Agenda

Ordinary Meeting of Council

Tuesday, 8 October 2019
6:30pm
Ordinary Meeting of Council

Tuesday, 8 October 2019 at 6:30pm
to be held at the Moonee Valley Civic Centre

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

Officers:
- Bryan Lancaster
- Kendrea Pope
- Natalie Reiter
- Gil Richardson
- Maria Weiss
- Petrus Barry
- Allison Watt

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

1. Opening

2. Reconciliation Statement

3. Apologies and Leave of Absence

4. Confirmation of Minutes
   Ordinary Meeting of Council held on Tuesday, 24 September 2019.

5. Declarations of Conflict of Interest

6. Presentations
   Nil.

7. Petitions and Joint Letters
   7.1 Market Lane, Aspen Street, Aspen Street to Hall Street traffic flow reversal..............................................................5

8. Public Question Time

9. Reports from Special Committees
   Nil.

10. Reports
    10.1 184 Maribyrnong Road, Moonee Ponds (Lot 1 on Title Plan 232844M) - Construction of three double storey dwellings and a reduction to car parking requirements.................................................6
    10.2 261A, 261B & 261C Keilor Road Essendon (Lot 61 Block F on Plan of Subdivision 3151) - Construction of a five storey building with basement, reduction of car parking, waiver of loading bay requirements and alteration of access to a Road Zone Category 1 ..........31
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   Nil.

14. Delegates Reports

15. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer
PETITIONS AND JOINT LETTERS

7.1 Market Lane, Aspen Street, Aspen Street to Hall Street traffic flow reversal

Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance

Summary
Council has received a petition with 144 signatures, requesting changes to traffic flow around the new building located between Margaret Street, Market Lane and Aspen Street, Moonee Ponds.

The reasons for the proposed changes are:

- Vehicles accessing the Market Lane carpark entrance from Hall Street or Market Street need to turn right to enter the carpark against the existing path of egress to the west in Market Lane.

- Reversing Market Lane traffic flow to the east the carpark access is straight forward keeping left into the entrance. Carpark egress is left turn and exit west out Aspen Street or east via Hall Street.

- Install a Giveway sign in Market Lane at the north east corner of the Aspen Street building for vehicles turning right to exit using either Aspen Street or via the private road to Hall Street.

- In keeping with the MPAC 2040 plan the reversal of the traffic direction on the private road between Aspen St and Hall St would give traffic two exit options to either Margaret Street or Mt Alexander Road.

Recommendation
That Council resolves to:

1. Receive and note the petition.

2. Refer this matter to the Director Planning and Development for investigation and reporting back to Council.

3. Advise the petition organiser accordingly.

Attachments
Nil
# Reports

10.1 184 Maribyrnong Road, Moonee Ponds (Lot 1 on Title Plan 232844M) - Construction of three double storey dwellings and a reduction to car parking requirements

**Author:** Duarte Martins - Statutory Planner  
**Directorate:** Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/999/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Construction of three double storey dwellings and a reduction to car parking requirements</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mr Valentino Grossi (Taouk Architects Pty Ltd)</td>
</tr>
<tr>
<td>Owner</td>
<td>ICCG Developments Pty Ltd</td>
</tr>
</tbody>
</table>
| Planning Scheme Controls | General Residential Zone  
Road Zone, Category 1 Road (Abuts) |
| Planning Permit Requirement | Clause 32.08-6 – Construction of two or more dwellings on a lot |
| Car Parking Requirements (Clause 52.06) | Required – 6 car spaces  
Proposed – 5 car spaces |
| Bicycle Requirements | N/A |
| Restrictive Covenants | None |
| Easements | None |
| Site Area | 453.4m² |
| Number Of Objections | 24 objections from 16 properties |
| Consultation Meeting | 3 July 2019 |
Executive Summary

- This application seeks approval for the construction of three double storey dwellings and a reduction to car parking requirements.
- The site is located on the northern side of Maribyrnong Road on the corner of Maribyrnong Road and Latrobe Street and has an area of 453.4 m².
- The application was advertised and 24 objections from 16 properties were received. The concerns were raised primarily in relation to neighbourhood character, building massing, overdevelopment, privacy/overlooking, car parking/traffic, amenity impacts, compliance with a previous VCAT decision, as well as the environmental impacts of the proposed development.
- A Consultation Meeting was held on 3 July 2019 which was attended by Councillor Marshall (via video link), Councillor Nation, objectors, the permit applicant and Council’s Planning Officer. There was no resolution achieved, as a result of undertaking this process.
- The application was internally referred to Council’s Development Engineering (Drainage) Department, Traffic and Transport Unit, Strategic Planning Department, Heritage Advisor and Arborist. Conditional support to the application was provided.
- The proposal provides an increase in housing supply in an established residential location with excellent access to public transport, open space, retail and community facilities and proximate to the Moonee Ponds Activity Centre. The design of the proposed development is consistent with the established and emerging character of the area.
- The proposal achieves a high level of compliance with the Standards of ResCode, with six areas of non-compliance. These areas of non-compliance related to street setback, landscaping, walls on boundaries, private open space, storage and site services. The non-compliances relating to street setbacks and walls on boundaries are considered to be appropriate and meet the Objectives of these Standards. The non-compliances relating to landscaping, private open space, storage and site services can be easily resolved through conditions on any permit issued.
- Overall, this assessment report finds the proposal demonstrates an acceptable level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It is recommended a Notice of Decision to Grant a Permit be issued, subject to conditions.
Recommendation

That Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/999/2018 for the construction of three dwellings and a reduction to car parking requirements at 184 Maribyrnong Road, Moonee Ponds (Lot 1 on Title Plan 232844M), subject to the following conditions:

Endorsement Conditions

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

   a) All references to “or similar” in the “Materials and Finishes Schedule” to be deleted;
   b) The notation on the “Western Fence Elevation” relating to the mailbox associated with Dwelling 2 be corrected;
   c) A note stating that the area in between the first floor wall on the eastern elevation associated with Dwellings 1 and 2 and the eastern title boundary above the associated car spaces is to remain open and clear to the sky;
   d) The walls along the western elevation associated with the garages to be finished in “CR2 – Concrete Render – Dulux ‘Nightsky’” in accordance with the amended plans submitted to Council on 23 July 2019;
e) An additional or an alternative colour and material finish applied to the first floor eastern elevation;

f) The clotheslines associated with Dwellings 2 and 3 to be relocated from the balconies into the services yards;

g) The provision of pedestrian visibility splays in accordance with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme on both sides of each accessway and the north-western corner of the lot (adjacent to the Right of Way);

h) A splay to splay distance of 6.0 metres between the crossovers associated with Dwellings 1 and 2 and Dwelling 3;

i) The vehicular crossovers to be constructed in accordance with Council’s Vehicle Crossing Policy including all relevant dimensions;

j) The vehicular crossover associated with Dwelling 3 to be 3.0 metres in width;

k) The headroom clearance to each garage door in an open position to be a minimum 2.1 metres in height;

l) The garages associated with Dwellings 1 and 2 to be setback 5.4 metres from the western title boundary including any alterations to the length of the garages as a result of this change;

m) A note on the plans stating that the grades of the tandem car spaces are to not exceed 1:20;

n) All BESS Report related notations;

o) The location of the street trees to be removed as a result of Conditions 10-12;

p) A Landscape Plan in accordance with Condition 4;

q) The WSUD details in accordance with Condition 5; and

r) All stormwater treatment measures and annotations in accordance with Condition 3.

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

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

3. Stormwater from the development must be treated to meet the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999 (Guidelines), as amended. The performance objectives of the Guidelines must be met entirely on site as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority; except that with the written consent of the Responsible Authority, up to 20% of treatment may be delivered offsite as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority.
4. Before the development starts, and before any trees or vegetation are removed, a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and an electronic copy must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:
   a) Any changes 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) The provision of three canopy trees within the front setback of Dwelling 1 and one canopy tree in the front setback of Dwellings 2 and 3, which are all able to achieve a minimum mature height of 4 metres;
   e) Features such as paths, paving and accessways;
   f) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-9 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and
   g) An appropriate irrigation system.
When approved the 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.

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

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

   a) Inspection frequency;
   b) Cleanout procedures;
   c) As installed design details/diagrams including a sketch of how the system operates; and
   d) A report confirming completion and commissioning of all WSUD Response treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

End Endorsement Conditions

Development Conditions

8. The water sensitive urban design treatments as specified within the Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority must be implemented on site prior to the occupation of the development unless an alternative agreement is reached with the Responsible Authority.

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

10. The existing street trees on the nature strip adjacent to the western title boundary of the site 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.

11. Before the existing street trees on the nature strip adjacent to the western title boundary of the site are removed to facilitate the new crossover, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the tree must be undertaken to the requirements and satisfaction of the Responsible Authority.
12. The existing street trees on the nature strip adjacent to the western title boundary of the site to be removed must be replaced with advanced trees which are at least 2 metres high at the time of planting and of a species and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the replacement trees including:
   a) Method of mulching and mounding;
   b) The species of the replacement planting;
   c) The size of planting and their maturity; and
   d) The location of the replacement planting.

All costs associated with the removal and replacement of the street trees must be borne by the permit/applicant.

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

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

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

to the satisfaction of the Responsible Authority.

14. 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.
15. 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.

16. 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.

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

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

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

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

End Development Conditions

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

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

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

Permit Notes

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

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

- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council’s Technical Services Department and be to the satisfaction of the Responsible Authority.
• 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 https://www.mvcc.vic.gov.au/csmp or in person at 9 Kellaway Avenue, Moonee Ponds.

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

• 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.

1. Introduction

1.1 Subject Site and Surrounds

The subject property is located on the northern side of Maribyrnong Road, Moonee Ponds on the corner of Maribyrnong Road and La Trobe Street.

The site is rectangular in shape with a frontage of 12.19 metres and a depth of 37.19 metres resulting in a total site area of 453.4 m².

Vehicular access to the site is achieved through a crossover from the north-western corner of the site from Latrobe Street. A Right of Way is located along the northern title boundary of the site.

The surrounding land is within a General Residential Zone and the site abuts a Road Zone Category 1 along the southern title boundary. Residential developments are quite varied with regards to the size and type of residential development, with a mixture of single dwellings on narrow allotments, as well as many examples of multi-unit development in proximity to the site.

The character of the area can be described as transitional, featuring many multi-unit developments along Maribyrnong Road alongside single dwellings on narrow lots, with La Trobe Street featuring single and double storey dwellings on various lot sizes. The external materials finishes in the immediate area are mainly brick, weatherboard and render finished in differing colours. Due to the diverse built form in the streetscape, material and colour finishes are highly differentiated dependant on the size, type and era of the housing stock. Building frontages include single and double frontages. Roof forms in the area are predominantly hipped, with some examples of gabled-ended roof forms and the larger-scale multi-unit developments typically making use of flat roof forms.

The site has good access to local amenities and public transport options with Tram Routes 57 and 82 running directly in front of the site. In addition to this, the site is within approximately 800 metres of Bus Routes 467 and 468, as well as Moonee Ponds Train Station. Using the available transport, the site is relatively proximate to the Union Road Neighbourhood Activity Centre and the Moonee Ponds Activity Centre, as well as Maribyrnong Park, Walter Street Reserve, St Marys Catholic Primary School and Moonee Ponds West Primary School.
Figure 2 – Subject Site (184 Maribyrnong Road, Moonee Ponds) viewed from 184 Maribyrnong Road, Moonee Ponds

Figure 3 – Subject Site (184 Maribyrnong Road, Moonee Ponds) viewed from 1 Latrobe Street
1.2 Proposal

It is proposed to construct three double storey dwellings. All dwellings are to contain three bedrooms and are in a reverse living arrangement with balconies to face the La Trobe Street frontage. Dwellings 1 and 2 are to have two car spaces with Dwelling 3 to have one car space.

