Agenda

Ordinary Meeting of Council

Tuesday, 22 October 2019
6:30pm
Ordinary Meeting of Council
Tuesday, 22 October 2019 at 6:30pm
to be held at the Moonee Valley Civic Centre

Members:  
Cr Narelle Sharpe  Mayor
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  Chief Executive Officer
Kendrea Pope  Director Organisational Performance
Natalie Reiter  Director Planning and Development
Gil Richardson  Director Asset Planning and Strategic Projects
Maria Weiss  Acting Director City Services
Petrus Barry  Manager Statutory Planning
Meghan Hopper  Senior Coordinator Governance and Advocacy
Business:

1. Opening

2. Reconciliation Statement

3. Apologies and Leave of Absence
   Cr John Sipek is an apology for this meeting.

4. Confirmation of Minutes
   Ordinary Meeting of Council held on Tuesday, 08 October 2019.

5. Declarations of Conflict of Interest

6. Presentations
   Nil.

7. Petitions and Joint Letters
   Nil.

8. Public Question Time
   At the Ordinary Meeting of Council held 8 October 2019, two questions were received on notice to be responded to at the next Council meeting.
   Responses to the following two questions will be provided at this meeting:
   Mr Nicholas Beament, asked Council
   Is there a waste management plan for the area surrounding the Caydon development, as there is an ongoing issue from business abutting Aspen Street East, that Council is yet to resolve?
   What will the $700,000 from Caydon be spent on and will residents of the development have a say in spending?

9. Reports from Special Committees
   Nil.

10. Reports
    10.1 9 Lee Street, Flemington (Lot 1 on Title Plan 256109K) - Partial use of the land for an escape room facility.........................................................5
    10.2 Combined Planning Scheme Amendment C209moon and Planning Permit Application MV/24/2018 - Lowther Hall Anglican Grammar School - 17-29 Leslie Road, 8 and 18-22 Sherbourne Street, Essendon .........................................................................................21
    10.3 Imagine Windy Hill Final Draft Vision .................................................................38
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10.12 Notices of Motion Quarterly Report ...............................................78
10.13 Assemblies of Councillors .............................................................80

11. Notices of Motion
11.1 Notice of Motion Report - No 25/2019 - Naming of Canary Island Date Palms on Mt Alexander Road ..................................................83

12. Urgent Business

13. Confidential Reports
   Nil.

14. Delegates Reports

15. Close of Meeting

BRYAN LANCASTER
Chief Executive Officer
### Reports

10.1 9 Lee Street, Flemington (Lot 1 on Title Plan 256109K) - Partial use of the land for an escape room facility

**Author:** Charlotte Griffith - Statutory Planner  
**Directorate:** Planning and Development

<table>
<thead>
<tr>
<th>Planning File No.</th>
<th>MV/228/2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Partial use of the land for an escape room facility within the rear outbuilding</td>
</tr>
<tr>
<td>Applicant</td>
<td>Escape Room Melbourne</td>
</tr>
<tr>
<td>Owner</td>
<td>Rae Nanette Spear</td>
</tr>
</tbody>
</table>
| Planning Scheme Controls | General Residential Zone  
Heritage Overlay (Schedule 24)  
Environmental Significance Overlay (Schedule 2) |
| Planning Permit Requirement | Clause 32.08-2 – Section 2 Use: due to it being defined as an innominate use |
| Car Parking Requirements | No rate specified |
| Bicycle Requirements | N/A |
| Restrictive Covenants | None |
| Easements | Yes – carriageway easement, 3.05m in width and 11.89m in length to the north of the site |
| Site Area | 530 square metres |
| Number Of Objections | 18 (from 17 properties), plus 1 Submission of support |
| Consultation Meeting | 7 August 2019 |
Executive Summary

- The application seeks planning approval for the partial use of the land as an escape room facility. The use is proposed to occur in the rear outbuilding with the existing dwelling continuing its use as residential. No building works are proposed by the permit applicant.
- The site has an area of approximately 530m² and is located on the western side of Lee Street, Flemington.
- The application was advertised and received 18 objections from 17 properties, and 1 submission of support. The concerns raised were in relation to the use being inappropriate for the zone and surrounding area, off site amenity impacts, car parking and traffic, property devaluation, creation of precedent and health and safety concerns.
- A Consultation Meeting was held on 7 August 2019 and was attended by Councillor Cusack, objectors, the permit applicant, the owner of the land and Council Planning Officers. No resolution was achieved at the meeting.
- The application was internally referred to Council’s Traffic and Transport Unit. No objection to the application was made.
- This assessment report finds the proposal demonstrates an adequate response against the relevant policies and provision of the Moonee Valley Planning Scheme and Council’s MV2040 Strategy and recommends that a Notice of Decision to Grant a Permit is issued, subject to conditions.

Figure 1 – Aerial photo of the subject site and surrounds

Recommendation

That Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/228/2019 for the partial use of the land for an escape room facility at 9 Lee Street, Flemington (Lot 1 on Title Plan 256109K) subject to the following conditions:
Endorsement Conditions

1. Before the use starts, amended plans (an electronic copy) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
   a) A notation on the plans that:
      i. All pedestrian access to the site is to occur via the Lee Street frontage only.
      ii. When the escape room is in operation, no external overhead lighting are to function.
      iii. The escape room is to only function in the rear outbuilding and must not operate out of any vehicle or other building as a part of this or any escape room experience at the subject site or in the surrounding area;
      iv. There will be the inclusion of signage to the interior of the escape room facility noting that patrons must be quiet when leaving the premises;
   b) The Northern and Southern boundary fencing to be a minimum height of 1.8 metres;
   c) The display of suitable ground lighting;
   d) The display of the rooms and their uses;
   e) An acoustic report in accordance with Condition 3; and,
   f) A site and patron management plan in accordance with Condition 4.

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

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

3. Before the use starts, an acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail the noise attenuation measures required to the access way and outbuilding associated with the proposed use to ensure minimal impacts from noise sources external to that dwelling.

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

The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.
4. Before the use starts, a site and patron management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The patron management plan must be prepared by a person with suitable qualifications to the satisfaction of the Responsible Authority and must detail how the facility will operate to ensure any impacts on the surrounding residential area will be managed, including but not limited to:

   a) Details of proposed management of the facility including emergency procedure management plan, patron management and external areas;

   b) Staffing and arrangements for the facility including staffing to manage patron behaviour;

   c) Staffing and other measures that are designed to ensure the orderly arrival and departure of patrons;

   d) Signage to be used to encourage responsible off-site patron behaviour;

   e) Training of staff in the management of patron behaviour;

   f) Identification of all noise sources associated with the venue (including, but not limited to noise created from portable two way radios);

   g) Identification of noise sensitive areas including residential uses and accommodation in proximity to the land;

   h) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures;

   i) The operation of the use and the resolution of any complaints received in relation to odour, noise, litter, patron behaviour, or any other activity carried out on the land in association with the use;

   j) Details of any measures to work with neighbours and other residents to address complaints and general operational issues; and

   k) Any other measures to be undertaken to ensure minimal amenity impacts.

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

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

Except with the prior written consent of the Responsible Authority, the patron management plan must not be modified.

End of Endorsement Conditions

Use Conditions

5. The use of the land must operate only between the hours of:

   a) Monday to Tuesday: Closed

   b) Wednesday to Friday: 12pm-8pm

   c) Saturday to Sunday: 11am to 7pm

   d) Public Holidays: Closed
6. No more than one (1) staff member may be present on the site at any one time unless with the written consent of the Responsible Authority.

7. No more than five (5) patrons may be present on the site per session, with a maximum total of twenty (20) patrons per day.

8. A maximum of four (4) sessions may occur per day.

9. A minimum window of 30 minutes between all sessions starting and finishing times must be maintained.

10. Any external lighting must be suitably baffled to prevent the emission of direct lighting to or onto adjoining properties or dwellings and to minimise the spill of light beyond the escape room and associated access ways.

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

End Use Conditions

12. This permit will expire if:
   a) The use does not start within (2) years of the date of this permit, or
   b) The use is discontinued for a period of two (2) years.

