres. On this basis, the proposed development proposes an acceptable design response to this Standard and is compliant with the Objective.

Clause 55.03-4 (Standard B9 – Permeability)

The proposed site permeability is 17%, which does not comply with the 20% requirement of this Standard. It is considered a condition is appropriate in this instance to require the pedestrian walkway along the laneway interface be permeable paving, which will increase overall site permeability and comply with this Standard.

Clause 55.05-4 (Standard B28 – Private Open Space)

The proposed location of the secluded private open space for Dwellings 1-3 within the front setback does not comply with this Standard as it is not located to the rear or side of the dwellings. It is noted the overall areas of both private open space and secluded private open space are met. It is considered the location of the secluded private open space is acceptable as this area is north facing, which will increase solar access in these spaces and this is a design response that is consistent with this form of development, additionally, there is a secondary section of open space to the rear of the property.

Clause 55.05-5 (Standard B29 Solar Access to Secluded Private Open Space)

The secluded private open space areas for Dwellings 9 and 10 are overshadowed and not dimensioned in accordance with this Standard. It is considered the proposed design response is acceptable in this instance as secondary areas of private open space are provided in the form of roof terraces, which benefit from northern aspects.

Clause 55.06-2 (Standard B32 – Front Fences)

The proposed 1.8 metre high front fence to Park Street does not comply with this Standard. The proposed height of the front fence is considered appropriate as it is setback from the front boundary by a landscaped planter and provides screening to secluded private open space areas. This response provides a landscaped edge to the development further contributing to the character of the streetscape.

3.5 Objections (Discussion)

The following table provides a discussion of the concerns raised within the objections to the application:
Table 6

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Parking</td>
<td>Refer to Section 3.3 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>Site coverage</td>
<td>The proposed site coverage of 59% complies with the requirements of Standard B8 (Site Coverage) of the Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>Non-compliant street setbacks</td>
<td>Refer to Section 3.4 of this report for discussion.</td>
</tr>
<tr>
<td>Overlooking</td>
<td>The proposed development complies with Clause 55.05-6 (Standard B22 Overlooking). However, the Permit Applicant has provided ‘without prejudice’ plans that provide additional screening along the eastern elevation at first floor to provide additional protection to the properties on the opposite side of the laneway. These plans have been referenced in the conditions.</td>
</tr>
<tr>
<td>Overshadowing</td>
<td>The submitted shadow diagrams have been reviewed and are correct. There is no unreasonable overshadowing impacts to adjoining properties’ private open space areas as a result of the proposal.</td>
</tr>
<tr>
<td>Visual Bulk</td>
<td>Refer to Section 3.2 of this report for discussion.</td>
</tr>
<tr>
<td>Views of the access structures</td>
<td>The Permit Applicant has provided ‘without prejudice’ plans that provide view lines of the roof terrace access structures, which demonstrate there will be no unreasonable visual bulk issues as a result of these structures. Further, the structures are minimal in area and are not an unusual feature for this form of development.</td>
</tr>
<tr>
<td>Previous VCAT refusal</td>
<td>Refer to Section 3.6 of this report for discussion.</td>
</tr>
<tr>
<td>Inaccurate plans</td>
<td>There is sufficient detail provided with the application material to enable Council to make a decision on this application.</td>
</tr>
</tbody>
</table>

3.6 Has the proposal addressed the issues raised by VCAT in its refusal of the previous application?

The previous Planning Application MV/848/2015 for the construction of a multi storey building comprising dwellings, along with the removal and variation of easements was refused by the Victorian Civil and Administrative Tribunal (VCAT) in Knepp v Moonee Valley CC [2017] VCAT 1836. Council’s position at VCAT was that the application should be refused. As this proposal is a repeat application, it is appropriate to have regard to VCAT’s previous determination.
Upon review of the decision by Members Rundell and Nervegna, the following areas of the previous development were of issue:

- The development’s response to the neighbourhood character guidelines in relation to the softening of the façade to Park Street through warmer materials and finishes, the high front fence to Park Street, space for taller vegetation and the wall on the laneway boundary at the Park Street intersection
- The development’s presentation of visual bulk to the adjoining land through the overall extent of built form (in the order of 60 metres) that is generally unbroken at all levels, a site coverage in excess of 60%, the wall on the laneway and a lack of articulation to the side elevations through setbacks and materials and finishes
- The visual bulk to 23 Park Street due to the unbroken built form and lack of articulation.