Table 1

<table>
<thead>
<tr>
<th>Number of dwellings / Description of proposed buildings and works</th>
<th>Construction of three, three-bedroom dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Car Spaces</td>
<td>Required – 6</td>
</tr>
<tr>
<td></td>
<td>Proposed – 5</td>
</tr>
<tr>
<td>Number of bicycle spaces</td>
<td>Required – 0</td>
</tr>
<tr>
<td></td>
<td>Proposed – 0</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>Required – 11 metres and 3 storeys maximum above Natural Ground Level. Proposed – 7.15 metres and two storeys.</td>
</tr>
<tr>
<td>Site Area</td>
<td>453.4 square metres</td>
</tr>
<tr>
<td>Site Coverage</td>
<td>60.00%</td>
</tr>
<tr>
<td>Permeability</td>
<td>31.55%</td>
</tr>
<tr>
<td>Garden Area</td>
<td>31.55%</td>
</tr>
</tbody>
</table>
Refer Appendix B plans.

2. Background

2.1 Relevant Planning History

The Planning Permit history associated with the site includes the following:

- MV/732/2017 – Construction of four dwellings
  - Council Refused 22 May 2018
  - VCAT Refused 7 November 2018

Further discussion of this decision is provided in Section 9.

3. Planning Policies and Decision Guidelines

Planning Policy Framework
Clause 11 Settlement
Clause 15 Built Environment and Heritage
Clause 16 Housing
Clause 18 Transport
Clause 19 Infrastructure

Local Planning Policy Framework
Clause 21.03 Vision
Clause 21.05 Housing
Clause 21.06 Built Environment
Clause 21.09 Transport
Clause 21.10 Social and Physical Infrastructure
Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning
Clause 32.08 General Residential Zone

Overlays
N/A

Particular and General Provisions
Clause 52.06 Car Parking
Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road
Clause 53.18 Stormwater Management in Urban Development
Clause 55 Two or More Dwellings on a Lot
Clause 65 Decision Guidelines
Clause 71.02-3 Integrated Decision Making
4. **Referrals**

The application was not required to be referred to any external referral authorities.

The proposal was referred to the following internal Council Departments and their comments are summarised as follows:

**Table 2**

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Conditions/Comments</th>
</tr>
</thead>
</table>
| Traffic and Transport Unit       | No objection subject to the following standard and non-standard conditions:  
  - A notation on the plans that pedestrian visibility splays are to have no obstruction greater than 900mm in height;  
  - Include a dimension of the accessway/crossover to Dwelling 3;  
  - Dimensions demonstrating headroom clearance of 2.1 metres for each garage door with the door in an open position;  
  - The garages for Dwelling 1 and 2 to be setback 5.4 metres from the property boundary;  
  - A notation on the plans stating the grades along the tandem spaces are to not exceed 1:20;  
  - A splay to splay distance of 6.0 metres between all vehicular crossovers including the vehicular crossover associated with the Right of Way to the north of the site; and  
  - All structures within the splay between the Right of Way and La Trobe Street are to be no greater than 900mm in height. |
| Development Engineering (Drainage) Unit | No objections subject to standard conditions.                                                                                                                                                    |
| Council’s Arborist               | No objections subject to standard conditions.                                                                                                                                                      |
| Strategic Planning               | No objections to the proposal, as the property on the site has already been demolished and is not recommended for inclusion in the Heritage Overlay.                                                                 |
| Heritage Advisor                 | No objections to the proposal, as the property on the site has already been demolished. Whilst the site is included in the Heritage Gap Study it is not recommended for inclusion in the Heritage Overlay. |
5. **Public Notification of the Application**

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

A total of 24 objections from 16 properties were received from the properties contained within Appendix D of this report.

6. **Consultation Meeting**

A Consultation Meeting was held on 3 July 2019, which was attended by Councillor Marshall (via video link) and Councillor Nation, objectors, the permit applicant and Council’s Planning Officer. No formal resolution was achieved at the meeting.

7. **Discussion**

7.1 **Does the proposal address the relevant Planning Policy and State and Local 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, inclusive of ‘Plan Melbourne: Metropolitan Planning Strategy’, broadly encourage consolidation of urban allotments in locations which can provide additional housing in areas with good access to existing public transport and community and commercial services.

The site is a suitable candidate for redevelopment considering its size and location in a residential area. The proposal represents an appropriate degree of housing intensification, and contributes to the objective of housing diversity, providing a mix of dwellings sizes and styles that will cater for the increasingly diverse needs of future residents.

The proposal generally complies with the requirements of Clause 21.04-3 (Ecologically Sustainable Development), Clause 21.10-2 (Integrated Water Management in Urban Development) through the use of ecological sustainable design principles. The STORM Report and associated plans have some minor inaccuracies and inconsistencies, it will thus be necessary to provide an amended STORM Report and plans. These issues can be resolved through conditions on any permit issued. The BESS Report has been assessed and demonstrates a commitment to sustainable design measures, which will reduce the environmental impact of the development. However, the plans are missing some of the relevant BESS notations, as such as part of permit issued the relevant notations will need to be included on all the relevant plans.

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

The proposal contributes to the objective of Clause 21.05 (Housing) as it relates to providing a variety of housing choices in appropriate locations to meet the needs of an increasingly diverse range of households. Furthermore, the Moonee Valley Housing Strategy 2010 is a reference document of this Clause and provides guidance on the level of change expected in appropriate locations.
The site is located in an area of ‘Slight to Moderate Housing Intensification’. On this basis, the proposed level of change proposed is consistent with relevant policy guidelines contained at Clause 21.05 (Housing) and the Housing Strategy through increasing housing opportunities to meet growing population needs, providing diversity of housing choice in a well-established area with access to public transport options and local/community services.

Embedded within Clause 21.06 (Built Environment) is the ‘Moonee Valley Neighbourhood Character Study 2012’ as a reference document. Under the Character Study, the subject site is located within the Garden Suburban 3 which forms part of the Neighbourhood Character Precinct Profiles incorporated under the Moonee Valley Planning Scheme. As outlined in Section 7.2 of this report the proposal accords with these requirements.

Overall, subject to conditions on any Planning Permit issued, the development respects neighbourhood character improves housing choice, makes better use of existing infrastructure and improves energy efficiency.

7.2 Does the proposal respond appropriately to the existing or preferred Neighbourhood Character of the area?

The subject land is identified as being within the ‘Garden Suburban 7 Precinct within the 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 existing dwelling has already been demolished. It should be noted the property was in Council’s Heritage Gap Study, but was not recommended for inclusion in the Heritage Overlay; the demolished property was not significant and did not contribute to the streetscape significantly.

- The proposed built form is contemporary in style and generally reflective of the emerging and existing character of multi-unit developments in the surrounding area.

- The siting and massing of the development including setbacks is consistent with the emerging pattern of development which has occurred in the immediate and wider area and is responsive to its corner location, site context and main road abuttal, due to the proportional setbacks provided along the eastern, southern and western boundaries.

- The built form of the development is highly articulated through the use of varied setbacks, raked ceilings between each dwelling, porch treatments, windows and a variety of materials and finishes. The articulation reduces the presentation of a continuous length of built form at first floor level, however this effect has not been achieved at ground floor level on the western elevation, as there are no colour and/or material transitions at ground floor level. This lack of articulation at ground results in an emphasis of the horizontal mass of the development contributing to the presentation of an overwhelming and awkward elongated presentation of built form along the western elevation. As a result of discussion, informal plans have been submitted to Council on 23 July 2019 which include a different colour and material above the garages to break up the heaviness along the western elevation. Refer to Appendix C.
Further, the first floor eastern elevation lacks sufficient variation in colour and materials, resulting in primarily shades of grey render presenting to the habitable windows of the adjoining property. As such, it is recommended an additional colour and/or material be introduced at first floor level to provide improved visual interest and articulation to this elevation.

- The skillion roof form together with flat roof form at ground floor level is considered to be an appropriate design response. The skillion element references gable and hipped roof elements, which are a common characteristic of the existing low-scale housing stock in the immediate area, with the flat roof form referencing the existing triple storey multi-unit developments in the immediate area. Additionally, the mixed roof form assists in the reduction of building bulk to the rear of the site, allowing for an appropriate transition to the low-scale residential area of La Trobe Street.

- The materials and finishes are predominantly red brick and timber cladding, as well as metal cladding and render finished in shades of grey. The proposed colours and materials are complementary to the typical colours and finishes found in the immediate area that feature mainly reds, creams, browns and tan colours.

- Sufficient areas within the front and rear setbacks are provided for a landscaping response, including multiple locations to provide canopy tree planting to contribute to the garden character of the area;

- The inclusion a 1.2 metre high brick front fence and side fence for Dwelling 1, and 900mm high front fence for Dwellings 2 and 3 with sections of metal infill, is viewed to be an appropriate response to the Neighbourhood Character Guidelines. The height and configuration of the proposed fencing does not compromise passive surveillance opportunities and allows landscaping within the front setbacks to be seen by the public. Consequently, the development positively contributes to the Garden Suburban nature of the immediate area.

- All car parking areas front the secondary frontage of La Trobe Street and are proportional to the size of the proposed dwellings and appropriately setback from the front façades of the proposed dwellings, with the proposed vehicular crossovers of Dwellings 1 and 2 consolidated; these characteristics reduce the visual dominance of the garages and car parking areas.

7.3 Does the proposal address the purpose and requirements of the Zone Overlay?

The proposal provides 30.55% of Garden Area and has a maximum height of 7.15 metres, thus complying with the requirements of Clause 32.08-4 and Clause 32.08-10 (General Residential 1 Zone) of the Moonee Valley Planning Scheme.
7.4 Does the proposal address the relevant Car Parking Provisions?

The proposal is deemed 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

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 – Car Park Provision**

<table>
<thead>
<tr>
<th>Dwelling</th>
<th>No. of bedrooms</th>
<th>Requires</th>
<th>Provides</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling 1</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Dwelling 2</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Dwelling 3</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>6</strong></td>
<td><strong>5</strong></td>
</tr>
</tbody>
</table>

Council’s Traffic and Transport Unit did not object to the proposal, as the development generally accords with Clause 52.06-9 (Design Standards for Car Parking), subject to the following conditions on any permit issued for the provision of:

- A notation on the plans that pedestrian visibility splays are to have no obstruction greater than 900mm in height;
- Include a dimension of the accessway/crossover to Dwelling 3;
- Dimensions demonstrating headroom clearance of 2.1 metres for each garage door with the door in an open position;
- The garages for Dwelling 1 and 2 to be setback 5.4 metres from the property boundary;
- A notation on the plans stating the grades along the tandem spaces are to not exceed 1:20;
- A splay to splay distance of 6.0 metres between all vehicular crossovers including the vehicular crossover associated with the Right of Way to the north of the site; and
- All structures within the splay between the Right of Way and La Trobe Street are to be no greater than 900mm in height.

Furthermore, the proposal involves a reduction from two car spaces to one car space for Dwelling 3. A reduction to the car park requirements is acceptable in this instance for the following reasons:

- The site is located with Principal Public Transport Network Area, as such the immediate area has numerous public and active transport facilities.
options, which can supplement the omission of one car space for Dwelling 3, including but not limited to tram, train, bus and cycling routes to Activity Centres, as well as the CBD;

- The proposal includes bicycle racks to supplement the shortfall;
- The proposal allows for a diverse range of dwellings with different arrangements to cater of different people in the community; and
- The previous iteration of this design response proposed to have garaging and the associated driveway located along the northern side of the lot, which resulted in safety issues due to its proximity to the Right of Way. Consequently, it was recommended the garage associated with Dwelling 3 be relocated away from the Right of Way. However, relocating the garage would result in a non-compliant level of overshadowing to the Private Open Space area of 186A Maribyrnong Road. Consequently, this compromised the proposal’s ability to provide a similar car parking arrangement as seen with Dwellings 1 and 2, which provides two car spaces for each dwelling.

7.5 Does the proposal address the purpose and requirements of Stormwater Management?

Table 4

<table>
<thead>
<tr>
<th></th>
<th>Complies</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>STORM Report</td>
<td>No</td>
<td>All the nominated impervious surface areas (the surfaces on the unroofed areas associated with the garages of Dwellings 1 and 2) are not included on the STORM Report. As such it will be necessary to submit an amended STORM Report.</td>
</tr>
<tr>
<td>STORM measures / annotations</td>
<td>No</td>
<td>The proposal includes all the standard notations and annotations, as well as a WSUD/Roof Plan with all the relevant information to allow for a complete assessment of the system. However, the notations and annotations will need to be updated to accord with the amended STORM Report.</td>
</tr>
</tbody>
</table>
7.6 Does the proposal address the purpose and requirements of BESS?