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

13. This permit allows the use to be carried out by Escape Room Melbourne only. If Escape Room Melbourne ceases to occupy the land, this permit will expire.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- The introduction of a commercial use to the site will limit the number of possible residential parking permits that may be obtained.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme are exempt from the need for a planning permit).
1. Introduction

1.1 Subject Site and Surrounds

The subject site is located at 9 Lee Street, Flemington within an established residential area on the western side of Lee Street.

There is a single easement on the site, which is associated with a carriageway easement, 3.05m in width and 11.89m in length, north of the site.

The subject site is 530 metres squares (approximately) in size and currently accommodates a single storey detached dwelling with an outbuilding to the rear. The site is under the Heritage Overlay Schedule 24 – Wellington Street precinct. The subject site is affected by the Environmental Significance Overlay Schedule 2. This overlay is in relation to the street trees.

The surrounding area is also largely the General Residential Zone, and is affected by the Heritage Overlay Schedule 24 and the Environmental Significance Overlay Schedule 2, with the exception of the nearby Farnham Street Park that is zoned Public Park and Recreation Zone. The surrounding area is broadly residential in nature.

The subject site is also located within the Principal Public Transport Network Area.

![Figure 2 - Application Site (9 Lee Street, Flemington)](image)

1.2 Proposal

The proposal can be summarised as follows:
Table 1

<table>
<thead>
<tr>
<th>Use</th>
<th>Escape room facility –</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• A live action team based game where players cooperatively discover clues, solve puzzles and accomplish tasks in one or more rooms in order to achieve the goal of ‘escaping’ under a time limit.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hours of operation</th>
<th>• 12pm to 8pm, Wednesday – Sunday (this is recommended to be varied via a condition in any permit issued).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Sessions</td>
<td>• A maximum of 4 sessions per day with a minimum interval of 30 minutes between each session</td>
</tr>
<tr>
<td>Number of patrons</td>
<td>• A minimum of 2 and maximum of 5 patrons per session – as the maximum sessions in a day is 4, the maximum number of patrons in any given day is 20.</td>
</tr>
<tr>
<td>Signage</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Refer to Attachment A, Advertised Plans.

2. Background

1. 2.1 Relevant Planning History

The approved and completed planning permit history associated with the site includes the following:

• MV/78/2012 - Alteration of an outbuilding to the rear of the existing dwelling in a Heritage Overlay area.

2. 2.2 Enforcement Matters

This planning permit application was lodged as a result of enforcement action from Moonee Valley City Council. Council inspected the site on 4 September 2017 in relation to complaints about a truck parked in the Lee Street frontage. The truck was being used as a separate escape room experience. The truck was required to be removed from the vicinity of Lee Street, and as such, was parked in the laneway adjoining the site.

In late 2018, there were further complaints about the truck and a gate that had been constructed in the lane adjoining the site. Both the gate and the truck were required to be removed, and were ultimately removed; the truck escape room experience no longer operates at the site. At the time of the complaint, an investigation around the validity of the use of the rear outbuilding was undertaken.

It was ultimately required that the partial use of the land for an escape room facility cease while an application be made to Council.
3. **Planning Policies and Decision Guidelines**

### Planning Policy Framework (PPF)

<table>
<thead>
<tr>
<th>Clause</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Settlement</td>
</tr>
<tr>
<td>15.03-1S</td>
<td>Heritage conservation</td>
</tr>
<tr>
<td>17</td>
<td>Economic Development</td>
</tr>
<tr>
<td>17.01-1S</td>
<td>Diversified Economy</td>
</tr>
<tr>
<td>17.02-2S</td>
<td>Out-of-centre development</td>
</tr>
<tr>
<td>18</td>
<td>Transport</td>
</tr>
</tbody>
</table>

### Local Planning Policy Framework (LPPF)

<table>
<thead>
<tr>
<th>Clause</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.01</td>
<td>Municipal Profile</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>21.05</td>
<td>Housing</td>
</tr>
<tr>
<td>21.09</td>
<td>Transport</td>
</tr>
<tr>
<td>22.01</td>
<td>Heritage</td>
</tr>
</tbody>
</table>

### Zoning

<table>
<thead>
<tr>
<th>Clause</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>32.08</td>
<td>General Residential Zone</td>
</tr>
</tbody>
</table>

### Overlays

<table>
<thead>
<tr>
<th>Clause</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>42.01</td>
<td>Environmental Significance Overlay (Schedule 2)</td>
</tr>
<tr>
<td>43.01</td>
<td>Heritage Overlay (Schedule 24)</td>
</tr>
</tbody>
</table>

### Particular and General Provisions

<table>
<thead>
<tr>
<th>Clause</th>
<th>Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>52.06</td>
<td>Car Parking</td>
</tr>
<tr>
<td>64.01</td>
<td>Land Used for More Than One Use</td>
</tr>
<tr>
<td>65</td>
<td>Decision Guidelines</td>
</tr>
<tr>
<td>71.02-3</td>
<td>Integrated Decision Making</td>
</tr>
</tbody>
</table>

4. **Referrals**

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

The proposal was referred to the following internal Council Department and their comments are summarised as follows:
Table 2

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Conditions/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Transport Unit</td>
<td>• No objection to traffic generation.</td>
</tr>
<tr>
<td></td>
<td>• As per Council’s parking strategy document, once a residential site has a commercial use occurring at the site, it is no longer eligible for the existing rate of parking permits. As a result, the site would only be eligible for 1 car parking permit, in line with the rate for 'shop top' sites. (See Section 7.2 of this report).</td>
</tr>
</tbody>
</table>

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 with two notices erected on site, one to the Lee street frontage and one to the adjoining laneway.

Eighteen (18) objections from seventeen (17) properties and one (1) submission of support were received from the properties listed within Attachment B of this report.

6. Consultation Meeting

A consultation meeting was held on 7 August 2019 which was attended by Councillor Cusack, objectors, the permit applicant, the owner of the land and Council Planning Officers.

7. Discussion

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

The proposal is considered to comply with the relevant State, Regional and Local Planning Policies. These policies generally seek to ensure non-residential uses in residential areas impact existing amenity only minimally, and ensure areas with recognised heritage values remain intact, whilst facilitating sensitive economic development.

When considering this proposed use against a net community benefit, recent case law allows for a framework to achieve an acceptable outcome. 5 Chauvel Street Pty Ltd v Banyule CC [2019] VCAT 1061 Paragraph 26 where the VCAT Order considers that:

‘It follows that planning does not seek perfect or ideal outcomes but acceptable outcomes, balancing competing policy. Not every aspect of every policy must be complied with to arrive at an acceptable outcome and favourable decision for a proposal.’
The proposed application is acknowledged to meet areas of policy, whilst is questionable against others. Council’s responsibility is to make a balanced decision based on a net community benefit as required by legislation, and outlined within the above case law. The identified competing issues associated with this proposal include that as a commercial use, it is inconsistent with the surrounding residential nature of the area. This commercial uses provides a teambuilding and critical thinking experience that benefits the local and wider community. The proposed partial use allows for economic development via the creation of employment. The policy framework is identified and assessed in turn.

In relation to Clause 21.05 (Housing) of the Moonee Valley Planning Scheme, significant consideration is paid to Clause 21.05-4 (Non-residential uses in residential zones). It is noted that ‘non-residential uses do have a place within residential precincts as they enhance the vitality, interest and service accessibility of the area. However, the use needs to be operated properly and regulated, so as to not significantly detrimentally impact the amenity of adjoining residents.’ Strategies of Clause 21.05-4 include ‘encourage the use of existing dwellings, or sensitively designed buildings, to ensure consistency with the overall scale and character of the residential area’, ‘Ensure that a non-residential use does not detract from the amenity of existing residential uses in the area in terms of noise, privacy, traffic, parking, visual intrusion, light spill or odour.’ and ‘To ensure that discretionary uses cater for the needs of the local community’.

The intensity of the proposed partial use of the land is modest, and the proposed patronage is low. The recommended hours of use are reasonable, with no operation in the early morning (earliest start time is 11.00am) or into the late evening (latest possible finish time is 8.00pm).

The proposed partial use of the site involves an existing outbuilding to the rear of the site and as such, does not interrupt the existing consistent streetscape or scale and character of the area.