Members Rundell and Nervegna at paragraphs 76-78 in relation to the above comments about the overall scale of the built form commented that:

76. **We think that a large building can be supported on this site, but the proximity of neighbours who will have clear views of the building, and the policy context require a more articulated, tempered design. The perception of unrelenting, unarticulated built form needs to be better resolved.**

77. **We know there are multiple design responses to our findings, and we do not favour one design response above others. The long built form can be moderated by providing a larger gap in the middle, including removing part of the first storey below the break in the second storey. A mix of larger setbacks to the side boundaries might be another response. Alternatively, a ground level central courtyard could be inserted to create a break in a large form and benefit dwellings by providing enhanced daylight and solar access while possibly creating a communal open space for future residents. A more varied palette of materials, including ‘softer’ materials (possibly timber) to the upper level(s) could be another response.**

78. **This has been the determinative matter in this review and we are satisfied the proposal before us is not acceptable.**

Another minor issue raised by Members Rundell and Nervegna was in relation to the provision of private open space to one dwelling and the orientation of the private open space for a number of dwellings to the south.

The following table demonstrates the general differences in the proposal considered by VCAT and the proposal currently before Council:
Table 7

<table>
<thead>
<tr>
<th></th>
<th>Previous Development</th>
<th>Current Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of dwellings</td>
<td>30</td>
<td>10</td>
</tr>
<tr>
<td>Built form typology</td>
<td>Apartment building</td>
<td>Townhouses</td>
</tr>
<tr>
<td>Building height</td>
<td>10.9 metres (3 storeys)</td>
<td>10.5 metres (3 storeys for Dwellings 1-3 only)</td>
</tr>
<tr>
<td>Site coverage</td>
<td>64%</td>
<td>59%</td>
</tr>
<tr>
<td>Permeability</td>
<td>19.1%</td>
<td>17%</td>
</tr>
<tr>
<td>Car spaces</td>
<td>48</td>
<td>20</td>
</tr>
</tbody>
</table>

In relation to the built form and with reference to the Advertised Plans at Appendix B, which include the previous building footprint in red, the overall height of the development has been generally reduced to a double storey built form with the exception of Dwellings 1-3, which incorporate a third level. Further, the building has been split into three distinct built forms with a 3.5 metre separation between Dwellings 1-3 and Dwelling 4 and a 5.27 metre separation between Dwelling 8 and Dwellings 9 and 10. This reduction in the built form allows for a greater landscape response and resultant reductions in site coverage.

It is considered the proposed development has adequately addressed the issues raised by VCAT in its previous decision as follows:

- The overall visual bulk of the development has been reduced by breaking up the built form into three distinct forms with large breaks, as noted above, coupled with an reduction in height to two storeys with the exception of Dwellings 1-3 fronting Park Street, which are three storey in height.
• The proposed development provides an appropriate landscaping response that includes landscaping within the breaks between the built form and along the perimeter of the site. The use of deep soil planting along the western boundary at the sites interface with the abutting residential properties provides a green edge capable of supporting canopy tree planting. The use of deep soil planting has also been provided along both the Park Street and Smith Street frontages to contribute to the landscaped character of the area. Additional areas of deep soil planting have been provided along the laneway edge to contribute to the greening of this edge by providing canopy tree opportunities. Internal planting is located within substantial planter boxes that are capable of providing canopy tree planting. It is noted that the efficient use of the site encourages the use of planter boxes over deep soil planting. As proposed, the landscaping design provides for deep soil planting along the perimeter of the site with substantial planter boxes internal to provide a cohesive landscape response that appropriately contributes to the character of the area.