Table 5

<table>
<thead>
<tr>
<th>BESS Report</th>
<th>Complies</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
<td>The commitments outlined in the BESS Report are considered to be acceptable.</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td>The plans are missing some of the standard notations and items which are to be marked on the plans, as part of any BESS Report.</td>
</tr>
</tbody>
</table>

7.7 Does the proposal address the purpose and requirements of ResCode?

The proposal is considered to generally comply with the provisions of Clause 55 as set out in the summary table in Appendix A. The following points of non-compliance are assessed below:

Table 6

<table>
<thead>
<tr>
<th>Standard</th>
<th>Response</th>
</tr>
</thead>
</table>
| Clause 55.03-1 (Standard B6 – Street Setback)                            | The minimum street setback of Dwellings 2 and 3 from La Trobe Street ranges from 2.84-2.99 metres at ground floor level, which does not comply with the minimum setback of 3.0 metres required by ResCode. This non-compliance is acceptable for the following reasons:  
  - Sufficient landscaping will be retained within the frontage of the proposed dwelling;  
  - The encroachment is quite minor at only 160mm;  
  - The proposal has a highly articulated façade;  
  - The existing properties along La Trobe Street are characterised by minimal street setbacks;  
  - The visual impact of this encroachment will be minimised due the site being located on a corner; and  
  - The design response provides an efficient and pragmatic use of space on the site. |
<p>| Clause 55.03-8 (Standard B13 – Landscaping)                             | The submitted plan shows adequate areas for planting for the development. No significant vegetation inhabits the site. A condition of any permit issued will require a fully detailed landscape plan, which includes suitable canopy trees to be prepared by a suitably qualified landscape architect or firm. |</p>
<table>
<thead>
<tr>
<th>Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 55.04-2 (Standard B18 – Walls on Boundaries)</td>
<td>The northern ground floor wall has a maximum average height of 4.22 metres with a maximum height of 4.28 metres, and the northern first floor wall has a maximum average height of 6.30 metres with a maximum height of 6.32 metres. As such, these walls do not comply with the requirements of this Standard, which specifies a maximum average height of 3.2 metres and maximum wall height of 3.6 metres. However, this variation is considered to be acceptable for the following reasons:</td>
</tr>
<tr>
<td></td>
<td>• The non-compliant walls are a sufficient distance from any habitable windows;</td>
</tr>
<tr>
<td></td>
<td>• The dwelling to the north of the site will block and filter any views to the wall from Latrobe street;</td>
</tr>
<tr>
<td></td>
<td>• The wall abuts a Right of Way which functions as a buffer for any adverse visual impacts;</td>
</tr>
<tr>
<td></td>
<td>• The wall incorporates suitable articulation methods including windows and material transition to break up the expanse of wall on boundary;</td>
</tr>
<tr>
<td></td>
<td>• The location of the wall does not adversely affect the character of the immediate area; and</td>
</tr>
<tr>
<td></td>
<td>• The overall length of the walls concerned comply with the allowable length permitted under the requirements of this Standard.</td>
</tr>
<tr>
<td>Clause 55.05-4 (Standard B28 – Private Open Space)</td>
<td>The proposal does not comply with the requirements of Clause 55.05-4 (Standard B28 – Private Open Space), as the clothes lines associated with Dwellings 1 and 2 are located within the balconies which compromises the useability of the private open space by reducing their overall size and accessibility. Therefore, it will be necessary to relocate the clothes lines to the service yards of these dwellings.</td>
</tr>
<tr>
<td>Clause 55.06-4 (Standard B34 – Site Services)</td>
<td>The proposal does not comply with the requirements of Clause 55.06-4 (Standard B34 – Site Services), as the clothes lines associated with Dwellings 2 and 3 are located within the balconies, which is unattractive, compromising the aesthetics of the development. Consequently, it will be necessary to relocate the clothes lines to the service yards of these dwellings.</td>
</tr>
</tbody>
</table>

8. Objections

The following table provides a discussion of the concerns raised with the objections of this application.
<table>
<thead>
<tr>
<th>Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighbourhood Character</td>
<td>Refer to Section 7.2 and 7.7 and Section 9 of this report for discussion</td>
</tr>
<tr>
<td>Bulk and height</td>
<td>Refer to Section 7.2 and 7.7 and Section 9 of this report for discussion</td>
</tr>
<tr>
<td>Density and Overdevelopment</td>
<td>The proposal achieves a high level of compliance with all the relevant policies applicable for this type of development. Consequently, it is considered the proposed development is not an overdevelopment. Refer to Section 7.2 and 7.7 and Section 9 of this report for discussion.</td>
</tr>
<tr>
<td>Overshadowing and solar/daylight access</td>
<td>The proposal is fully compliant with Clause 55.04-3 (Standard B19 – Daylight to Existing Windows) and Clause 55.04-5 (Standard B21 – Overshadowing Open Space) of Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>Compliance with Clause 55.05 (Standard B27 – Daylight to New Windows)</td>
<td>The proposal is fully compliant with Clause 55.05 (Standard B27 – Daylight to New Windows) of the Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>Compliance with Clause 55.05-4 (Standard B28 – Private Open Space)</td>
<td>The proposal is fully compliant with Clause 55.05-4 (Standard B28 – Private Open Space) of the Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>Reduction to car parking requirements</td>
<td>Further discussion is provided in Section 7.4.</td>
</tr>
<tr>
<td>People gathering resulting in noise and or anti-social behaviour</td>
<td>The proposed development is residential in nature, which is a Section 1 Use within the General Residential Zone and therefore, any noise as a result of the development will be at acceptable levels. Furthermore, any issues with regards to anti-social behaviour due to the location of the balconies is a matter for Victoria Police. There is no causal link between the provision of balconies and anti-social behaviour.</td>
</tr>
<tr>
<td>Environmental Performance of the</td>
<td>The proposed development is compliant with the environmental requirements outlined in Clause 21.04-3 (Ecologically Sustainable Development) through the</td>
</tr>
</tbody>
</table>
Dwellings

Provision of a BESS Report. Furthermore, the proposal is conditionally compliant with the requirements of Clause 22.03 (Stormwater – Water Sensitive Urban Design). Further discussion is provided in Section 7.5 and 7.6.

Heat island effect

The proposal provides sufficient space for canopy tree planting and suitable landscaping to minimise the heat island effect of the proposed development.

Location of clotheslines

The location of the clotheslines associated with Dwellings 2 and 3 is considered to be unacceptable. Therefore, it will be necessary for the clotheslines to be relocated to an appropriate location. Refer to Section 7.7 of this report for discussion.

Drainage Issues

The proposal has been assessed by Council’s Development Engineering (Drainage) Department and no issues have been raised with regards to drainage and this proposal.

Privacy

The proposal is fully compliant with Clause 55.04-6 (Standard B22 – Overlooking) of the Moonee Valley Planning Scheme.

9. Does the proposal address the issues raised by VCAT in its refusal of the previous application?

The previous Planning Application MV/732/2017 for the construction of four dwellings was refused by the Victorian Civil and Administrative Tribunal (VCAT) in ICCG Development Pty Ltd v Moonee Valley CC [2017] VCAT 1718. Council’s position at VCAT was that the application should be refused. As this proposal is a similar application, it is appropriate to have regard to VCAT’s previous determination. Table 8 provides a comparison of the key characteristics of the previous proposal and current proposal:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heat island effect</td>
<td>The proposal provides sufficient space for canopy tree planting and suitable landscaping to minimise the heat island effect of the proposed development.</td>
</tr>
<tr>
<td>Location of clotheslines</td>
<td>The location of the clotheslines associated with Dwellings 2 and 3 is considered to be unacceptable. Therefore, it will be necessary for the clotheslines to be relocated to an appropriate location. Refer to Section 7.7 of this report for discussion.</td>
</tr>
<tr>
<td>Drainage Issues</td>
<td>The proposal has been assessed by Council’s Development Engineering (Drainage) Department and no issues have been raised with regards to drainage and this proposal.</td>
</tr>
<tr>
<td>Privacy</td>
<td>The proposal is fully compliant with Clause 55.04-6 (Standard B22 – Overlooking) of the Moonee Valley Planning Scheme.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Previous Proposal</th>
<th>Current Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of dwellings</td>
<td>Four dwellings (2x3 bedroom dwellings and 2x2 bedroom dwellings)</td>
</tr>
<tr>
<td>Built form typology</td>
<td>Townhouses</td>
</tr>
<tr>
<td>Building height</td>
<td>9.80 – 9.70 metres (3 storeys dwellings 1-3) and 6.37 metres (2 storeys dwellings 3-4)</td>
</tr>
</tbody>
</table>
Table 9 outlines how the development has addressed the issues raised by the previous VCAT decision:

### Table 9

<table>
<thead>
<tr>
<th>Issues raised as part of MV/732/2017</th>
<th>Issues addressed as part of MV/999/2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visual bulk and extent of built form presenting to the adjoining properties and the streetscape.</td>
<td>The overall visual bulk of the development has been significantly reduced through the deletion of the third storey and the introduction of staggered setbacks, which feature raked ceilings between the dwellings to improve the overall visual interest of the development. This allows each dwelling to present as three distinct forms, reducing the length of continuous built form presenting Maribyrnong Road, La Trobe Street and the adjoining properties.</td>
</tr>
<tr>
<td>Detailing in conjunction with the overall extent of the first and second floor contributing to an overwhelming built form.</td>
<td>The proposal has reduced the dominance of the built form through a decrease to the overall height of the development by 3.43 metres. In addition, subject to conditions, the proposal will include additional articulation measures along the eastern and western elevations to ensure the built form presenting to the streetscape and its surrounds will not be dominant and overwhelming.</td>
</tr>
<tr>
<td>Excessive maximum overall height.</td>
<td>The proposal has been reduced from a maximum height of 9.80 metres (3 storeys) to a maximum height of 6.37 metres (2 storeys).</td>
</tr>
<tr>
<td>Excessive hard paving within the front setbacks of Dwellings 1, 2 and 4.</td>
<td>The proposed development provides sufficient space for an appropriate landscaping response. This is achieved through a reduction to number of vehicular crossovers accessing La Trobe Street, which allows for additional landscaping</td>
</tr>
<tr>
<td>Issues raised as part of MV/732/2017</td>
<td>Issues addressed as part of MV/999/2018</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Insufficient daylight to the habitable windows along the western elevation of 182A Maribyrnong Road.</td>
<td>The proposal complies with Clause 55.04-3 (Standard B19 – Daylight of Existing Windows) of Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>The level of overshadowing experienced by 182A Maribyrnong Road.</td>
<td>The proposal complies with Clause 55.04-5 (Standard B21 – Overshadowing Open Space) of Moonee Valley Planning Scheme.</td>
</tr>
<tr>
<td>The extent of garaging presenting towards the La Trobe Street frontage.</td>
<td>A reduction to the total number of dwellings allowing for reduced built form and a decrease to the extent of garaging presenting to the La Trobe Street.</td>
</tr>
</tbody>
</table>

Consequently, the proposed development is deemed to have satisfactorily addressed the issues raised by VCAT in its previous decision.

10. **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; and
- Strategic Direction 20: A city in a beautiful landscape setting.

11. **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).
12. Conclusion

The application has been assessed against the relevant provisions of the Planning Policy Framework, Local Planning Policy Framework, zoning and overlay controls, the relevant Particular and General Provisions, and the decision guidelines at Clause 65 of the Moonee Valley Planning Scheme. Additionally, consideration has been given to the requirements of Section 60(1B) of the Planning and Environment Act 1987 and it is determined that the proposal would not have a significant social effect.