In relation to the requirement to ensure non-residential use does not detract from the amenity, it is assessed that the proposed partial use of the land does not create amenity impacts that cannot be mitigated via permit conditions. The following is a list of the potential amenity impacts and recommended responses:

- **Noise:** A major concern is around noise from patrons when entering or vacating the site. When inside the escape room experience, the outbuilding sufficiently contains noise emissions. It is recommended noise impacts be addressed through conditions to of permit. These conditions include:
  - limiting the volume of portable two way radios via the site
  - patron management plan
  - requirement of an acoustic report.
- limit the hours of operation to 11am to 7pm on the weekend and the use not allowed to operate on public holidays to minimise the impact of noise when adjoining residents are more likely to be at their dwellings.

- Privacy: The privacy of neighbours is not detrimentally affected by the outbuilding. The outbuilding associated with the escape room does not create any overlooking concerns. It is however, a recommendation that a condition be included on any permit issued to show the side boundary fences as a minimum height of 1.8 metres on the endorsed plans to limit any overlooking to adjoining secluded private open spaces when patrons are entering or vacating the premises.

- Traffic and parking: See Section 7.2 of this report for traffic discussion.

- Visual intrusion: The outbuilding is pre-existing and as such, does not create any visual intrusion.

- Light spill: A sensor light is located to the rear of the site that may spill to adjoining properties. It is recommended that conditions be included that limit the use of overhead lighting whilst the escape use is occupied, and that ground lighting be utilised as an alternative.

- Odour: The proposed partial use will not result in odour creation.

In relation to the strategy at 21.05-4 that the use cater to the local community: the proposed partial use provides an entertainment opportunity for local community and beyond. Whilst the proposed use is not consistent with that of a casual everyday use (for instance, a milk bar) as it is somewhat niche in nature, the use is available for the local community to engage in. The partial use also creates an experience the wider community of Melbourne can engage with.

In relation to Clause 15.03-1S (Heritage Protection) and Clause 22.01 (Heritage) of The Moonee Valley Planning Scheme, The proposed partial use is generally in accordance with the Heritage characteristics of the area. Strategies listed at Clause 15.03-1S include ‘ensure an appropriate setting and context for heritage places is maintained or enhanced’ and ‘support adaptive reuse of heritage buildings where their use has become redundant’. Further, Clause 22.01-5 (Decision Guidelines) lists a decision consideration as ‘The intactness or integrity of the heritage place’. In considering the setting, context and intactness of the Heritage Precinct 24 – Wellington Street. The proposed partial use of the land is to occur in the rear outbuilding, which is not visible to the Lee Street frontage and does not interrupt the experience of the heritage precinct to the streetscape. In conclusion, for the aforementioned reasons it is assessed that there are no heritage concerns.
In relation to Clause 17 (Economic Development) of the Moonee Valley Planning Scheme, the partial use of the land generates employment. The employment generated is modest in nature, however, is beneficial as the escape room brings people to the local area who may then engage with other businesses in the wider Flemington area. In conclusion, the proposed partial use is of net benefit to the community.

7.2 Compliance with Clause 52.06 (Car Parking)

As referenced within Section 2.3 of this report, Council’s Traffic and Transport Unit has no objection to the rate of car parking generated. It is noted that the site is likely to generate in the order of 4 trips per booking. Assuming 4 bookings per day, this equates to 16 trips per day for the development, with approximately 2-4 trips generated during the PM peak hour. This level of traffic generation is not considered enough to warrant an objection to the development on traffic engineering grounds.

The applicant has undertaken on-street parking observations within Lee Street. These surveys have not been undertaken by a qualified traffic engineer and are spread over a 3-4 week period. Notwithstanding, the data collected indicates that 9-20 vacant spaces were observed within Lee Street. While Council does not anticipate the application will have a detrimental impact to on-street parking in the nearby area, without surveys by a qualified engineer it is difficult to ascertain the existing on-street parking conditions. This information has not been provided and therefore a determination on the data was not reached by Council’s Traffic and Transport Unit.

In regard to the parking assessment, Council’s Traffic and Transport Unit assessed the information available. The use proposed is classified as an innominate use, there is no car parking rate stipulated under Clause 52.06-5 (Number of car parking spaces required under Table 1). The rate is to the satisfaction of the Responsible Authority. The site could be deemed to generate a demand for two (2) car spaces. These demands would need to be accommodated on-street in the nearby area.

Factors that have been taken into account when considering car parking include the anticipated car parking rate, and that the use has historically been operating for years with parking generated being accommodated in the street. Further, under the City of Moonee Valley’s Municipal Parking Strategy, in the event that permit parking only areas are introduced to the area and the permit were approved (as the residentially zoned site has a commercial use), the rate of possible parking permits the site is eligible for would be reduced to 1 (one), in accordance with the rate for a shop top arrangement.

The site is located within the Principal Public Transport Network and has access to a number of public transport services including nearby tram and train routes that link to the central business district. As such, it is asserted that the car parking impacts do not warrant opposition to the use.
7.3 Does the proposal accord with the General Residential Zone?

The proposed partial use of the land as an escape room facility has been assessed against Clause 32.08.2 (Table of Uses): Any other use not in Section 1 or 3 (Innominate use) and Clause 32.08-13 (Decision guidelines) of the Moonee Valley Planning Scheme. It therefore is considered to be ‘undefined’ under the current scheme provisions. The proposed use is the first known use of its nature in the City of Moonee Valley.

The application is carefully assessed against the purposes of the General Residential Zone which seeks ‘to implement the Municipal Planning Strategy and the Planning Policy Framework’ and ‘to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations’.

When considering Clause 32.08-13 (Decision Guidelines), the following assessment is made:

- The use is not prohibited within Clause 34.01-1 of the Moonee Valley Planning Scheme, and can therefore be considered on balance under the decision guidelines of this zone.
- The application is for use only and does not include any buildings and works to the site. The escape room experience simply utilises a pre-existing outbuilding to the site. As such the proposal is not assessed under neighbourhood character in regard to the built form.
- Since the pre-existing residential use of the site is to continue, the proposed partial use is not detracting from the amount of housing stock available.
- See Section 7.1 for discussion on how the proposed partial use serves the local community.
- See Section 7.2 for extended discussion in relation to traffic generation and parking.
- The nature of the use of the land will not generate loading or unloading demand. Further, the use will generate a negligible amount of refuse and will not require loading or waste collection facilities.

7.4 Does the proposal accord with any applicable Overlays?

The site is affected by the Heritage Overlay Schedule 24 and the Environmental Significant Overlay Schedule 2. As the proposal does not include and buildings or works, neither of these Overlays trigger.

8. Objections

The following table provides a discussion of the concerns raised with the objections of this application:
### Table 3