• Site coverage has been reduced to 59% in compliance with the Standards of Clause 55

• Private open space areas have been provided primarily with a northern aspect where appropriate and further complimented by providing roof terraces to the majority of dwellings to provide additional open space areas

• No wall has been proposed on any boundary including the laneway interface

• The built form has been articulated by providing a mix of materials and finishes between the buildings and increasing setbacks through the use of breaks in the built form

• A break has been provided directly opposite 23 Park Street with Dwellings 4-8 being further setback from this boundary to limit visual dominance to the adjoining property

• The materials and finishes proposed are generally consistent with the surrounding built form and are consistent with this form of development. The proposed palate of materials includes greys, brown and charcoal colours that is consistent with the streetscape

• The presentation of the development to Park Street presents as three townhouses, which is in keeping with the streetscape rhythm

• The replacement of the previously 1.8 metre high solid front fence on the front boundary line to Park Street with the proposed 1.8 metre high semi-transparent front fence to Park Street that has been setback from the front boundary with landscaping incorporated along the street edge will provide a garden setting to the development while still maintaining privacy to Dwellings 1-3. Further, deep soil planting has been provided behind this fence to contribute to the character of the development. This is an improved design response that integrated the development into the streetscape.
It is considered the proposed development has adequately addressed the issues raised by VCAT in its previous decision.

3.7 Does the proposal comply with the Garden Area requirements of Clause 32.08-4 (General Residential Zone)?

The proposed development consists of four separate allotments of varying areas. Pursuant to Clause 32.08-4 (General Residential Zone), the development must provide the following areas of Garden Area:

- 19 Park St (Mandatory 35%, 251.65m²), of which 32% is provided (232m²)
- 21 Park St (Mandatory 25%, 121m²), of which 44% is provided (214m²)
- 2 Smith St (Mandatory 0%, 0m²), of which 34% is provided (128m²)
- 4 Smith St (Mandatory 0%, 0m²), of which 38% is provided (129m²).

As noted above, the Lot known as 19 Park Street does not comply with this requirement by 3% (20sqm).

The planning unit that comprises this development has an overall site area of 1,915m², which has a requirement for 670.25m² of garden area. In total a garden area of 36.7% (703 m²) is provided over the overall area, which would comply with this requirement. However, as the site is made up of four separate Lots the development requires garden areas as noted above. Based on this only a total of 372.65m² of garden area is required.

It is considered appropriate in this instance to include a condition on any permit issued requiring the four Lots be consolidated prior to the commencement of works.

3.8 Are the Variations in Easement Appropriate?

The proposal involves the removal and variation of easements currently specified within the 19 Park St lot (Lot 1 TP216316F). More specifically, the proposal seeks the removal of the internal easement marked as ‘A’ along with the variation of the easement marked as ‘B’ to be relocated along the western boundary of 21 Park Street.

As mentioned in Section 2.3 of this report, the proposed variation of the existing drainage and sewerage easement has been referred to City West Water and Melbourne Water, who provided conditional support. Council’s Engineering Services Unit also had no objection to the variation of the easement, subject to a condition relating to the construction of an easement drain. As such, the variation of the easement is considered to comply with the decision guidelines of this clause.

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 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 by officers as detailed above within the recommendation section.

**Attachments**

A: Objector Location (separately circulated)
B: Advertised Plans (separately circulated)
C: Clause 55 Table (separately circulated)
D: Without Prejudice Plans (separately circulated)
10.4 Proposed At Call Hard Waste Collection

Author: David Basil - Coordinator Integrated Waste Services
Directorate: City Services

1. Purpose

1.1 For Council to consider a change in the delivery of the current hard waste service from a scheduled collection to an at call hard waste collection and the awarding of the contract to implement the service across the City of Moonee Valley by October 2019.

2. Background

2.1 For many years, Moonee Valley residents have been provided with two scheduled hard waste collection services each year. The first in June/July each year for branch and pruning, and the second later in the year for other waste. Customer feedback confirms that these services are highly valued as many residents in Moonee Valley do not have the capacity to transport bulky items to a waste and resource recovery facility.

2.2 Over recent years there has been a growing trend within the local government sector to move away from the traditional scheduled hard waste collection services to an at call service primarily driven by the community’s desire to dispose of waste when it suits them and to lessen the impact on the amenity of the local area during the collection period.

2.3 The current scheduled hard waste collection service is well utilised, however there is high level of community dissatisfaction due to waste being left on nature strips for many weeks across the majority of Moonee Valley during the collection period and the increase in the level of illegal dumping that this service attracts.

2.4 A benchmarking review of inner and outer fringe Melbourne councils has been undertaken as part of this project and most councils are moving to an at call type of collection because it is much more flexible to use, has lower visual impact on the streetscape, reduces illegal dumping behaviour and facilitates a resource recovery approach.