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

Attachments

A: Clause 55 Assessment (separately circulated)
B: Plans (separately circulated)
C: Informally Amended Plans (separately circulated)
D: Objector List (separately circulated)
10.2 261A, 261B & 261C Keilor Road Essendon (Lot 61 Block F on Plan of Subdivision 3151) - Construction of a five storey building with basement, reduction of car parking, waiver of loading bay requirements and alteration of access to a Road Zone Category 1

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

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/552/2017/A</th>
</tr>
</thead>
</table>
| Proposal          | • Replacement of the approved 20 dwellings with 40 serviced apartments (Residential Hotel);
|                   | • Deletion of the basement level;
|                   | • Deletion of the ground floor shop;
|                   | • Inclusion of business identification signs for the hotel;
|                   | • Minor internal and external changes; and
|                   | • Subsequent alterations to the permit preamble and conditions. |

| Applicant         | Planning & Property Partners |
| Owner             | EVR Group Pty Ltd |

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

| Car Parking Requirements (Clause 52.06) | No rate specified – requirement is to the satisfaction of the Responsible Authority |

| Bicycle Requirements | Requires: 8 bicycle spaces Applicant proposes: 9 bicycle spaces (5 on-site and 4 on the footpath) |

| Restrictive Covenants | None |
| Easements            | None |
| Site Area            | 650 square metres |
### Executive Summary

- This application seeks to amend Planning Permit MV/552/2017, which was issued by Council on 1 May 2018 for the construction of a five storey building with basement, reduction of car parking, waiver of loading bay requirements and alteration of access to a Road Zone Category 1. The planning permit is still valid.
- The site is 650 square metres in area, located on the southern side of Keilor Road, Essendon and currently comprises of two commercial tenancies fronting Keilor Road and a dwelling at the rear of the site.
- The proposed amendment seeks the replacement of the proposed dwellings with serviced apartments (resulting in an increase to 40 serviced apartments in lieu of 20 dwellings), the deletion of the ground floor shop and basement level, associated internal alterations to the approved building footprint and minor external changes. There are no proposed increases to the building height or dwelling footprint.
- The application was advertised and five objections were received. Concerns were raised in relation to the proposed amended use, overdevelopment/building height, off-site amenity impacts (privacy/overlooking, rear setbacks, noise, pollution/rubbish), location of service/plant equipment, car parking, drainage, minimal landscaping and traffic.
- The amended application was referred internally to Council’s Traffic and Transport Unit, Environmentally Sustainable Design Officer and Waste Management Officer. Conditional support to the proposed amendment was provided. Externally, the amended application was referred to VicRoads who did not object to the amendment subject to conditions.
- In accordance with Council’s Statutory Planning protocols, a Consultation Meeting was not held as less than 10 objections from 10 different properties were received.
- The proposed amendment generally achieves a high level of compliance with the decision guidelines of the Commercial 1 Zone, Design and Development Overlay Clause 52.05 (Signs) and Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme, subject to conditions. The proposal is considered appropriate in terms of land use for the subject site due to its location within an Activity Centre and proximity to transport and other services.
- Overall, this assessment report finds the proposal demonstrates an adequate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme, and recommends a Notice of Decision to Grant an Amended Permit be issued subject to conditions.

<table>
<thead>
<tr>
<th>Number Of Objections</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consultation Meeting</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>
Recommendation

That Council issues a Notice of Decision to Grant an Amended Planning Permit in relation to Planning Permit Application No. MV/552/2017/A for the Construction of a five storey building with basement, reduction of car parking, waiver of loading bay requirements and alteration of access to a Road Zone Category 1 at 261A, 261B & 261C Keilor Road Essendon (Lot 61 Block F on Plan of Subdivision 3151) in accordance with the following:

The following alterations to the Planning Permit:

- The preamble amended to – “Use and development of the land for a five storey residential building (Residential Hotel), reduction of bicycle facilities requirement, display of internally illuminated business identification and high wall business identification signs and alteration of access to a Road Zone Category 1”.

The following changes to the permit conditions:

- The deletion of Conditions 1 c), 1 d), 1 g), 1 h), 1 p), 8 and 17;
- Condition 1 i) modified to read:
  The removal of all bicycle racks, including those on the Keilor Road frontage;
- Condition 1 r) modified to read:
  External lighting capable of illuminating the hotel entrance and vehicle entrance along Keilor Road;
- Condition 1 u) modified to read:
  An amended BESS report in accordance with Condition 29, with all annotations and measures shown on the plans;
The inclusion of Condition 1 v):

*The elevations updated to show the correct colours and finishes in accordance with the colour and materials schedule;*

- The inclusion of Condition 1 w):
  *All new or modified south-facing windows to be screened or have raised sill heights up to 1.7 metres above finished floor level;*

- The inclusion of Condition 1 x):
  *The car parking area to have a minimum gradient of 1:200, graded towards a discharge point for drainage purposes;*

- The inclusion of Condition 1 y):
  *The doors to services (gas, etc.) are not to open outwards to Keilor Road (i.e. into the footpath) unless otherwise required by the relevant Service Authority;*

- The inclusion of Condition 1 z):
  *An amended Car Parking Management Plan in accordance with Condition 7;*

- The inclusion of Condition 1 aa):
  *An amended Waste Management Plan in accordance with Condition 9;*

- The inclusion of Condition 1 bb):
  *An amended WSUD report in accordance with Condition 28, with all stormwater treatment measures and associated annotations shown on the plans; and*

- The inclusion of Condition 1 cc):
  *Any changes as a result of VicRoads Conditions 22 – 27.*

- Condition 7 modified to read:

*Before the development starts, a Car Parking Management Plan (CPMP) prepared by a suitably qualified person or firm 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) All access controls, such as boom gates, roller doors and intercom systems etc.;

c) Arrangements for the provision of eleven (11) car spaces;

d) The management of visitor parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances;

e) Lighting of parking areas, entries and exits;

f) All directional signage (occupants, visitors, pedestrians, cyclists etc.) within the carpark;

g) On-site loading arrangements, including times, access, vehicle types, etc.;*
h) Any waste collection arrangements in accordance with the endorsed waste management plan; and

i) Traffic calming measures for inclusion within the accessways and car parking areas on site, including rubber speed humps as appropriate.

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

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

- The inclusion of Condition 9 b)
  Specify off-peak bin collection times.

- Condition 24 modified to read:
  Before the development starts, amended Ground Floor Plan must be submitted to and approved by the Roads Corporation (VicRoads). The plans must be drawn to scale with dimensions and two copies must be provided. The amended plans must provide a passing area of at least 5m wide and 7m long to the driveway at the entrance to Keilor Road, Essendon.

- The inclusion of Condition 25:
  The vehicle crossing and passing area must be constructed to the satisfaction of the Roads Corporation (VicRoads) and / or the Responsible Authority and at no cost to the Roads Corporation, prior to the occupation of any of the proposed dwellings.

- The inclusion of Condition 26:
  The vehicle crossing and passing area must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

- The inclusion of Condition 27:
  The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach to the advertising sign.

- The inclusion of Condition 28:
  Stormwater from the development must be treated to meet the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999 (Guidelines), as amended. The performance objectives of the Guidelines must be met entirely on site as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority; except that with the written consent of the Responsible Authority, up to 20% of treatment may be delivered offsite as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority.
The inclusion of Condition 29:

A published and compliant 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.

The inclusion of Condition 30:

The location and details of the signs and any supporting structure shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

The inclusion of Condition 31:

The intensity of the light in the signage permitted must be limited to the satisfaction of the Responsible Authority, so as not to cause distraction to motorists in an adjoining street or loss of amenity in the surrounding area.

The inclusion of Condition 32:

Flashing, intermittent or moving light must not be displayed.

The inclusion of Condition 33:

The signage must not be animated in part or whole.

The inclusion of Condition 34:

Bunting, streamers and festooning must not be displayed.

The inclusion of Condition 35:

The signage authorised by this permit must only contain an advertisement which provides or supplies information relating to the business conducted on the land.

Existing Condition 24 (permit expiry condition) renumbered to Condition 36.

The following amendments to the endorsed plans:

- Replacement of the approved 20 dwellings with 40 serviced apartments (Residential Hotel);
- Deletion of the basement level;
- Deletion of the ground floor shop;
- Inclusion of business identification signs for the hotel; and
- Minor internal and external changes.

The deletion of the following notes:

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

The inclusion of the following note:

- This permit has been amended to change what the permit allows, to modify the endorsed plans and to update the conditions accordingly, pursuant to Section 72-76B of the Planning and Environment Act 1987 on XXXX.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the southern side of Keilor Road. The site is irregular in shape, with a frontage to Keilor Road of 16.01 metres. The site has a depth of 42.67 metres and a total site area of 650 square metres.

The site is relatively flat and there are no easements or covenants registered on the Certificate of Title.

The site is currently occupied by two single storey shops, with a frontage to Keilor Road and a single storey dwelling to the rear of the site. Vehicle access to the site is obtained along the eastern alignment from Keilor Road via a single width crossover.

Figure 2 – Subject site (261A, 261B 7 261C Keilor Road, Essendon)

The surrounding area is commercial and residential zoned land, used and developed for commercial and residential purposes. The subject site is located within the Keilor Road Activity Centre, directly abutting an arterial road (Keilor Road) and within 400 metres of the Principal Public Transport Network (PPTN) as it is on the No.59 tram route. The site is also within proximity of bus routes, local businesses, schools and public reserves.
The built form within the vicinity is predominantly single and double storey, with numerous examples of multi-storey mixed use and residential developments evident. There is an eclectic mix of new and contemporary developments nearby.

1.2 Proposal

The permit applicant seeks to amend the development approved under planning permit MV/552/2017 to replace the approved dwellings with serviced apartments.

Internal rearrangements are proposed to accommodate the above change, including the deletion of the ground floor shop and the basement level (which was to be used for storage and to accommodate the mechanical parking).

The following table provides a comparison of the approved and amended proposals:

<table>
<thead>
<tr>
<th></th>
<th>MV/552/2017</th>
<th>MV/552/2017/A</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No of dwellings / serviced apartments</strong></td>
<td>20 dwellings (18 X 2 bedrooms and 2 X 1 bedroom)</td>
<td>40 serviced apartments (16 X 1 bedroom and 24 X studio)</td>
</tr>
<tr>
<td><strong>No of car spaces</strong></td>
<td>19 residential car spaces in stackers</td>
<td>11 non-mechanical car spaces at ground floor level</td>
</tr>
<tr>
<td></td>
<td>1 retail space</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 visitor space</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Car parking at the ground floor level with stacker pits excavated to the basement level</td>
<td></td>
</tr>
<tr>
<td><strong>No of bicycle spaces</strong></td>
<td>12 bicycle spaces (10 residential in basement and 2 visitor within the road reserve)</td>
<td>9 bicycle spaces (5 staff spaces within the car park and 4 visitor spaces within the road reserve)</td>
</tr>
<tr>
<td><strong>Max building height</strong></td>
<td>19.7 metres / 5 stories</td>
<td>18.92 metres / 5 stories</td>
</tr>
<tr>
<td><strong>Site coverage</strong></td>
<td>94.6%</td>
<td>89.85%</td>
</tr>
<tr>
<td><strong>Permeability</strong></td>
<td>5.3%</td>
<td>11.58%</td>
</tr>
<tr>
<td>External buildings and works changes</td>
<td>North elevation (Keilor Road)</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Services relocated to north-west corner of the façade;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Shop entrance replaced with hotel lobby;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Levels 1 and 2 balcony depths reduced from 2.552 metres to 1.293 metres; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Increased number of apartments at level 3 (2 to 4) and level 4 (1 to 2).</td>
<td></td>
</tr>
<tr>
<td>West elevation</td>
<td>• No changes</td>
<td></td>
</tr>
<tr>
<td>South elevation</td>
<td>• South-eastern corner setback increased from 3 metres to 3.153 metres at levels 1 and 2 (apartments 109 and 209);</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Levels 1 and 2 balcony depths reduced from 2.12 metres to 1.199 metres;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Levels 1 and 2 windows widened (1.7 metre sill height retained);</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Levels 3 balcony depths reduced from 2.3 metres to 0.5 metres;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Level 3 windows changed from triple hung to single panel (not screened);</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Level 4 balcony depth reduced from 2.1 metres to 1.6 metres; and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Additional window added to Level 4 to accommodate apartment 405 (not screened).</td>
<td></td>
</tr>
<tr>
<td>East elevation</td>
<td>• Levels 1 and 2 central recess deleted, maximum setback of 4.5 metres provided to apartments 106, 107, 206 and 207;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Repositioning and widening of windows (all levels); and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Level 3 balcony depths reduced from 2 metres to 1.151 metres.</td>
<td></td>
</tr>
<tr>
<td>Business identification signs</td>
<td>• Two internally illuminated business identification signs at ground floor level (3.1 square metres on ground floor wall, 0.48 square metres under the awning); and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Two high wall business identification signs (5.12 square metres on the east and west elevations, approximately 11.4 metres above footpath level)</td>
<td></td>
</tr>
</tbody>
</table>
Refer Appendix B Plans (separately circulated).