<table>
<thead>
<tr>
<th>Issue</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excessive hours of operation.</td>
<td>The hours of operation could be altered from what is proposed to limit impacts to adjoining properties in relation to amenity impacts (as discussed at Section 7.1 of this report), especially at the weekend when neighbours are more likely to be home: it is recommended the following hours be included as conditions on any permit granted: Monday: Closed Tuesday: Closed Wednesday – Friday: 12.00pm – 8.00pm Saturday – Sunday: 11am – 7.00pm</td>
</tr>
<tr>
<td>Not an appropriate use for an area of that is residential in nature.</td>
<td>An escape room is not a prohibited use under the General Residential Zone and as such, must be considered against the relevant State and Local Planning Policies of the Moonee Valley Planning Scheme. Please refer to Section 7.1 of this report.</td>
</tr>
<tr>
<td>Will transform the area into a commercial zone.</td>
<td>The zoning would remain unchanged if a permit were granted. The partial use of the land is niche in nature and as such, does not realistically create a precedence for other uses requiring a permit in the local area. If other non-residential uses were proposed in the residential zone, they would be subject to the provisions of the Moonee Valley Planning Scheme and assessed on the planning applications merits. Please refer to Section 7.1 of this report.</td>
</tr>
<tr>
<td>Hindrance to the surrounding area.</td>
<td>Please refer to Section 7.1 of this report.</td>
</tr>
<tr>
<td>Overlooking/Loss of privacy.</td>
<td>Please refer to Section 7.1 of this report.</td>
</tr>
<tr>
<td>Light Spill from garden/security lights.</td>
<td>Please refer to Section 7.1 of this report.</td>
</tr>
<tr>
<td>Increased noise</td>
<td>Please refer to Section 7.1 of this report.</td>
</tr>
<tr>
<td>Customers waiting outside will compromise footpath space for pedestrians.</td>
<td>The patrons going to the site are sufficiently limited and dispersed throughout the business day that this is not a feasible outcome. Further, it has been recommended that a site and patron management plan be included as a condition on any permit issued.</td>
</tr>
<tr>
<td>Issue</td>
<td>Officer Response</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Generally strangers will compromise the established identity of the area.</td>
<td>Please refer to Section 7.1 of this report.</td>
</tr>
<tr>
<td>Potential use of advertising signage in the future would be out of character to the area.</td>
<td>No advertising signage is proposed as a part of this application. If advertising is desired in the future, a planning permit would be required as the site is situated in a heritage overlay area. The planning proposal would be assessed against the relevant planning policy.</td>
</tr>
<tr>
<td>The proposal does not provide sufficient on-site parking.</td>
<td>Please refer to Section 7.2 of this report.</td>
</tr>
<tr>
<td>The proposal will lead to increased traffic within the area.</td>
<td>Please refer to Section 7.2 of this report.</td>
</tr>
<tr>
<td>The proposal will place increased pressure on car parking availability within the street.</td>
<td>Please refer to Section 7.2 of this report.</td>
</tr>
<tr>
<td>The disruption of a van in the street.</td>
<td>This is not a valid planning consideration, however to ensure the van is not returned to the premises or the surrounding vicinity, it is recommended a condition be included on any permit issued addressing this. See section 2.2 of this report for details around the history of the van and subsequent enforcement action.</td>
</tr>
<tr>
<td>The proposal will lead a decrease in surrounding property values.</td>
<td>This is not a valid planning consideration.</td>
</tr>
<tr>
<td>The increased pressure on parking would result in people having to walk far from their car to their house; risking personal safety.</td>
<td>This is not a valid planning consideration.</td>
</tr>
<tr>
<td>Increased potential for theft or burglary</td>
<td>This is not a valid planning consideration.</td>
</tr>
<tr>
<td>Potential risk of fire – questions around if the outbuilding is in accordance with the Building Code/OH&amp;S requirements</td>
<td>This is not a valid planning consideration. Concerns around the building code would be addressed via a building permit.</td>
</tr>
</tbody>
</table>
9. **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)*.

10. **Council Plan /Policy**

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

- Strategic Direction 6: A city with opportunities to learn and work;
- Strategic Direction 7: A city that responds to a changing economic landscape; and,
- Strategic Direction 8: A city with things to see and do.

11. **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: Advertised Plans (separately circulated)
B: Objector List (separately circulated)
10.2 Combined Planning Scheme Amendment C209moon and Planning Permit Application MV/24/2018 - Lowther Hall Anglican Grammar School - 17-29 Leslie Road, 8 and 18-22 Sherbourne Street, Essendon

Author: Christina Collia - Coordinator Strategic Planning
        Grant Michell – Principal Statutory Planner

Directorate: Planning and Development

1. Purpose

1.1 The purpose of this report is to seek a Council resolution to request the Minister for Planning, pursuant to Section 8A(3) of the Planning and Environment Act 1987, for authorisation to prepare and exhibit combined Planning Scheme Amendment C209moon and Planning Permit Application MV/24/2018, which was received pursuant to Section 96A of the Planning and Environment Act 1987.

2. Background

2.1 C209moon is a combined Planning Scheme Amendment and Planning Permit Application submitted to Council under Section 96A of the Planning and Environment Act 1987.

2.2 The combined amendment and permit application has been requested by Lowther Hall Anglican Grammar School Pty Ltd (the Proponent).

2.3 The planning scheme amendment component proposes to replace an existing Incorporated Plan Overlay (IPO) and Lowther Hall Anglican Grammar School Master Plan 1998-2008 (the 1998 Master Plan) with a Development Plan Overlay (DPO) and new Lowther Hall Master Plan 2017-2027 (2017 Master Plan) to guide the future development of the school until 2027.

2.4 The planning permit application component proposes the use and development of the land for an education centre, comprising a gymnasium, an outdoor multi-purpose sports courts and an underground car park.

2.5 Subject Site and Surrounds

The subject site is known as Lowther Hall Anglican Grammar School and is located at 17-29 Leslie Road, 8 and 18-22 Sherbourne Street, Essendon. The site extends from Leslie Road to the west through to Sherbourne Street to the east and includes a frontage to Inglebrae Court to the south.

The subject site is made up of five separate allotments being Lot 2 on PS528367K (17-29 Leslie Road), Lot 2 on PS060376 (8 Sherbourne Street), Lot 17 on PS015501 (18 Sherbourne Street), Lot 16 on PS015501 (20 Sherbourne Street), and Lots 1 and 2 on PS076463 (22 Sherbourne Street). The site has an overall area of approximately 2 hectares.

The site accommodates a number of education buildings with open play spaces and car parking. The section of land within the south-eastern corner is currently used as a temporary car park and open playing field.
The school campus is included in the General Residential Zone (GRZ) of the Moonee Valley Planning Scheme and is affected by Incorporated Plan Overlay Schedule 6 (IPO6) relating to the 1998 School Master Plan. Portions of the site are also affected by Heritage Overlay Schedule 7 (HO7) relating to ‘The Riverview Estate (Leslie Road)’ and Heritage Overlay Schedule 60 (HO60) relating to the original Mansion.

The surrounding land is within the GRZ. Residential developments in proximity of the subject site are typically single dwellings with emerging multi-unit developments further to the north.

The new Buckley Street road under rail grade separation is approximately 200 metres north of the school.

2.6 Proposed Master Plan and Staged Implementation

The school’s 1998 Master Plan was approved by the Minister for Planning in 1998 and became an Incorporated Plan under the Moonee Valley Planning Scheme.

Its purpose was to consider the medium to long term needs of the school, provide a level of certainty to relevant planning authorities and the surrounding community and provide an implementation plan for the master plan’s outcomes. It also restricted student numbers to 800.

The plan identified sixteen actions, fourteen of which have now been completed. The two outstanding projects relate to the refurbishment of the Cultural Centre and an extension to Grant House. The school still intends to complete the remaining two projects.

The 1998 Master Plan was originally intended to guide the development of the school for a period of ten years to 2008. It is recognised the Incorporated Document is out of date and no longer reflects the extent of the school’s future development plans.
The need for an updated master plan was formally identified by Council via Condition 3 of Planning Permit MV334/2015, which allowed for the construction of the new Early Years Centre (now referred to as Blinkbonnie House) and was issued by Council on 5 February 2016, at the direction of the Victorian Civil and Administration Tribunal.

Condition 3 required:

- Unless otherwise agreed in writing by the Responsible Authority, an application must be made to amend the Incorporated Plan within one year of the issued permit date.

An updated master plan has therefore been prepared to guide future use and development of the school to 2027. The 2017 Master Plan will replace the existing 1998 Master Plan to provide certainty to the school and community in relation to the future growth plans for the school. A copy of the 2017 Master Plan is included in Attachment B (separately circulated).

The buildings and works proposed by the 2017 Master Plan, as well as a proposed increase in student numbers from 800 to 900, responds to population increases in Melbourne and associated pressure on institutional uses such as Lowther Hall to service a growing population’s needs.

The implementation of the 2017 Master Plan will be staged (refer Table 1). Staging is indicative and intended to provide a broad timeframe in which the projects might occur, subject to funding. Table 1: column ‘Key’ reflects the location of projects elements as indicated in Figure 2, and does not represent the order in which projects will occur within the individual stages.