2.5 Residents have yet to be advised of hard waste collection dates for 2019, as it is possible that an at call service could be operational well before Christmas. The green waste collection is currently underway and nearing completion.

3. Issues

3.1 A benchmark review was undertaken of 31 Melbourne metropolitan and interface councils. Hard waste collections of various types are provided by these councils and the two main types of collection are:

1. Scheduled (i.e. once or twice a year collections); and
2. At call (i.e. any time of year individually booked collections).
3.2 Twenty-two councils provide an at call service as the main type of collection service, while nine councils provide the scheduled collection as the main type of collection.

3.3 Some councils provide a combination of the two. Some scheduled collections provide an at call service for those who missed the collection while some at call collections provide scheduled collections for Multi Occupancy Dwellings (MODS) or Multi Unit Dwellings (MUDS). Some councils also provide free tip vouchers in addition to the hard waste collection.

3.4 MV2040 Strategic Direction 15: A city that rethinks waste – outlines our goal of 90 percent diversion of household waste and waste from Council operations from landfill by 2040 which is in conflict with the current practice. A significant change to our methodology is needed to ensure the majority of the waste put out is recycled.

3.5 The key risks and implications of this report have been considered and addressed in the Impact Assessment (see Attachment A).

3.6 An at call collection model would have the following features:

- Two free collections per year to properties with a waste charge, each of up to two cubic metres;
- Additional collections available but charged to the resident at cost;
- Can use as concurrent collections i.e. one collection up to four cubic metres;
- Collection will take place either within ten business days of the booking, or reservations can be made in advance for a collection any time into the future;
- Bookings by phone or online (using Council’s phone number and website); and
- Collection within property boundary preferable.

Recommendation

That Council resolves to:

a. Endorse the at call hard waste collection model as the new hard waste collection service to commence by October 2019.

b. Award the contract for at call hard waste collection as recommended Attachment B.

Attachments

A: Impact assessment - Proposed at call hard waste service (confidential)
B: Tender Evaluation (separately circulated) (confidential)
10.5 Response to petition regarding Park and Ride Shuttle Bus Service

Author: Natalie Smyth - Senior Coordinator Healthy Ageing
Directorate: City Services

1. Purpose

The report responds to a petition submitted to Council in February 2019. The petition, led by staff working at the Australian Tax Office, requests the reinstatement of the shuttle bus service (Park and Ride) between Moonee Valley Race Course (MVRC) and Moonee Ponds town centre.

2. Background

2.1 In 2017 the Moonee Ponds Traders Association raised concerns regarding the limited parking available for potential shoppers and staff, due to the additional parking demand required during the construction of the Caydon Property Group development in the Moonee Ponds town centre. In addition to the parking spots being occupied by the tradespersons working on the large construction site, parking previously available on the Caydon site had been removed entirely.

2.2 Council arranged the use of two community transport buses and recruitment of additional community transport drivers to deliver a short term shuttle bus loop. This loop was designed to support traders and Council staff who could park at Moonee Valley Racecourse and travel into the Moonee Ponds Town Centre, on the free Park and Ride service.

2.3 Commencing in December 2017, the service operated between two sessions per week - 7am – 10am and 4pm – 6.30pm; Monday to Friday excluding public holidays. The service commenced with two buses, initially averaging 20 people using the service per session per week.

2.4 The service costs $185,000 to run two buses for one year. With an average of 196 trips per week this is an average cost of $18.15 per one way trip.

2.5 A survey of passengers determined they would cease using the shuttle service if they were required to pay.

2.6 From August 2018, a review of the services led to a reduction down to one bus per shift. At this point the number of passengers decreased significantly, to an average of 6 people per session per week.

3. Issues

3.1 The petition does not include addresses of the petitioners. Most contact numbers listed are either mobile or ATO office numbers.

3.2 This service comes at a significant cost to Council and is not within budget for 2019/20. The estimated cost to run one bus is approximately $92,500 per annum.
3.3 Offering the service also reduces the number of vehicles available for the community/disadvantaged groups/individuals, as the buses are from the community transport fleet.

3.4 Additionally with the Caydon development nearing completion, more car parking has become available in the area, including Gladstone Street Car Park at a rate of $8 per day for early bird parking (booked and paid online).