In order to accommodate the above requested changes to the use and building footprint, the applicant has also proposed the following modifications to the planning permit:

- Amend the permit preamble to “Construction of a five storey residential building, the provision of car parking to the satisfaction of the Responsible Authority and alteration of access to a Road Zone Category 1”;
- Deletion of Conditions 1 c), h) and p); and Deletion of Condition 7.

2. Background

2.1 Relevant Planning History

Planning application MV/552/2017 was first submitted on 14 July 2017 and sought permission for the construction of a five storey building with basement, reduction of car parking, waiver of loading bay requirements and alteration of access to a Road Zone Category 1. The application was approved at an Ordinary Council Meeting on 27 March 2018 and the planning permit issued on 1 May 2018.

Construction of the approved development has not commenced and the deadline for commencement is 1 May 2020.

Refer Attachment C – Permit and Endorsed Plans (separately circulated).

2.2 Planning Policies & Decision Guidelines

Planning Policy Framework

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.01-R1</td>
<td>Settlement – Metropolitan Melbourne</td>
</tr>
<tr>
<td>11.02-1S</td>
<td>Supply of Urban Land</td>
</tr>
<tr>
<td>13</td>
<td>Environmental Risks and Amenity</td>
</tr>
<tr>
<td>15</td>
<td>Built Environment and Heritage</td>
</tr>
<tr>
<td>17</td>
<td>Economic Development</td>
</tr>
<tr>
<td>19</td>
<td>Infrastructure</td>
</tr>
</tbody>
</table>

Local Planning Policy Framework

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.01</td>
<td>Municipal Framework</td>
</tr>
<tr>
<td>21.02</td>
<td>Key Issues and Influences</td>
</tr>
<tr>
<td>21.03</td>
<td>Vision</td>
</tr>
<tr>
<td>21.04</td>
<td>Sustainable Environment</td>
</tr>
<tr>
<td>21.06</td>
<td>Built Environment</td>
</tr>
<tr>
<td>21.07</td>
<td>Activity Centres</td>
</tr>
<tr>
<td>22.03</td>
<td>Stormwater Management (Water Sensitive Urban Design)</td>
</tr>
</tbody>
</table>
Zoning
Clause 34.01 Commercial 1 Zone
Overlays
Clause 43.02 Design and Development Overlay
Particular and General Provisions
Clause 52.05 Signs
Clause 52.06 Car Parking
Clause 52.34 Bicycle Facilities
Clause 65 Decision Guidelines
Clause 71.02-3 Integrated Decision Making

2.3 Referrals
The following referrals were undertaken:
Table 2

<table>
<thead>
<tr>
<th>External Referrals</th>
<th>Comments/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>VicRoads (Section 55)</td>
<td>No objection subject to conditions relating to vehicle access and sign luminance.</td>
</tr>
</tbody>
</table>

<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 pedestrian visibility, gradients, service enclosure design and car parking management.</td>
</tr>
<tr>
<td>Environmental Sustainable Design (ESD) Officer</td>
<td>No objection subject to an amended Sustainability Management Plan and BESS report and relevant plan notations.</td>
</tr>
<tr>
<td>Strategic Planning Department</td>
<td>No objection – suggested design improvements to materiality, building services, window screens and internal doorways</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, five objections were received as identified within Attachment A of this report. A response to the objections is provided in Section 3.3 of this report.

2.5 Consultation Meeting

A Consultation Meeting was not held as less than 10 objections from 10 different properties were received, in accordance with Council’s Statutory Planning protocols.

3. Discussion

3.1 Are the amendments considered satisfactory against the relevant provisions of the Moonee Valley Planning Scheme?

Planning Policy Framework (PPF)

On balance, the proposed amendment is considered to be appropriate. The conversion of the dwellings to serviced apartments has been achieved through decreases to the floor area and height of the approved building envelope, ensuring the proposed outcome does not result in any major physical changes external to the site (views of the building from adjoining and surrounding properties will be largely unchanged in terms of siting massing when compared to what was previously approved).

Internally, the upper floor levels have been rearranged to accommodate the new serviced apartments within similar or reduced footprints. This has largely been achieved through reduced balcony sizes and has resulted in some minor changes to the size and location of windows, as well as some additional windows included (refer to Table 1 list of buildings and works changes). The proposed window changes are acceptable subject to a condition to ensure the new south-facing windows are screened to mitigate overlooking of the adjoining residential properties.

Notwithstanding the above, the potential impact of the amended land use on the residential abuttals to the south of the site must be considered. The proposed amended use as a Residential Hotel (serviced apartments) is nested under the broader land use term Accommodation in the planning scheme and is an as-of-right use under the Commercial 1 Zone (subject to the condition listed at Table 1 of Clause 34.01-1 – see below for discussion). The newly proposed use is not significantly different in nature to the previously approved use of dwellings in terms of amenity impacts such as noise and overlooking and as such the amendment satisfies Clause 13 (Environmental Risks and Amenity) of the Moonee Valley Planning Scheme.

The proposed amendment also continues to comply with Clause 15 (Built Environment and Heritage) of the Moonee Valley Planning Scheme, again noting the building’s external appearance is generally in accordance with the previously endorsed plans.

The proposed new use of the building as a residential hotel is appropriate for the site given the land is zoned Commercial 1, is in the Principal Public Transport Network, is part of the Keilor Road Activity Centre, and is
relatively close to Essendon Fields Airport (approximately 1 kilometre south, as the crow flies). The site’s proximity to Essendon Fields Airport is particularly relevant to the proposed amended use given the airport’s role as a provider of regional transport to the area – it follows that temporary accommodation such as that proposed in this amendment would be developed proximate to this transport hub. The relevance of transport proximity is supported by Clause 17.04-1S (Facilitating Tourism) of the Moonee Valley Planning Scheme which seeks to encourage tourism development, in part by encouraging a range of well-designed tourist facilities, including accommodation, in areas with suitable access to transport.

Local Planning Policy Framework

The revised development layout has resulted in the requirement for amended BESS and STORM reports pursuant to Clauses 21.04 and 22.03 of the Moonee Valley Planning Scheme. As discussed in Section 2.3 of this report, these have been reviewed by Council’s ESD Officer who has raised no objections subject to some conditional changes which will be included on any amended permit issued.

A Waste Management Plan (WMP) has been submitted with the amended proposal in accordance with Clause 21.04-7 (Waste) of the Moonee Valley Planning Scheme and Condition 9 of the permit. However, the amended WMP does not accord with Council’s Waste Management Plan Guidelines as it proposes private waste collections to occur with loading of waste vehicles from Keilor Road rather than from within the site. Given the proposal was approved with a similar vehicle access arrangement and layout prior to the introduction of the Guidelines, it is not reasonable in this instance to require compliance to be achieved, given that it would necessitate a substantial redesign of the layout of the development. It is further noted that the waste management plan submitted with the original application was assessed against Council’s previous Waste Management Guidelines and was found to comply – Condition 9 of the permit was only included to ensure that a separate WMP was submitted for endorsement (the version which was reviewed was contained within the town planning report). In order to mitigate the potential negative impacts of the proposed waste collection arrangement (such as waste vehicles blocking car parking spaces), it is recommended a condition of any amended permit issued require an amended WMP which stipulates that collections only occur during ‘off-peak’ hours.

As discussed earlier in this section, the building is relatively unchanged in terms of its external appearance and therefore continues to comply with the relevant objectives and strategies of Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme.
It is also proposed to display two modestly sized internally illuminated business identification signs across the ground floor building façade and two medium sized high-wall signs (non-illuminated) on the eastern and western elevations of the building in association with the proposed Residential Hotel use. Pursuant to Clause 21.06-5 (Signage) of the Moonee Valley Planning Scheme, signage should be compatible with the character of an area and its local streetscapes, and this is to be achieved by ensuring signs do not diminish amenity or adversely affect the natural or built environment or the safety or efficiency of a road. The proposed signs are relatively modest in size and it is noted that this type of signage is considered to be a consistent feature of this particular built environment. Further, the signs are appropriately spaced across the building façade and will not result in visual clutter. Finally, the signs will not be opposite sensitive residential uses.

The proposed use of the land is also consistent with the vision of Clause 21.07-4 (Keilor Road Activity Centre) of the Moonee Valley Planning Scheme, as it relates to developing a centre which attracts visitors from within the City of Moonee Valley and beyond.

Commercial 1 Zone

The amended proposal continues to meet the overall purpose of the Commercial 1 Zone as well as the relevant decision guidelines for development, which were satisfied under the previous application and are unchanged. Notwithstanding, the proposed use of the land now triggers a permit required under the zone, as the condition at Table 1 of Clause 34.01-4 (Commercial 1 Zone – Table of Uses) of the Moonee Valley Planning Scheme stipulates that accommodation which has a frontage at ground floor level that exceeds 2 metres in width requires a permit. This aspect of the amended application complies with the relevant decision guidelines of Clause 34.01-8 (Commercial 1 Zone – Decision Guidelines) of the Moonee Valley Planning Scheme as follows:

- The existing uses adjoining the site on Keilor Road (retail) are not expected to affect the proposed Residential Hotel use;
- The drainage of the land was previously considered as part of the original application and was found to be acceptable subject to conditions – the proposed amended land use has no impact on this aspect of the development;
- As above, the amended land use does not impact the availability of and connection to services to the site; and
- It is anticipated the amended proposal will generate less traffic than the previously approved scheme as demonstrated in the Traffic Impact Assessment submitted with the amendment application. The Traffic Impact Assessment was referred to Council’s Traffic and Transport Unit who have accepted this premise of the report.
Design and Development Overlay Schedule 7 (DDO7)

Table 3 below provides a comparison of the proposed amendment against the previous approval in terms of compliance with the preferred maximum height and minimum setbacks of DDO7 for land in a Commercial 1 Zone.

**Table 3**

<table>
<thead>
<tr>
<th>DDO7 preferred outcome</th>
<th>DDO7 – Precinct 3</th>
<th>Proposed amendment</th>
<th>Previous approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preferred maximum building height</td>
<td>15 metres (4 storeys)</td>
<td>18.92 metres (5 storeys)</td>
<td>19.7 metres (5 storeys)</td>
</tr>
<tr>
<td>Front setback (up to three storeys in height)</td>
<td>0 metres</td>
<td>0 metres</td>
<td>0 metres</td>
</tr>
<tr>
<td>Front setback (above three storeys in height)</td>
<td>3 metres</td>
<td>3.14 (third floor) – 5.5 metres (fourth floor) (1.37 – 3.2 metres for balconies)</td>
<td>3.14 (third floor) – 5.5 metres (fourth floor) (1.37 – 3.2 metres for balconies)</td>
</tr>
<tr>
<td>Rear setback (up to three storeys in height)</td>
<td>3 metres</td>
<td>1.14 (ground floor) - 3 metres (first and second floors)</td>
<td>1.14 (ground floor) - 3 metres (first and second floors)</td>
</tr>
<tr>
<td>Rear setback (above three storeys in height)</td>
<td>5 metres</td>
<td>6.21 metres (third floor) – 7.5 metres (fourth floor) (5.9 – 6.7 metres for balconies)</td>
<td>6.21 metres (third floor) – 8 metres (fourth floor) (5.9 – 6.7 metres for balconies)</td>
</tr>
</tbody>
</table>

As demonstrated above, the proposed built form is relatively similar in terms of height and setbacks to the previously endorsed layout, and it is considered that it continues to meet the relevant decision guidelines and design objectives of Schedule 7 to Clause 43.02 (Design and Development Overlay) of the Moonee Valley Planning Scheme.

In particular, the maximum height of the building has been slightly reduced and continues to be an acceptable outcome for the site.