**Table 1: Staging of proposed buildings and works**

<table>
<thead>
<tr>
<th>Staging</th>
<th>Key</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1 (1-4 years)</td>
<td>A</td>
<td>Refurbishment of No. 8 Sherbourne Street</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>External and Internal refurbishment of the Cultural Centre</td>
</tr>
<tr>
<td></td>
<td>C</td>
<td>New Gymnasium and associated change and storage facilities with roof deck</td>
</tr>
<tr>
<td>Stage 2 (5-9 years)</td>
<td>D</td>
<td>Underground Car Parking and Ramp Access</td>
</tr>
<tr>
<td></td>
<td>E</td>
<td>Outdoor Courts</td>
</tr>
<tr>
<td></td>
<td>F</td>
<td>Grant House Refurbishment and Extension</td>
</tr>
<tr>
<td></td>
<td>G</td>
<td>Cultural Centre Extension at Upper Level, east side</td>
</tr>
<tr>
<td>Stage 3 (10 years plus)</td>
<td>H</td>
<td>Cultural Centre Extension at Upper Level, west side</td>
</tr>
</tbody>
</table>
Figure 2 - Proposed buildings and works (excerpt from 2017 Master Plan)

3. Issues

3.1 Combined amendment and planning permit process

The Planning and Environment Act 1987 provides for a planning scheme amendment and planning permit application to be considered concurrently under Section 96A of the Act.

This process allows Council to simultaneously prepare and give notice of a proposed planning scheme amendment and planning permit application.

Given the existing IPO6 and incorporation of the 1998 Master Plan, there is no alternative means to facilitate approval of the 2017 Master Plan except through an amendment to the planning scheme.

In lieu of amending the Incorporated Plan (the 1998 Master Plan) by 5 February, 2017, the Proponent has elected to pursue: a Section 96A process to remove the IPO and replace with the DPO; approve the 2017 Master Plan; and consider a permit application for the initial stages of works under the new master plan.

The combined amendment process is substantially the same as a standard planning scheme amendment, with the opportunity for individuals to make a submission to the amendment and/or the planning permit application during a public exhibition period.
At the conclusion of the exhibition period, Council will have the opportunity to consider submissions and decide how to proceed with the amendment. Council can opt to refer unresolved submissions to an Independent Panel appointed by the Minister for Planning, or to abandon the amendment.

The Panel would consider submissions and make recommendations to Council on how the amendment should proceed.

If Council then adopts the combined amendment, the Minister for Planning will make the final decision about whether to approve the amendment and grant the permit application, with no further right of review.

If approved by the Minister for Planning, Council as the Responsible Authority would be directed to issue the planning permit.

3.2 Proposed Amendment C209moon

The amendment proposes to make the following changes to the Moonee Valley Planning Scheme:

- Amend Map 12IPO to remove the Incorporated Plan Overlay Schedule 6 from the site
- Insert new Map 12DPO to apply the Development Plan Overlay Schedule 9 to the site
- Amend Schedule 6 to Clause 43.03 Incorporated Plan Overlay to delete reference to Lowther Hall Anglican Grammar School and retain reference to Penleigh and Essendon Grammar School only
- Insert a new Schedule 9 “Lowther Hall School Master Plan” to Clause 43.04 Development Plan Overlay
- Amend Clause 72.03 to include reference to Map 12DPO

A copy of the amendment documents is included in Attachment C (separately circulated).

An IPO is an outdated planning tool. The principal difference between the IPO and DPO is that there is greater procedural fairness and flexibility for approving revisions to a DPO. Where the IPO applies, the form and conditions of future use and development is required to be shown on an Incorporated Plan under the planning scheme before a permit can be granted to use or develop land (unless varied by a schedule). A planning scheme amendment is then required to change an Incorporated Plan. Under a DPO, a master plan is not an Incorporated Plan under the planning scheme and can be amended to the satisfaction of the Responsible Authority, without the need for a formal planning scheme amendment process.

In the place of the Incorporated Plan, the 2017 Master Plan is proposed to be endorsed as a Development Plan pursuant to the requirements of proposed Schedule 9 to Clause 43.04 (DPO9) of the planning scheme.
It is noted that a Development Plan prepared pursuant to a DPO is not typically the subject of a formal exhibition process.

In this instance, however, it is considered that including the 2017 Master Plan as part of the supporting material for the amendment is important to: provide the local community an opportunity to consider the school’s vision for the site; ensure transparency of process; and assist in testing the requirements of Schedule 9 to the DPO.

Accordingly, the 2017 Master Plan forms a supporting document to Amendment C209moon and it is intended the 2017 Master Plan will ultimately form the endorsed Development Plan required by DPO9.

The proposed DPO9 and 2017 Master Plan provides an appropriately detailed vision and flexible planning framework to guide the physical evolution of the Lowther Hall Grammar School for the next ten years.

The proposed removal of the IPO and its replacement with the DPO is an appropriate approach to enable the implementation of the 2017 Master Plan, given:

- The site is in a single ownership; and
- The inclusion of the Master Plan as part of the supporting material for the amendment provides transparency in the process and ensures the local community will be aware of what is proposed.

3.3 Planning Permit Application MV/24/2018

The proposed planning permit application seeks approval for the use and development of the land for an education centre, comprising a gymnasium, outdoor multi-purpose courts and an underground car park.

The proposed planning permit seeks approval for the buildings and works nominated as Stages C, D and E under the proposed 2017 Master Plan. These stages are summarised in Table 2.

**Table 2 – Permit application staging**

<table>
<thead>
<tr>
<th>Staging</th>
<th>Time Frame</th>
<th>Proposed Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1 (Item C)</td>
<td>1-4 years</td>
<td>New gymnasium and associated change and storage facilities with roof deck</td>
</tr>
<tr>
<td>Stage 2 (Item D)</td>
<td>5-9 years</td>
<td>Underground car parking and ramp access</td>
</tr>
<tr>
<td>Stage 2 (Item E)</td>
<td>5-9 years</td>
<td>Outdoor courts</td>
</tr>
</tbody>
</table>

In general, Planning Permit MV/24/2018 comprises:

- use of the land at 18-22 Sherbourne Street as an education centre
- removal of the existing temporary 20 space car park to Inglebrae Court
• construction of two levels of basement car parking with total of 95 car spaces
• construction of two sport courts at ground level over basement car parking
• construction of a gymnasium with two levels of sports courts (one at basement level) and associated change rooms and class rooms.

Refer Attachment D Development Plans (separately circulated).

3.4 Relevant Planning History

The following relevant planning permit applications have been determined for the subject site:

17-29 Leslie Road, Essendon

• MV/6936/1994 – Alterations and Additions to the existing School Building. This permit also introduced Section 173 Agreement U017064B, capping the number of students to 725. An Amendment to the Section 173 Agreement (AL849020S) was introduced on 17 April 2015, which increased the number of students to 800

• MV/11674/1999 – Permit approved by VCAT for the development and use of extension to & refurbishments of the school

• MV/14880/2001 – approval for the construction of a sixteen bay car parking area and removal of portable classrooms from the site

• MV/16029/2003 – Approval for a change of use associated with a child development centre incorporating kindergarten and before and after child care and change of operating hours

• MV/16059/2003 – Approval for the construction and use of buildings and works for the purposes of senior staff facilities

• MV/16170/2003 – Approval for the construction of a rotunda on a site within a Heritage Overlay

• MV/16181/2003 – approval for the Construction (re-instatement) of a vehicle crossing in a Heritage Overlay area

• MV/16695/2004 – Heritage Victoria approval for alterations and additions to Lowther Hall Anglican Girls Grammar School

• MV/17080/2005 – Heritage Victoria approval for repairs to ceilings and walls and re-wallpapering and painting to existing school

• MV/17328/2005 – Approval for the replacement of existing fence and installation of disabled access ramp

• MV/17528/2005 – Approval for the construction of two new identification signs to replace existing one each to street frontages on Sherbourne Street and Leslie Road

• MV/17779/2006 – Approval to construct a new cast iron and bluestone fence, complete with pedestrian access gateway. Proposed fence is to join the existing fences in Leslie Road
MV/17809/2006 – Approval for alterations and additions to the existing school canteen
MV/18799/2007 – Approval for alterations and additions to existing education centre (Lowther Hall Anglican Grammar School) in a heritage overlay area
MV/19536/2008 – Approval for the construction of a shed and bike storage area
MV/ 21565/2010 – Approval for partial demolition and the construction of alterations and additions to an existing building (Samphord House) within a Heritage Overlay
MV/777/2013 – Approval for external buildings and works to an existing school building (Grant House)
MV/334/2015 – Issued by VCAT on the 5 February 2016 for partial demolition of a building, buildings and works including the construction of a new early learning centre, external painting, use and development of 22 Sherbourne Street for the purposes of car parking within a Heritage Overlay and Incorporated Plan Overlay
MV/739/2015 – Approval for buildings and works associated with a Section 2 Use in a General Residential Zone on land affected by an Incorporated Plan Overlay

18, 20 and 22 Sherbourne Street, Essendon

MV/5803/1993 – Refused for junior school annexe
MV/9531/1997 – Approved for the use of land as a playground in association with existing school
MV/21572/2010 – Refused for building and works including the use of the land as a temporary car park in association with an existing school (Lowther Hall Anglican Grammar School)
MV/193/2016 - a permit was issued for the use of land at 18 Sherbourne Street for open space purposes associated with the School. An amended permit was issued to include 20 and 22 Sherbourne Street into this approval.