3.5 There are also limitations with the previously available Moonee Valley Racecourse parking area, as this is dependent on race days and times, along with the upcoming works at the site.

Recommendation

That Council resolves to:

a. **Note its previous decision to cease the Moonee Ponds Park and Ride shuttle bus service.**

b. **Advise organisers of the petition requesting reinstatement of the Moonee Ponds Park and Ride shuttle bus service, that the service will not be reinstated**

Attachments

A: Impact Assessment - Park and Ride Shuttle Bus
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 There is no specific reference within MV2040 – however relates to the 
       activation of activity centres in relation to Objective 8.2 “Enhances our 
       activity centres as places for entertainment and gathering. The shuttle bus 
       was implemented for a pilot period to ease the parking congestion in the 
       town centre during a period of construction by the Caydon Property Group.
   1.2 There was no previous council decision on the matter.

2. Legislative obligations
   2.1 None to note.

3. Legal implications
   3.1 Potential legal and financial liability in the event of an accident or a 
       trip/fall during the ascent/descent from the bus, which would be covered 
       under Councils Public Liability Insurance

4. Risks
   4.1 Council covers the public liability insurance of any potential accident / 
       claim.

5. Social impact assessment
   5.1 Operating the Park and Ride shuttle service reduced the availability of 
       vehicles available for community groups, and the regular service of 
       providing Community Transport particularly to residents who are seniors 
       or living with a disability.
   5.2 Reduced capacity to provide community bus routes though 
       underserviced areas of the municipality until improved public transport 
       networks are developed

6. Economic impact assessment
   6.1 Financial implications (see point 9) outside of endorsed budget for 
       2019/20 or beyond, with no demonstrated significant benefit to the broader 
       Moonee Valley community.

7. Environmental impact assessment
   7.1 The implementation of the shuttle bus service does not reduce car usage, 
       only the perimeter of where cars are parked.

8. Reputational impact assessment
   8.1 The Park and Ride shuttle service was implemented as a trial for a 
       defined period of time. The timeframe coincided with the Caydon Property 
       Group works in the Moonee Ponds Activity Centre which resulted in 
       reduced available parking (anecdotally taken by construction workers).
This has now ceased and the carpark at the Caydon site has reopened for the workers.

9. Financial implications

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Associated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus</td>
<td>$ 28,368</td>
</tr>
<tr>
<td>Resource (staffing/labour)</td>
<td>$ 128,461</td>
</tr>
<tr>
<td>Moonee Valley Racecourse</td>
<td>No cost to Moonee Valley City Council. The same conditions would not be offered to another agency/group/company.</td>
</tr>
<tr>
<td>Promotion</td>
<td>Internal cost</td>
</tr>
<tr>
<td>Victoria Public Transport consultation/notification</td>
<td>No cost</td>
</tr>
</tbody>
</table>

9.1 Based on 2017/18, the estimated cost to run one bus is $92,500 per annum.

9.2 The estimated cost to run the service providing the optimum customer service with two buses at a cost of $185,000 per annum. At its average usage (196 trips per week) this results in cost to Council of $18.15 per person per trip.

9.3 There is no budget allocated for the Park and Ride Shuttle in the endorsed proposed 2019/2020 budget.

10. Sensitivity / scenario analysis

10.1 No anticipated variables identified that would impact or 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.

As required by the Act, authors and reviewers to confirm that they have no conflict, or perceived conflict, in making the recommendation contained in the report or the outcome.

12. Consultation undertaken or planned

12.1 Nil consultation undertaken or required.
10.6 Submission to the Local Government Bill 2019

Author: Meghan Hopper - Advocacy Coordinator
Directorate: Organisational Performance

1. Purpose

1.1 The purpose of this report is to seek Council’s endorsement of Moonee Valley’s submission in response to the Local Government Bill 2019 – A reform proposal discussion paper.

2. Background

2.1 Since the current Local Government Act was brought into law in 1989, it has undergone significant changes. The Victorian Government commenced steps to reform the Local Government Act in 2015.

2.2 A discussion paper was released in September 2015, marking the beginning of the Local Government Act Review. This discussion paper identified issues in the current Local Government Act 1989 and invited feedback from the community. A total of 348 submissions were received.