The rear setback of the fourth floor level is the only instance where the amended design proposes a reduced minimum setback compared to the previously approved scheme (8 metres to 7.5 metres). However, this is still comfortably above the preferred DDO7 minimum setback of 5 metres, and therefore continues to meet Condition 1 of the existing permit.
Clause 52.05 (Signs)
The proposal to display internally business identification signs across the ground floor building façade and for non-illuminated high wall signs on the side profiles of the building is consistent with the relevant Decision Guidelines set out at Clause 52.05-8 (Decision Guidelines - Signs) of the Moonee Valley Planning Scheme as follows:

- The character of the surrounding area is predominantly of a neighbourhood retail core which features a diverse and prominent proliferation of business identification signage. The proposed signs are modestly sized and are not considered to detract from the character of the area – this is because business identification signage of this nature is reasonably expected to be found on shopfront buildings. Further, the high-wall signs provided on the side profiles of the building will be absorbed by the building façade and it is not anticipated they will draw inappropriate attention or detract from the character of the area given they are relatively small in the context of the building itself.

- As discussed throughout this report, the proposed signs are relatively modest in size and have no potential to obscure or compromise any identified important views, dominate the skyline, impact on the quality of significant public views or impede views to existing signs.

- Additionally, the signs are complementary to the proposed building facades with respect to their size and typology.

- It is not anticipated the signs will have detrimental impact on the safety of Keilor Road for motorists and pedestrians.

Clause 52.06 (Car Parking)
No car parking rate is specified at Table 1 to Clause 52.06-5 (Car Parking – Number of car parking spaces required under Table 1) of the Moonee Valley Planning Scheme for the proposed land use (Residential Hotel). As such, the provision of car parking spaces is to the satisfaction of Council as the Responsible Authority for the land (in accordance with Clause 52.06-6 (Number of car parking spaces required for other uses) of the Moonee Valley Planning Scheme).

The amended proposal has provided 11 car spaces within the ground floor level, and the submitted Traffic Impact Assessment contends a car parking rate of 0.2 spaces per occupied room is appropriate for the site based on its location. Based on this rate the proposal would generate a requirement for 8 car spaces, assuming 100 per cent occupancy of rooms. This has been reviewed and accepted by Council's Traffic and Transport Unit.

In regards to car parking and accessway design, Council’s Traffic and Transport Unit has identified a number of desired design changes that will be included as additional/modified conditions on any amended permit issued:
• A Car Parking Management Plan will be required to manage the on-site carpark, including signage, line marking, access control, booking of the car spaces, etc. The current condition on the permit (Condition 7) does not adequately incorporate all of the above listed information, and so the wording is required to be updated to reflect this (refer to Section 3.2 below for further discussion). It is noted that the applicant has applied to remove this condition, however this is not supported by the Traffic and Transport Unit for the above reasons. The requirement for a Car Parking Management Plan will ensure traffic movements in and out of the site can be appropriately managed. As such, it is not appropriate to delete the condition;

• The car parking area to have a minimum gradient of 1:200, graded towards a discharge point for drainage purposes.

• The doors to services (gas, etc.) are not to open outwards to Keilor Road (i.e. into the footpath).

Clause 52.34 (Bicycle Facilities)
The proposal requires a reduction to the requirement of Clause 52.34-5 (Bicycle facilities - Required bicycle facilities) of the Moonee Valley Planning Scheme. Whilst the development proposes 5 bicycle racks within the development and 4 within the road reserve at the front of the site, a condition of any permit issued will require the removal of all bicycle spaces from the development, including those in the road reserve. It is not considered practical to impose this requirement, given the end outcome of the use being associated with serviced apartments.

3.2 Are the proposed changes to the permit preamble and conditions considered acceptable?

Permit preamble
The applicant proposes to amend the permit preamble to read:

Construction of a five storey residential building, provision of car parking to the satisfaction of the Responsible Authority and alteration of access to a Road Zone Category 1.

It is considered the above proposed wording is generally appropriate, however, it does not include all of the required consents of the amended development. As such, it is recommended the preamble is amended to read as follows:

Use and development of the land for a five storey residential building (Residential Hotel), reduction of bicycle facilities requirement, display of internally illuminated business identification and high wall business identification signs and alteration of access to a Road Zone Category 1.

Permit conditions
The following deletions, alterations and additions to the conditions of the permit as described at Table 4 are considered appropriate. Refer to Attachment D for a draft amended planning permit which incorporates the below changes.
Table 4

<table>
<thead>
<tr>
<th>Condition</th>
<th>Assessment</th>
</tr>
</thead>
</table>
| **1 c)**  | This condition reads:  
*The residential entrance door to be recessed into the site by a minimum 1.5 metres from the front boundary and letterboxes brought forward of the door;*  
This requirement no longer applies to the development as the residential entrance door is no longer required – the ground floor façade is taken up by the hotel lobby. The condition can therefore be deleted. |
| **1 d)**  | This condition reads:  
*The garage lift-up door to be recessed into the site by a minimum 1.5 metres from the north-eastern corner of the site;*  
This condition can be deleted as the garage door is now setback 6 metres from the front boundary. |
| **1 g)**  | This condition reads:  
*The plans to allocate one car space to the shop;*  
This requirement is no longer applicable. |
| **1 h)**  | This condition reads:  
*The plans to allocate one visitor car space for residential visitors only;*  
This requirement is also no longer applicable. |
| **1 i)**  | This condition will be modified to read:  
*The removal of all bicycle racks, including those on the Keilor Road frontage;*  
This reflects the new use of the building. |
| **1 p)**  | This condition reads:  
*The provision of at least one adaptable bathroom that meets all of the requirements of either Design A or Design B of Standard D17 of Clause 58.05-1 (Accessibility) of the Moonee Valley Planning Scheme;*  
This requirement is no longer applicable. |
| **1 r)**  | This condition will be modified to read:  
*External lighting capable of illuminating the hotel entrance and vehicle entrance along Keilor Road;*  
The above wording reflects the new use of the building. |
| **1 u)**  | This condition will be modified to read:  
*An amended BESS report in accordance with Condition 29, with all annotations and measures shown on the plans;* |
<table>
<thead>
<tr>
<th>Condition</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This modified condition will tie in the amended ESD report requirement (discussed in Section 3.1 and requested by Council’s ESD Officer) to the submission of condition 1 plans for endorsement.</td>
</tr>
</tbody>
</table>
| 1 v)      | This will be a new condition:  
The elevations updated to show the correct colours and finishes in accordance with the colour and materials schedule;  
This condition is required to ensure that the elevations are consistent with the colour and materials schedule. |
| 1 w)      | This will be a new condition:  
All new or modified south-facing windows to be screened or have raised sill heights up to 1.7 metres above finished floor level;  
This condition is required to ensure that all new and modified windows on the south elevation of the building continue to be treated for any potential overlooking of the adjoining residential properties. |
| 1 x)      | This will be a new condition:  
The car parking area to have a minimum gradient of 1:200, graded towards a discharge point for drainage purposes;  
This new condition is required in accordance with the referral comments from Council’s Traffic and Transport Unit. |
| 1 y)      | This will be a new condition:  
The doors to services (gas, etc.) are not to open outwards to Keilor Road (i.e. into the footpath) unless otherwise required by the relevant Service Authority;  
This new condition is required in accordance with the referral comments from Council’s Traffic and Transport Unit and Strategic Planning Department. |
| 1 z)      | This will be a new condition:  
An amended Car Parking Management Plan in accordance with Condition 7;  
This new condition will tie in the amended CPMP requirement (discussed in Section 3.1) to the submission of condition 1 plans for endorsement. |
| 1 aa)     | This will be a new condition:  
An amended Waste Management Plan in accordance with Condition 9;  
This new condition will tie in the amended WMP requirement (discussed in Section 3.1) to the submission
<table>
<thead>
<tr>
<th>Condition</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>of condition 1 plans for endorsement.</td>
</tr>
</tbody>
</table>
| **1 bb) 1** | This will be a new condition:  
*An amended WSUD report in accordance with Condition 28, with all stormwater treatment measures and associated annotations shown on the plans; and*  
This new condition will tie in the amended WSUD report requirement (discussed in Section 3.1 and requested by Council’s ESD Officer) to the submission of condition 1 plans for endorsement. |
| **1 cc) 1** | This will be a new condition:  
*Any changes as a result of VicRoads Conditions 22 - 27.*  
In accordance with the VicRoads referral response. |
| **7** | This condition will be modified to read:  
*Before the development starts, a Car Parking Management Plan (CPMP) prepared by a suitably qualified person or firm 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) *All access controls, such as boom gates, roller doors and intercom systems etc.;*  
  c) *Arrangements for the provision of eleven (11) car spaces;*  
  d) *The management of visitor parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances;*  
  e) *Lighting of parking areas, entries and exits;*  
  f) *All directional signage (occupants, visitors, pedestrians, cyclists etc.) within the carpark;*  
  g) *On-site loading arrangements, including times, access, vehicle types, etc.;*  
  h) *Any waste collection arrangements in accordance with the endorsed waste management plan; and*  
  i) *Traffic calming measures for inclusion within the accessways and car parking areas on site, including rubber speed humps as appropriate.*  
*When approved, the CPMP will be endorsed and will form part of this permit.* |
<table>
<thead>
<tr>
<th>Condition</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Condition</strong></td>
<td><strong>Assessment</strong></td>
</tr>
<tr>
<td></td>
<td>The provisions, recommendations and requirements of the endorsed CPMP must be implemented and complied with to the satisfaction of the Responsible Authority. This modified condition is in line with the discussion regarding car parking management in Section 3.1 of this report and is in accordance with the Traffic and Transport Unit referral.</td>
</tr>
<tr>
<td>8</td>
<td>This condition reads: The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building and development; This requirement is no longer applicable.</td>
</tr>
<tr>
<td>9 b)</td>
<td>This will be a new requirement under the Waste Management Plan condition: Specify off-peak bin collection times. This modified condition is in line with the discussion regarding waste collection in Section 3.1 of this report.</td>
</tr>
<tr>
<td><strong>VicRoads Conditions</strong></td>
<td>The ‘End VicRoads Conditions’ header after Condition 23 will be deleted to accommodate the addition VicRoads conditions.</td>
</tr>
<tr>
<td>24</td>
<td>The existing Condition 24 will be modified to read as follows: Before the development starts, amended Ground Floor Plan must be submitted to and approved by the Roads Corporation (VicRoads). The plans must be drawn to scale with dimensions and two copies must be provided. The amended plans must provide a passing area of at least 5m wide and 7m long to the driveway at the entrance to Keilor Road, Essendon. In accordance with the referral response from VicRoads.</td>
</tr>
<tr>
<td>25</td>
<td>This will be a new condition: The vehicle crossing and passing area must be constructed to the satisfaction of the Roads Corporation (VicRoads) and/or the Responsible Authority and at no cost to the Roads Corporation, prior to the occupation of any of the proposed dwellings. In accordance with the referral response from VicRoads.</td>
</tr>
<tr>
<td>26</td>
<td>This will be a new condition: The vehicle crossing and passing area must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the building.</td>
</tr>
<tr>
<td>Condition</td>
<td>Assessment</td>
</tr>
<tr>
<td>-----------</td>
<td>------------</td>
</tr>
</tbody>
</table>
| **27** | This will be a new condition:  
*The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver’s approach to the advertising sign.*  
In accordance with the referral response from VicRoads. |

<table>
<thead>
<tr>
<th><strong>VicRoads Conditions</strong></th>
<th>The ‘End VicRoads Conditions’ header will be located after Condition 27.</th>
</tr>
</thead>
</table>
| **28** | This will be a new condition:  
*Stormwater from the development must be treated to meet the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999 (Guidelines), as amended. The performance objectives of the Guidelines must be met entirely on site as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority; except that with the written consent of the Responsible Authority, up to 20% of treatment may be delivered offsite as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority.*  
This new condition is in line with the discussion regarding WSUD in Section 3.1 of this report and is in accordance with the ESD Officer referral response. |
| **29** | This will be a new condition:  
*A published and compliant 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.*  
This new condition is in line with the discussion regarding ESD in Section 3.1 of this report and is in accordance with the ESD Officer referral response. |
| **30** | This will be a new condition:  
*The location and details of the signs and any supporting structure shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*  
This new condition is required to ensure that appropriate |
<table>
<thead>
<tr>
<th>Condition</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>control is applied to the display of signs at the site.</td>
<td></td>
</tr>
</tbody>
</table>
| 31 | This will be a new condition:  
*The intensity of the light in the signage permitted must be limited to the satisfaction of the Responsible Authority, so as not to cause distraction to motorists in an adjoining street or loss of amenity in the surrounding area.*  
This new condition is required to ensure that appropriate control is applied to the display of signs at the site. |
| 32 | This will be a new condition:  
*Flashing, intermittent or moving light must not be displayed.*  
This new condition is required to ensure that appropriate control is applied to the display of signs at the site. |
| 33 | This will be a new condition:  
*The signage must not be animated in part or whole.*  
This new condition is required to ensure that appropriate control is applied to the display of signs at the site. |
| 34 | This will be a new condition:  
*Bunting, streamers and festooning must not be displayed.*  
This new condition is required to ensure that appropriate control is applied to the display of signs at the site. |
| 35 | This will be a new condition:  
*The signage authorised by this permit must only contain an advertisement which provides or supplies information relating to the business conducted on the land.*  
This new condition is required to ensure that appropriate control is applied to the display of signs at the site. |
| Existing Condition 24 | This condition (permit expiry) will be renumbered to Condition 36 in order to accommodate the new Conditions 24 - 35 outlined above. |
| Permit Notes | The following permit notes will be deleted as they are no longer relevant to the proposal:  
- The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.  
- In the event that car parking spaces or storage cages are separately title, a condition will be imposed on any
**Condition**

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

### 3.3 Objections (Discussion)

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

Table 5

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
</table>
| The car parking rate for 'Hotel' should be applied to the proposal | The planning scheme land use term ‘Hotel’ is nested under ‘Food and Drink Premises’ and defined at Clause 73.03 (Land Use Terms) of the Moonee Valley Planning Scheme as follows:  

*Land used to sell liquor for consumption on and off the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines and gambling.*  

The above land use term is more typically applicable to a traditional public bar.  