3.5 Planning Policies and Decision Guidelines

Planning Policy Framework
Clause 11 Settlement
Clause 13.07-1S Land Use Compatibility
Clause 15 Built Environment and Heritage
Clause 15.01-1S Urban Design
Clause 15.01-2S Building Design
Clause 15.01-5S Neighbourhood Character
Clause 15.03-1S Heritage Conservation
Clause 18 Transport
Clause 19.02-2S Education Facilities
Clause 19.03-3S Integrated Water Management

**Local Planning Policy Framework**

Clause 21.02 Key Issues and Influences
Clause 21.03 Vision
Clause 21.04 Sustainable Environment
Clause 21.05-4 Non-residential uses in Residential Zones
Clause 21.06 Built Environment
Clause 21.10 Social and Physical Infrastructure
Clause 22.01 Heritage
Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

**Zoning**

Clause 32.08 General Residential Zone

**Overlays**

Clause 43.01 Heritage Overlay (HO7 and HO60)
Clause 43.03 Incorporated Plan Overlay (IPO6)

**Particular and General Provisions**

Clause 52.06 Car Parking
Clause 53.18 Stormwater Management in Urban Development
Clause 64 General Provisions for Use and Development of Land
Clause 65 Decision Guidelines
Clause 66.02 Use and Development Referrals
Clause 71.02-3 Integrated Decision Making

3.6 **Referrals**

No external referrals were undertaken as part of the planning permit application.

The following internal referrals were undertaken:
Table 3 - Internal referral responses

<table>
<thead>
<tr>
<th>Department/Officer</th>
<th>Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Transport Unit</td>
<td>No objection subject to standard parking and crossover conditions</td>
</tr>
<tr>
<td>Development Engineering (Drainage)</td>
<td>No objection subject to standard drainage conditions</td>
</tr>
<tr>
<td>Heritage Advisor</td>
<td>No objection</td>
</tr>
</tbody>
</table>

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

The proposal is considered to comply with the relevant State and Local Planning Policies. Generally, these objectives seek to encourage the development of education facilities that meet existing and future demand requirements of students.

The proposed development is consistent with the objectives of Clause 15 Built Environment and Heritage as the buildings and works are of a high quality architectural and environmentally sustainable design. The siting and design of the proposed works has been carefully considered with respect to the site’s local context and minimises detrimental impacts on neighbouring properties by:

- Providing underground car parking that utilises the existing crossover to Sherbourne Street
- Ensuring buildings and works are appropriately setback and recessed from the street frontages within landscaped setbacks
- Maintaining an overall building height that is compliant with the maximum height under the General Residential Zone
- Presenting interesting and articulated building facades that improve the streetscape presentation and encourage passive surveillance
- Ensuring that overall built form is broken up along the Sherbourne Street frontage and that the overall site is efficiently utilised
- The overall scale of the development being consistent with the existing education buildings on the site and consistent with the purpose of its zoning
- Providing sufficient building setbacks from the existing heritage listed Mansion on-site
- Providing appropriate landscaping along the Sherbourne Street and Inglebrae Court frontage to maintain a garden edge that is consistent with the character of the area
• Ensuring there is no direct pedestrian access to either Sherbourne Street or Inglebrae Court, with all pedestrian access being internal to the site. It is noted that the only access to the site is for vehicles from Sherbourne Street using the existing crossover.

• Proposing fencing around the perimeter of the outdoor court and gymnasium/indoor sports centre, consistent with existing fencing around the School, ensuring the on-going security of the School for students, staff and parents.

• Providing opportunity for greater surveillance and activity along Sherbourne Street which has been identified for a potential shared cycling/pedestrian route in the MV2040 Strategy 2018.

The proposal is consistent with the policy guidelines of Clause 21.05-4 as the area of the overall site which is subject to the proposed buildings and works is already developed with a non-residential use, being a temporary car park and open space area associated with Lowther Hall Anglican Grammar School, which has been existing for a number of years.

It is considered there will be no unreasonable noise impacts as a result of this proposal as all activities will be held within the structure, with the exception of activities on the south, which is an open sports field. It is noted this area is currently used as a sports field and the use is consistent with the existing school. Further, appropriate landscaping has been provided along the southern interface to provide some filtering of noise.

The proposal has the ability to comply with the environmental sustainable design principles regarding BESS and STORM, subject to any conditions on permit.

The proposal accords with objectives of Clause 21.04-7 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimisation. Waste collection will be undertaken in accordance with the existing waste management arrangements of the school, however, it is appropriate to include a condition requiring the submission of a Waste Management Plan.

3.8 Compliance with Clause 52.06 (Car Parking)

The proposed development includes the deletion of the existing car park within the Inglebrae Court frontage and the construction of a two level basement carpark. The existing car park contains 20 car spaces while the proposed car park will contain 95 car spaces. As a result, the proposed development, which is part of Planning Permit MV/24/2018, will include an overall increase in car parking on-site by 75 car spaces. The development permit aspect of this planning scheme amendment has been referred to Council’s Traffic and Transport Unit, who have no objection to the proposal subject to conditions relating to the internal layout of the car park, which have been included within the draft conditions.
3.9 **Heritage**

The subject site is affected by two Heritage Overlays being HO7 (Riverview Estate, Leslie Road) and HO60 (29 Leslie Road, existing Mansion). The proposed area of works, being 18-22 Sherbourne Street are not located within the Heritage Overlay. Notwithstanding, the application has been referred to Council’s Heritage Advisor, who does not object to the proposal as a result of the overall design and setbacks of the buildings.

3.10 **Incorporated Plan Overlay - Schedule 6**

The overall Section 96A application proposes the removal of the existing Incorporated Plan Overlay Schedule 6 and its replacement with a new Development Plan Overlay. These changes to the Moonee Valley Planning Scheme will facilitate the updating and replacement of the existing 1998 Master Plan for Lowther Hall with a new 2017 Master Plan under the Development Plan Overlay. The proposal accords with the proposed master plan. The proposed development improves the existing facilities of the school and will provide greater opportunities to current and future students of the school.

3.11 **Draft Planning Permit Conditions**

While Council has not yet formed an opinion about whether it is likely to grant the permit, it is a requirement of the Planning and Environment Act 1987 to prepare draft permit conditions with the other requirements of the amendment. Providing a copy of the proposed permit conditions at the same time as the notice of amendment and application enables affected parties to make submissions about the change to the planning scheme, the specific application and the draft permit conditions. A copy of the draft permit conditions is included at Attachment E (separately circulated).

3.12 **Traffic implications of the Buckley Street Level Crossing Removal Project**

There have been delays in progressing the combined amendment as a result of the Buckley Street Level Crossing Removal project.

The Level Crossing Removal project implemented some significant changes to the surrounding street network of the subject site, including changing Sherbourne Street from one-way to two-way vehicle movements.

At the time the request was submitted by the Proponent in November 2017, Council was seeking information from the then Level Crossing Removal Authority (LXRA) in relation to the anticipated traffic and parking implications of their endorsed road under design. Council was eventually advised this information would not be provided.

As a result, the Proponent was advised the combined planning scheme amendment could not be considered until such time as a resolution of the Buckley Street project had been reached. Two years on, the information sought from the LXRA (now known as the Level Crossing Removal Project, LXRP) has still not been provided, despite various requests from Council officers.