2.3 Moonee Valley made a joint submission to the 2015 discussion paper, alongside Wyndham and Brimbank City Councils (Attachment 2). The submission included the following key themes:

2.3.1 The importance of local government autonomy
2.3.2 The importance of the Act being enabling rather than prescriptive
2.3.3 Greater flexibility and less constraints in decision-making, consultation and collaboration
2.3.4 The submission also supported more training and professional development for Councillors, and argued that Councillors should be able to participate in meetings electronically.

2.4 In June 2016 the Victorian Government released Act for the Future – Directions for a new Local Government Act. This directions paper outlined key reform proposals stemming from the findings of the discussion paper. A total of 333 submissions were received.

2.5 Moonee Valley made an individual submission in response to this directions paper (Attachment 3). Moonee Valley welcomed the fact that the discussion paper supported many of those recommendations made in the previous joint submission, including provisions for greater flexibility to collaborate and advocate for our community, and measures which offer greater autonomy. Council expressed concern at other proposals, which would have resulted in greater restriction and regulation around activities such as community engagement.

2.6 In December 2017, an exposure draft of the Local Government Bill was released for community feedback prior to it being considered by Parliament. A total of 190 submissions were received.
2.7 Moonee Valley made an individual submission in response to the exposure draft (Attachment 4). This submission emphasised our desire to see Councillors offered at least 10 hours of sector-specific training annually. Council also supported a mandated, uniform Councillor Code of Conduct.

2.8 In May 2018, a Bill intended to become the new Local Government Act for Victorian Councils was introduced into the State Parliament. Whilst this Bill was passed by the Legislative Assembly (Lower House), it lapsed in the Legislative Council (Upper House) when Parliament expired ahead of the 2018 State Election.

3. Issues

3.1 On 17 June 2019, the Minister for Local Government, the Hon. Adem Somyurek MLC announced the Local Government Bill 2019 and released a discussion paper, Local Government Bill 2019 – A reform proposal. It is proposed that a new Bill will be presented to Parliament in 2019. Its implementation would be staged to 2021.

3.2 While the new Bill will carry forward many of the intentions of the 2018 Bill, new reforms are also proposed. These include:

3.2.1 Closer alignment between Council electoral rolls and the State electoral roll

3.2.2 Simplification of representative structures and election processes, including the introduction of a single-member ward structure across all Victorian Councils with the exception of large rural municipalities

3.2.3 Mandatory training for Council candidates, and mandatory Councillor induction training

3.2.4 Donations reform, including the capping of single-donor donations for all municipalities, except the City of Melbourne, at $1,000

3.2.5 Improved conduct processes, including arbitrations for conduct complaints to be managed by the Principle Councillor Conduct Registrar rather than Council, and standards of conduct, specified in the Regulations, which will form part of all Councillor Codes of Conduct.

3.2.6 Individual Councillors can be disqualified if they are subject to findings of Serious Misconduct on two occasions over an eight year period, or as a result of a community-initiated Commission of Inquiry initiated through a petition of at least 25 per cent of voters in the municipal district.

3.3 The Municipal Association of Victoria (MAV) has distributed a Members Brief (21 June 2019) providing an initial response to the reforms and seeking further feedback from Councils. The Victorian Local Governance Association (VLGA) distributed a survey to Councillors, CEOs and other subscribers to their mailing list (24 June 2019) and hosted a briefing session (3 July 2019). Both have raised concern with the level of information provided and the time available to respond. The MAV has called for a further consultation process to be informed by an Exposure Draft.
Recommendation

That Council resolves to:

a. Endorse the submission in response to the *Local Government Bill – A reform proposal* discussion paper

b. Send the submission to the Minister for Local Government, the Hon. Adem Somyurek MLC, with copies provided to the Member for Essendon, Mr Danny Pearson MP and the Member for Niddrie, the Hon. Ben Carroll MP.

Attachments

A: Submission to Local Government Minister Adem Somyurek Local Government Bill 2019 (separately circulated)

B: Local Government Act Submission - Stage 1 - Moonee Valley Brimbank Wyndham (separately circulated)

C: Local Government Act Submission - Stage 2 - Moonee Valley (separately circulated)

D: Local Government Act Submission - Stage 4 - Moonee Valley (separately circulated)