The proposed use (serviced apartments) is more suitably classified as a ‘Residential Hotel’ which is defined at Clause 73.03 (Land Use Terms) of the Moonee Valley Planning Scheme as follows:  

*Land used to provide accommodation in serviced rooms for persons away from their normal place of residence. If it includes more than 20 bedrooms, it may include the sale of liquor for consumption on, or off, the premises, function or conference rooms, entertainment, dancing, amusement machines, and gambling.*  

The applied land use term to the application of ‘Residential Hotel’ is therefore the more appropriate definition. |
<p>| The parking demand rate in the Traffic Impact Assessment should be 0.45 spaces per occupied room in lieu of 0.2 – 0.33 | As discussed in Section 3.1 of this report, the car parking demand rate in the submitted Traffic Impact Assessment was accepted by Council’s Traffic and Transport Unit as appropriate for the proposed use in this particular location. |</p>
<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and parking impacts</td>
<td>As discussed in Section 3.1 of this report the car parking provision and traffic generation of the proposal was reviewed by Council’s Traffic and Transport Unit and no objection was raised.</td>
</tr>
<tr>
<td>The proposed use is a transformation of the existing planning permit</td>
<td>The proposed amendment has been assessed in accordance with the procedural requirements of Section 73 of the <em>Planning and Environment Act 1987</em>. It should also be noted that the new land use of ‘Residential Hotel’ is nested under the ‘Accommodation’ group which also includes the previous use of dwellings.</td>
</tr>
<tr>
<td>Overlooking</td>
<td>A condition of any amended permit issued will require all new and modified south-facing windows to be treated to mitigate direct views of adjoining secluded private open space areas. The remaining windows and screening are unchanged from the previously endorsed plans.</td>
</tr>
<tr>
<td>Rear setback does not comply with Building Regulations</td>
<td>This is not a valid planning consideration. As discussed at Section 3.1 of this report the rear setbacks of the amended proposal continue to accord with the preferred setbacks of Schedule 7 to the Design and Development Overlay which applies to the site.</td>
</tr>
<tr>
<td>Heat and noise from service equipment</td>
<td>It is not considered that the proposed amendment will result in unreasonable heat and noise emissions. All proposed services are located on the roof deck (as they were for the previously endorsed plans) which sits significantly higher than the adjoining residential properties.</td>
</tr>
<tr>
<td>Noise, overcrowding and rubbish generated by short-term accommodation</td>
<td>It is not considered that the proposed use will generate unreasonable noise, rubbish or overcrowding in the area. As discussed throughout this report, a ‘Residential Hotel’ is nested under the ‘Accommodation’ group in the planning scheme, and is an as-of-right use under the Commercial 1 Zone above ground floor level.</td>
</tr>
<tr>
<td>Existing drainage issues</td>
<td>The development was previously assessed by Council’s Development Engineering (Drainage) Unit who do not object to the proposal subject to drainage conditions issued on any issued planning permit. The amendment does not have any further implications in this regard.</td>
</tr>
<tr>
<td>Overshadowing</td>
<td>The amended proposal has no additional impact on the adjoining properties with respect to</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 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

6. Conclusion
This 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.

Officers therefore, recommend Council issues a Notice of Decision to Grant an Amended Planning Permit in accordance with the recommendation section above.

Attachments
A: Location of Objectors (separately circulated) 📂
B: Plans (separately circulated) 📂
C: Permit and Endorsed Plans (separately circulated) 📂
D: Draft Amended Planning Permit (separately circulated) 📂
10.3 Domestic Animal Management Plan 2017-21 - Progress Report  
**Author:** Carey Patterson - Manager Regulatory and City Compliance  
**Directorate:** City Services

1. **Purpose**
   1.1 To provide Council with an annual update on the progress of the actions and initiatives identified in the Domestic Animal Management Plan 2017-21.

2. **Background**
   2.1 The primary focus of the Domestic Animal Management Plan 2017-21 is the effective management of companion animals, namely dogs and cats, their owners and the concerns of the wider community. It also addresses a range of legislative matters relating to animal management within the municipality.

   2.2 Animal management officers play an important role in promoting responsible pet ownership and compliance with the *Domestic Animals Act 1994*. Officers also enforce Council’s requirements relating to the effective control of dogs while being exercised in open spaces throughout the municipality.

3. **Issues**
   3.1 The annual review of the Domestic Animal Management Plan provides an analysis of each of the objectives and the progress made on any matters that are ongoing.

   3.2 There are nine objectives in the Domestic Animal Management Plan, with associated actions and timelines to be implemented. These objectives provide a platform which fosters responsible pet ownership, while contributing to service delivery improvements for the community.

   3.3 Council has an animal management contract with the Lost Dogs’ Home. During the 2018/19 financial year, 97 per cent of the 378 dogs taken to the Lost Dogs’ Home from within Moonee Valley had a live outcome. Of this figure, 88 per cent were reunited with their owners and the other nine per cent were adopted by new owners.

   3.4 The euthanasia rates for cats is still high and officers continue to work with the Lost Dogs’ Home to decrease these rates and reunite pets with their owners.

   3.5 Council’s Lost Pets Facebook page continues to be well supported with 2150 likes and 2374 followers. The page is monitored daily.

   3.6 Animal management officers regularly meet with local animal owners during their patrols around dog parks and other open space locations across the municipality and obtain feedback on how the service can be improved. In addition, the City Compliance team has regular contract meetings with the Lost Dogs’ Home to discuss how Moonee Valley’s service compares to other Councils with whom it is associated.
Recommendation


Attachments


B: Domestic Animal Management Plan - Year 2 Review of Objectives (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Theme 1: Fair (Qeente Boordup, which means ‘fair’ in Woi wurrung language).

2. Legislative obligations
   2.1 The Domestic Animals Act 1994 has been established to promote animal welfare, the responsible ownership of dogs and cats and the protection of the environment. The legislation introduces a structure to register and identify dogs and cats and the identification of dangerous, menacing and restricted breed dogs.
   2.2 The legislation requires Council to prepare a Domestic Animal Management Plan that addresses nine criteria and identifies any actions that need to be implemented. In addition, Council must review the plan annually to ensure the actions associated with each criteria are being implemented. This annual review has been provided in Attachment B.
   2.3 Under Part 5 of the Council’s Activities and General Amenities Local Law 2018, the Council sets out the criteria for keeping and housing animals in the municipality. These controls address the numbers of animals and the manner in which they are being accommodated. The Local Law also places requirements on the owners to address amenity issues such as noise and odour to ensure the animals do not constitute a nuisance.

3. Legal implications
   3.1 The Domestic Animals Act 1994 provides a compliance structure relating to the registration for Domestic Animals and incorporates issues such as ‘dogs at large’ and dogs that attack or rush at people. It also outlines the requirements for declared dogs and the registration and management of any Domestic Animal Business. It also provides reporting requirements relating to infringements that are issued. Any declared dog is required to have its registration and information details added to the government register.
   3.2 The Local Law also provides capacity outside of the Act where Council’s City Compliance Officers can undertake enforcement by way of issuing infringement notices or ‘Notices to Comply’ for any non-compliance with Council’s Local Law, rather than have the matter heard before the Court.

4. Risks
   4.1 The risks associated with this issue relates to owners who do not take responsible animal ownership seriously and do not register or secure their animals.
5. Social impact assessment
   5.1 The use of public parks as exercise areas for dogs as well as the use of 'off-lead' parks ensures a healthier and more interactive community.

6. Economic impact assessment
   6.1 The annual animal registration process provides significant funds for the improvement of off-lead areas and dog parks.

7. Environmental impact assessment
   7.1 No environmental impacts are identified

8. Reputational impact assessment
   8.1 No reputational risks are identified.

9. Financial implications
   9.1 If there is a serious breach of the Domestic Animals Act 1994, it is a requirement that the matter be heard before the court. This can result in Council being required to fund the legal process to obtain orders to have the animal euthanised. Whilst these occurrences are rare, they are a consideration.
   9.2 Animal Registration fees are reviewed each year as part of the development of the budget.
   9.3 The State Government charges Council a fee of $4.00 for each animal registered.

10. Sensitivity / scenario analysis
    10.1 No significant issues have been identified

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

12. Consultation undertaken or planned
    12.1 The City Compliance Officers are in regular communication with animal owners and users of the various parks where dogs are exercising and are provided with regular input on how the areas are being managed.
    12.2 Part of the development of the ‘Activities and General Amenities Local Law 2018’ required the draft Local Law and the incorporated documents to be put out for public consultation. This occurred and the most commented aspect of the proposed local law related to the proposed limitations on the numbers of animals that were permitted to be kept on the property without requiring a local laws permit.
10.4 Election Period Policy

Author: Lee McSweeney - Coordinator Governance

Directorate: Organisational Performance

1. Purpose

1.1 This report presents for Council approval an Election Period Policy for the 2020 general election of Councillors.

2. Background

2.1 Under Section 93B of the Local Government Act 1989 (the Act), all Victorian Councils were required to adopt an Election Period Policy prior to the 2016 General Election.

2.2 The purpose of the Election Period Policy is to establish the procedures intended to prevent Council from making inappropriate decisions or using resources inappropriately during the election or ‘caretaker’ period.

2.3 The Act requires Councils to continue to maintain the Election Period Policy by reviewing and, if required, amending the policy not later than 12 months before the commencement of each subsequent general election period.

3. Issues

3.1 Council adopted its current policy on 22 March 2016.

3.2 It is a statutory requirement for Council to review the policy before the 2020 general election.

3.3 The election period as defined by the Act is the period that starts from the last day that nominations for that election can be received and ends on 6pm on Election Day.

3.4 Therefore, it is anticipated that the 2020 Election Period will commence at 12 noon on Tuesday, 22 September 2020 and continue to 6pm Saturday, 24 October 2020. The timeframes for the election period will be officially confirmed by Victorian Electoral Commission in 2020.

3.5 The Act states that the Election Period Policy must include the following, and these have been incorporated into the revised policy provided as Attachment A:

3.5.1 Procedures intended to prevent the Council from making inappropriate decisions or using resources inappropriately during the election period before a general election;

3.5.2 Limits on public consultation and the scheduling of Council events;

3.5.3 Procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the election.

3.6 In addition to this policy, Councillors standing as candidates in a general election also have statutory responsibilities under Part 3 of the Act.
Recommendation

That Council resolves to:

a. Adopt the Election Period Policy provided as Attachment A.

b. Authorise the Chief Executive Officer to make amendments to the Election Period Policy as required to ensure correctness and compliance with legalisation that does not materially alter the intent of the policy.