The Buckley Street Level Crossing was open to traffic in September 2018.
The traffic report submitted with this proposal has included traffic surveys of the nearby area prior to, and after, the completion of the Buckley Street Level Crossing. The report and survey conclude any additional traffic movements as a result of the 2017 Lowther Hall Master Plan can be accommodated in the current street network. A copy of the report is provided at Attachment F (separately circulated).

In regards to the sports centre application, as there is no increase in the number of teachers, the overall parking demand for the proposed use and development does not change and no permit is required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.

The overall increase in students from 800 to 900 represents an increase of approximately 85 drop-off movements in the AM peak and 76 pick-up movements in the PM peak.

Council’s Traffic and Transport Unit has reviewed the proposal and has no objection to what is proposed, but notes the Level Crossing Removal Project (LXRP) is still to release post-development traffic studies that may influence future operations of the surrounding road network and access arrangements to the school.

Exhibition of the combined amendment will include notice to the LXRP to seek their input.

3.13 **Next Steps**

An assessment of the proposed combined amendment and permit application has been undertaken by Council officers. The proposal is considered to be of sufficient merit to warrant Council’s support for seeking Authorisation to prepare and exhibit the combined amendment and planning permit application.

3.14 Following public exhibition, a further report will be presented to Council to consider the proposal in light of community and stakeholder feedback.

**Recommendation**

That Council resolves to:

a. Request the Minister for Planning, pursuant to Section 8A(3) of the *Planning and Environment Act 1987*, for authorisation to prepare and exhibit combined Planning Scheme Amendment C209moon and Planning Permit Application MV/24/2018, which was received pursuant to Section 96A of the *Planning and Environment Act 1987*.

b. Subject to obtaining authorisation from the Minister for Planning, exhibit combined Planning Scheme Amendment C209moon and Planning Permit Application MV/24/2018 (including draft permit conditions) in accordance with Section 96C of the *Planning and Environment Act 1987*.

c. Require a condition of exhibition that building heights are expressed in meters and storeys on the Lowther Hall Master Plan 2017-2027.

d. Allow Council officers to make minor editing or typographical changes as required.
Attachments

A: Impact assessment
B: Lowther Hall Master Plan 2017-2027 (separately circulated)
C: Amendment C209moon documentation (separately circulated)
D: Lowther Hall Development Plans and Elevations (separately circulated)
E: Lowther Hall Draft Planning Permit - MV/24/2018 - 17-29 Leslie Road and 18-22 Sherbourne Street, Essendon (separately circulated)
F: Lowther Hall Master Plan Traffic and Transport Strategy (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 In presenting this report, Council is working to achieve MV2040 Strategic Direction 6: A city with opportunities to learn and work. Council is committed to supporting education and lifelong learning initiatives given the strong link between learning and better health outcomes, including physical and mental health and wellbeing, social connection and a sense of belonging.

   1.2 The relevant Council decision relating to proposed amendment C209moon is the following:

   1.2.1 Condition 3 of Planning Permit MV334/2015 which requires that:

   - Unless otherwise agreed in wiring by the Responsible Authority, an application must be made to amend the Incorporated Plan within one year of the issued permit date.

2. Legislative obligations
   2.1 The proposed combined planning scheme amendment is consistent with the Ministerial Direction on the form and content of planning schemes under Section 7(5) of the Planning and Environment Act 1987.

   2.2 The preparation of the amendment is also in accordance with Section 4 and Section 96A of the Planning and Environment Act 1987.

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

3. Legal implications
   3.1 Seeking to prepare and exhibit the combined planning scheme amendment for Lowther Hall is unlikely to result in legal implications. There are no expected legal exposures in making a decision to proceed with this work.

4. Risks
   4.1 Using the risk assessment criteria matrix, the risk rating for the report is high (12). The measure of consequence is assessed as moderate (reputation) and the measure of likelihood is likely.

   4.2 The outcome of the report may result in concerns from the public regarding potential traffic and transport impacts of the proposed development.

5. Social impact assessment
5.1 Proposed Amendment C209moon will have a positive impact on public health. Council is committed to supporting education and lifelong learning initiatives given the strong link between learning and better health outcomes.

6. Economic impact assessment
6.1 The decision will not impact negatively on business, economic development in the municipality, or on economic opportunities.

6.2 It is considered that allowing the proposed increase in student numbers will fill capacity at Lowther Hall Anglican Grammar School and improve its financial viability.

6.3 Lowther Hall is a significant contributor to the local economy and the amendment will support its growth and future operations of the school to benefit the economic well-being of the community and support future local employment.

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

8. Reputational impact assessment
8.1 The decision will have a positive impact on the reputation of Council. Administering the preparation and exhibition of a combined amendment will enable the community to understand the school’s vision for the site over the next 10 years and provides the opportunity for submissions to be made in relation to both the proposed amendment and planning permit application.

9. Financial implications
9.1 The administration of the combined amendment and permit process is undertaken internally by Council Officers. As the amendment has been requested by the school, all costs associated with the amendment, including statutory fees and Panel costs, will be borne by the Proponent. There has been no financial expenditure by Council as a result of this report.

10. Sensitivity / scenario analysis
10.1 The LXRP will be given notice of the proposed amendment as they are a Referral Authority under the Planning and Environment Act 1987. The views of the LXRP will likely be guided by post-development traffic studies undertaken in relation to the Buckley Street Level Crossing Removal. These studies have yet to be released and their content is unknown. As a result, any potential traffic impacts on the proposal in relation to anticipated long term traffic movements in the area are unknown at this stage.
10.2 There will be opportunity for the LXR to make a submission to the combined amendment and, if required, present their views should the matter be referred to an Independent Planning Panel.

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 Subject to obtaining authorisation from the Minister for Planning, exhibition of Combined Amendment C209moon and Planning Permit Application MV/24/2018 (including draft permit conditions) will be undertaken in accordance with Section 96C of the Planning and Environment Act 1987.

   12.2 Public exhibition will include:

   12.2.1 Exhibition period of four weeks.

   12.2.2 Notifying parties considered to be affected by the proposed amendment and development.

   12.2.3 Notifying prescribed Ministers and relevant agencies.

   12.2.4 Notices in the local paper.

   12.2.5 Information on the corporate website and YourSay website.
Imagine Windy Hill Final Draft Vision

Author: Ben McManus - Major Community Infrastructure Program Manager

Directorate: Planning and Development

1. Purpose

1.1 This report requests Council endorse the vision for the future of the Essendon Recreation Reserve (Windy Hill).

1.2 The vision is based on extensive community engagement and will be used to acknowledge the current situation, while highlighting future opportunities through understanding community need and embracing key stakeholder’s commitment for the future. The vision will be developed as an advocacy piece seeking future support.

2. Background

2.1 At its Ordinary Meeting on 11 September 2018, Council committed to preparing a long term plan for the Windy Hill Precinct with the project labelled Imagine Windy Hill.

2.2 The Essendon Recreation Reserve (Windy Hill) holds a special place in the Moonee Valley community, and is the anchor of the Essendon neighbourhood in MV2040. The opportunity to imagine Windy Hill as it might be in the future, contemplating who the users might be and what it should look like, has been prompted by the following:

2.2.1 The changed use of Windy Hill, with Essendon Football Club moving its training and administration base to Tullamarine, noting they hold a lease for the majority of the reserve until 2031.

2.2.2 The facilities being tired and the community demanding more, high quality public spaces.

2.2.3 The need to deliver on a key part of Council’s long term vision - ensuring our community has access to diverse sports and recreation opportunities in their local area.

2.2.4 Having an agreed vision for the precinct represents a strong advocacy opportunity if we as a community of stakeholders have a united front.

2.3 Research was undertaken for strategic context (Attachment B (separately circulated) – Imagine Windy Hill – Technical Background Report)

2.4 Engagement was to be extensive with the broader community, but include the local Essendon neighbourhood and the users of the space. As such, the engagement initiatives reached out to thousands of residents, community groups and other key stakeholders, encouraging people to share their vision for the future of Windy Hill (Attachment C (separately circulated) – Imagine Windy Hill – Full Engagement Report and Attachment D (separately circulated) – Imagine Windy Hill – Summary Engagement Report).
2.5 We asked the community their ideas for Windy Hill in the future, and heard overwhelmingly that we need to:
  - Acknowledge the history of this iconic venue
  - Retain the sporting function for the cultural and social heritage it represents, and the opportunities it creates for “a healthy city”, and;
  - Improve the existing infrastructure and amenity to create a welcoming user experience for all.