Attachments

A: DRAFT Election Period Policy - Review 2019
10.5 2019/20 Capital Works Program Update

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

Directorate: Asset Planning and Strategic Projects

1. Purpose

1.1 To seek endorsement for known 2019/20 Capital Works Program (CWP) variations considered necessary to deliver the program and/or improved outcomes for the wider community.

2. Background

2.1 Council’s 2019/20 CWP of $90 million includes all 2018/19 CWP carryovers and variations approved by Council to 10 September 2019.

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

<table>
<thead>
<tr>
<th>Project</th>
<th>Comments on the Variation</th>
<th>Change in Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>605-625 Mt Alexander Road Activation Works</td>
<td>Authorisation sought to broaden the scope of works funded through the authorised 2019/20 project budget to include activation works for 177A Mt Alexander Road. This scope variation will allow demolition works to be packaged up for both sites within the budget currently authorised for 605-625 Mt Alexander Road Activation Works.</td>
<td>$167,676</td>
</tr>
<tr>
<td>Aberfeldie Park (West) Sportsfield Lighting Works (D&amp;I)</td>
<td>Authorisation sought for additional funds to: 1. Hire temporary portable floodlights required for football club training due to the continued wet winter that did not allow for timely installation of floodlights. 2. Plumbers fees to re-route drainage pipes encountered and for irrigation repairs 3. Lighting Engineer fees due to delay Project currently incomplete with no floodlights operational.</td>
<td>$0</td>
</tr>
<tr>
<td>Market St / Hedderwick St - Realignment of pram ramps</td>
<td>Authorisation sought for additional funds in view of higher than expected tender submission received including contingency for any potential variations during implementation.</td>
<td>$7,500</td>
</tr>
<tr>
<td>Sports field Redevelopment Forward Design Package</td>
<td>Authorisation sought to bring forward design and documentation work to be completed in 2019/20 for the planned and budgeted redevelopment of the following sports fields over the next 5 years: - Clifton Park - Strathnaver Reserve - Lebanon Reserve - Doyle St Reserve - Overland Reserve</td>
<td>$100,000</td>
</tr>
</tbody>
</table>
### Comments on the Variation

<table>
<thead>
<tr>
<th>Project</th>
<th>Change in Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Multi-year Works</strong>- cash flow change only, no change to total project costs</td>
<td><strong>-$25,479,302</strong></td>
</tr>
<tr>
<td><strong>East Keilor Leisure Centre Redevelopment</strong></td>
<td><strong>-$22,000,000</strong></td>
</tr>
<tr>
<td>Authorisation sought to re-profile 2019/20 budget out to 2020/21 to align it with expected project cashflows in line with the multi-year implementation contract. Amendments to future cashflows will be undertaken as part of annual review of Long-term Capital Works Plan.</td>
<td></td>
</tr>
<tr>
<td><strong>Overland Reserve - New Pavilion works</strong></td>
<td><strong>-$1,967,291</strong></td>
</tr>
<tr>
<td>Authorisation sought to re-profile 2019/20 budget out to 2020/21 to align it with expected project cashflows as works will be completed beyond 2019/20.</td>
<td></td>
</tr>
<tr>
<td><strong>ICT Plan Implementation</strong></td>
<td><strong>-$1,512,011</strong></td>
</tr>
<tr>
<td>Authorisation sought to re-profile 2019/20 budget to 2020/21 to align with expected project cashflows in line with multi-year implementation program. Amendments to future cashflows will be undertaken as part of annual review of Long-term Capital Works Plan.</td>
<td></td>
</tr>
</tbody>
</table>

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

#### 2.4 As of end of August 2019, $63.12 million (70.1 per cent) of the program by budget (inclusive of $25.6M cash flow changes for multi-year works requested in this report) is completed / under construction / awarded or in procurement phase. The remainder of the program is in planning/design/consultation phases.

#### Program Phase | Budget
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Completed</td>
<td>$0.91 million (1.0 percent)</td>
</tr>
<tr>
<td>Under Implementation</td>
<td>$14 million (15.6 percent)</td>
</tr>
<tr>
<td>Awarded (Implementation yet to commence)</td>
<td>$6.4 million (7.1 percent)</td>
</tr>
<tr>
<td>Procurement</td>
<td>$41.74 million (46.3 percent)</td>
</tr>
</tbody>
</table>

#### 3. Issues

#### 3.1 While in-depth review of project readiness was undertaken before recommending projects for inclusion in 2019/20 CWP, full delivery of the program remains reliant on a number of factors (some outside Council control) including design capacity, extensive consultation, external approvals (e.g. VicRoads, Melbourne Water, utility companies, cultural heritage) and contractor availability.
Recommendation

a. That Council resolves to authorise requested 2019/20 Capital Works Project variations as per Section A of Attachment B.

b. That Council notes the change to the 2019/20 Capital Works budget from $90,079,582 to $64,767,956 to reflect the known cash flow changes for multi-year projects and variations authorised up to and including this report.

Attachments

A: Impact Assessment

B: 2019/20 Capital Works Program Variation Register (October 2019) (separately circulated)
Attachment A

Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Theme 6: Resilient organisation (Balit Djerring-dha, which means resilient organisation in Woi wurrung language).
   1.2 The request for variation is subsequent to the variations endorsed through various reports and/or delegations endorsed to 10 September 2019.

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

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

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

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

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

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

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

9. Financial implications
   9.1 This report details changes to Council’s funding commitments to 2019/20 Annual CWP.
   9.2 The report seeks authorisation for budget variations in addition to variations endorsed through various reports and/or delegations to 10 September 2019.
   9.2.1 Variations put up for endorsement are expected to have operational cost impact. In the absence of detailed whole of life costing guidelines, it is estimated that operational costs for each project will be average 2 percent per annum calculated on the final project costs.
10. **Sensitivity / scenario analysis**
   
   10.1 There are no variables expected to impact outcomes of this report.

11. **Conflict of interest declaration**

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

12. **Consultation undertaken or planned**

   12.1 Detailed consultation has been undertaken with capital works project officers, and has been endorsed by Council's Capital Works Review Committee and Executive Team.
10.6 Response to Petition - Cashmere Street, Travancore

Author: Angus McAlister - Traffic and Transport Engineer
Directorate: Planning and Development

1. Purpose
1.1 To provide a response to a joint letter tabled at Council’s Ordinary Meeting on 27 August 2019, regarding on-street parking in Cashmere Street, Travancore.

2. Background
2.1 A joint letter signed by 18 residents of Cashmere Street, Travancore was tabled at Council’s Ordinary Meeting on 27 August 2019.
2.2 The joint letter was in response to a proposed change in parking arrangements sent to owners and occupants of properties fronting Cashmere Street, Travancore on 12 July 2019. The plan and text in Council’s original letter is shown in Attachment C.
2.3 The joint letter by residents stated ‘we agree to one side of Cashmere Street, Travancore parking to facilitate Emergency and Waste vehicles’, ‘we acknowledge and agree that a staggered parking solution is intended to reduce vehicle speed’, and ‘we request the complete removal of restriction free parking within Cashmere Street, Travancore’.

3. Issues
3.1 Council’s Waste Management Unit has highlighted issues regarding difficulty of access for trucks. Cashmere Street, Travancore is 6.5 metres wide and as such, it is generally not possible for two vehicles to park opposite each other and still leave a three metre wide travel lane as required by the Victorian Road Rules.
3.2 The current parking arrangements are shown in Attachment B. They include some restrictions to discourage all-day parking by non-residents and to minimise congestion during drop-off and pick-up periods at Flemington Primary School. The current restrictions suggest vehicles may legally park opposite each other.
3.3 All of the properties within Cashmere Street, Travancore have access to off-street parking, but not all of the properties can obtain parking permits.
3.4 The proposal put to residents as shown in Attachment C explicitly bans vehicles parking opposite each other. The joint letter received from residents supports this aspect of the proposal.
3.5 The joint letter requested all parking provided within Cashmere Street, Travancore should be either 2P (as in the nearby Lucknow, Madura, Mangalore and Baroda Streets), or Permit Zone (8-9am and 3-4pm only).
3.5.1 The proposal sent to residents includes segments of ‘Permit Zone’ that apply during the school peaks (8-9am and 3-4pm). This prevents all-day parking or parking during the school peaks without a valid
parking permit, and is a stricter restriction than what is present in Lucknow, Madura, Mangalore and Baroda Streets.

3.5.2 Council conducted a series of surveys in Cashmere Street, Travancore (during the day, in the evening, and on the weekend). Across the surveys, the greatest number of vehicles observed displaying valid parking permits was 9 (this occurred on a Friday night, when there were otherwise many spaces free). On weekdays, the average number of vehicles observed displaying valid parking permits was 7.

3.5.3 The proposal sent to residents includes 14 ‘Permit Zone’ spaces and 20 unrestricted spaces, and will accommodate the various demands for parking in the street.

Recommendation

That Council resolves to:

a. Change the parking restrictions in Cashmere Street, Travancore as shown in Attachment C. This will provide 14 ‘Permit Zone, 8-9am and 3-4pm’ parking spaces and 20 unrestricted parking spaces.

b. Advise all owners and occupants fronting Cashmere Street, Travancore of Council’s response on this matter.

Attachments

A: Impact Assessment
B: Existing Parking Restrictions (separately circulated)
C: Proposed Parking Plan (separately circulated)
Attachment A: Impact Assessment

1. **Relationship to Council commitment MV2040 or Council Plan**
   
   1.1 In presenting this report, Council is working to achieve its strategic objective ‘A connected city of accessible, active and sustainable transport choices’ in accordance with Council Plan 2017-21 Theme: Connected (Yananinnon Maggolee, which means ‘travel here’ in Woi wurrung language), including the following:

   1.1.1 STRATEGIC DIRECTION 10: A city where sustainable transport is the easy option

   1.1.2 STRATEGIC DIRECTION 11: A city with streets and spaces for people

   1.2 This report also relates to Council’s resolution at the Ordinary Meeting on 27 August 2019.

2. **Legislative obligations**

   2.1 Council has obligations under the Road Management Act 2004 and the Road Safety Road Rules 2017.

3. **Legal implications**

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

4. **Risks**

   4.1 No significant risks have been identified.

5. **Social impact assessment**

   5.1 The nature of this report does not have any social impact implications.

6. **Economic impact assessment**

   6.1 The nature of this report does not have any economic development implications.

7. **Environmental impact assessment**

   7.1 The nature of this report does not have any environmental implications.

8. **Reputational impact assessment**

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

9. **Financial implications**

   9.1 The design and installation works associated with the installation of the proposed restrictions will be funded via the Technical Services department operational budget.

10. **Sensitivity / scenario analysis**

    10.1 No significant variables or externalities relating to the recommendation of this report have been identified.
11. Conflict of interest declaration
   11.1 No officer involved in the preparation of this report has any direct or
       indirect interest in this matter or the decision.

12. Consultation undertaken or planned
   12.1 This petition was a direct result of Council writing to properties in
       Cashmere Street.
NOTICES OF MOTION

11.1 Caydon's Developer Contribution

From: Councillor Nicole Marshall

Take notice that at the Ordinary Meeting of Council to be held on 8 October 2019 it is my intention to move that Council resolves to allocate $700,000 in the 2020/21 Capital Works Budget specifically to projects in the Moonee Ponds area and that any further developer contributions be allocated directly to projects within the development area.

The $700,000 relates to the Caydon developer contribution Council receipted to consolidated revenue in 2018/19.
11.2 Declaration of climate emergency

From: Councillor Nicole Marshall

Take notice that at the Ordinary Meeting of Council to be held on 8 October 2019 it is my intention to move that Council resolves to:

1. Acknowledge the Environment Portfolio Advisory Committee’s recommendation to Council to declare and acknowledge the climate emergency on the terms set out below;

2. Declare and acknowledge the climate emergency and, in doing so:
   a. Acknowledge the achievements of the Council in addressing issues related to climate change to date;
   b. Agree that the implementation of MV2040 specifically the Green Action Plan will form the basis of Council’s response to the climate emergency;
   c. Note that Council’s MV2040 vision statement includes that “Our neighbourhoods are beautiful, sustainable and hold strong community connections which enable citizens and the environment to be healthy and resilient”;
   d. Note this declaration will enable Council to publicly demonstrate the leadership position that its past, current and future strategic work has delivered and will deliver and to advocate to its community and other levels of government for a coordinated response to the issue of climate change.