2.6 To respond to the community voice heard through the consultation, the following strategic priorities have been determined:
  - Focus on People of Essendon
  - Focus on Place – The Essendon Recreation Reserve (Windy Hill)
  - Focus on the Connection to the Essendon Neighbourhood.

3. **Issues**

3.1 The community ideas garnered through the consultation align with a vision for a “healthy space”, which is consistent with our long-term vision for Moonee Valley, MV2040, as well as with the State Government’s metropolitan planning strategy Plan Melbourne.

3.2 While a vision needs to be long term in nature, it should also set the foundation to move forward in the short term through continued relationship building between stakeholders, community and Council. Once agreed, a vision will allow further work to respond directly to the challenges to see the icon of ‘Windy Hill’ continues to play an important community role into the future.

3.3 The final draft vision (**Attachment A** (separately circulated) – Imagine Windy Hill – Final Draft Vision) is proposed to be:

3.3.1 A place where people are proud to play, stay and remember.

3.3.2 Further, Windy Hill will:
  - have its former glory restored, and be a place where you are proud to play, stay and remember
  - be a centre of health and wellbeing, with quality opportunities for sport, recreation, leisure, events and lifelong learning
  - be a place to celebrate and foster Aboriginal culture and recognise the special connection to Wurundjeri Woi Wurrung of the Kulin Nation, and reconciliation from marngrook to now
  - be a culturally and socially rich precinct that acknowledges the past
  - be a renowned champion of gender equity
  - be a vibrant, safe, welcoming and inviting space featuring high-quality open space and landscapes with green vegetation and trees
• feature high-quality sustainable architecture and design with innovative technology
• feel like a seamless park within the Essendon neighbourhood where access by walking, cycling or public transport is the easy safe option
• provide an opportunity for community, prevention-focused partnerships to flourish.

3.4 The changes from the draft documents include the addition of Aboriginal culture in the vision statement, an endorsement by the sports and community groups to continue to partner on realising the vision, engagement references from phase 2, an action to better understand the current uses/users of the space and minor editorial updates.

3.5 There are opportunities to reposition Windy Hill in future, and while we heard the community want the space to remain an important community asset, consideration needs to be given to the following:

3.5.1 Current land management parameters
3.5.2 Current tenant stakeholder’s commitments to realising the vision
3.5.3 The potential for future partnerships to help realise the vision
3.5.4 The fact that Council will not be able to realise the vision for Windy Hill without support.

Recommendation

That Council resolves to:


b. Adopt the vision and principles (Attachment A – Imagine Windy Hill – Final Draft Vision) for Windy Hill as an agreed position on the future of Windy Hill from the community and stakeholders.

c. Commit to exploring a Community Hub for Essendon at Windy Hill with regard for the Long-term Capital Works Plan to 2044/45.

d. Endorse further work to help realise the vision, and receive a further update on the implementation plan. Further work may include:

   a. Partnerships and advocacy strategy
   b. Land management analysis and site planning
   c. Continuation of community engagement for activation of Windy Hill.

Attachments

A: Imagine Windy Hill - Final Draft Vision (separately circulated)
B: Imagine Windy Hill - Technical Background Report (separately circulated)
C: Imagine Windy Hill - Full Engagement Report (separately circulated)
D: Imagine Windy Hill - Summary Engagement Report Phase 2 (separately circulated)
Impact Assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 MV2040 identifies two projects within scope for Imagine Windy Hill
      1.1.1 Deliver a community hub for Essendon
      1.1.2 Advocate for the public activation of Windy Hill
   1.2 At its Ordinary Meeting on 11 September 2018, Council committed to preparing long term planning for the Windy Hill Precinct with the project labelled Imagine Windy Hill.

2. Legislative obligations
   2.1 Under the *Crown Land (Reserves) Act 1978* the Essendon Recreation Reserve (Windy Hill) is permanently reserved as a site for Public Recreation and Moonee Valley City Council is appointed Committee of Management.

   2.2 In addition to this, Council and the Minister for Energy, Environment and Climate Change (likely through the Department of Environment, Land, Water and Planning, DELWP) are joint registered proprietors of the site pursuant to a restrictive Crown Grant which states that the site shall be maintained and used for ‘the recreation and amusement of our subjects and peoples and offices and conveniences connected herewith and for no other purpose whatsoever’.

   2.3 The Moonee Valley Planning Scheme has the ‘Windy Hill’ Essendon Recreation Reserve zoned as Special Use Zone SUZ3. This zone proposes “to provide for areas to be used and developed as private sports grounds” and “to encourage the orderly planning and development of these facilities in a manner which does not adversely affect the amenity of the neighbourhood”.

   2.4 Imagine Windy Hill was conducted with regard for the Human Rights Charter, in particular the need to maintain Respect, Equality and Dignity throughout the community engagement and strategy development processes.

3. Legal implications
   3.1 There are no legal implications with consideration of this vision.

4. Risks
   4.1 As this is a visioning project the risk is generally assessed as low but the main risks are
      4.1.1 Reputational risk to Council based on negative reaction to the future vision. At present a thorough engagement process has been undertaken to allow people to have their say.
      4.1.2 Financial risk to Council at this time is low with the project developed through operational budgets. It is earmarked in the long term to consider a community hub at Windy Hill. In the short term maintenance and management of the site by Essendon Football Club.
4.1.3 Legislative risk to Council relates to the Land Management of the site. These parameters are understood and the vision is aligned to the reserve purpose and Crown Grant.

4.2 While the risks above have been identified a major risk to realising the vision for Windy Hill is not undertaking further planning work. An agreed vision will present a united front but there will be many ways to realise the vision and more planning work is required to ensure this project becomes a success by understanding the various scenarios that could be considered by Council in future.

5. **Social impact assessment**

5.1 The vision suggests Windy Hill will

5.1.1 Positively contribute to healthy lives of the Essendon neighbourhood and continue to be a community asset for Moonee Valley.

5.1.2 As Council moves to the next phase of its reconciliation journey with the development of the next Reconciliation Plan guided by the newly formed City of Moonee Valley Reconciliation Working Group, Council has a significant opportunity to work closely with our Aboriginal and Torres Strait Islander community, including respected Wurundjeri Elders.

5.1.3 The demand for sports facilities in Moonee Valley continues to grow, with current facilities under pressure to accommodate a growing increase in participation across most sports. In particular there has been a considerable increase in female AFL Participation from 2016 onwards (in line with the start of the AFLW competition).

5.1.4 Prevention focused partnerships align with the idea of recreation in that it improves mental and physical health and wellbeing.

5.1.5 Essendon Football Club have publicly stated they are seeking to reduce their reliance on gaming and despite being a current permitted use for the football club, it is anticipated gaming would not form part of Windy Hill in the future.

6. **Economic impact assessment**

6.1 The vision for Windy Hill also considers the connection to the neighbourhood and in future exploring opportunities to better connect to the Essendon Junction.

6.2 Impacts may occur with respect to the current commercial operations but will only do so in discussion with the current lease holders.

7. **Environmental impact assessment**

7.1 From an environmental perspective the vision proposes Windy Hill to

7.1.1 be a vibrant, safe, welcoming and inviting space featuring high-quality open space and landscapes with green vegetation and trees

7.1.2 feature high-quality sustainable architecture and design with innovative technology
7.2 Crown land must be managed in an ecologically sustainable manner.

8. Reputational impact assessment

8.1 This project seeks to enhance Council’s reputation by delivering on MV2040s vision for Moonee Valley to become a healthy city and developing ideas for what the Essendon neighbourhood identified as their anchor, Windy Hill.

8.2 The long term nature of this project is a challenge to manage expectation however it should be understood that the sporting clubs and Council must continue to manage current obligations with respect to existing lease arrangements.

9. Financial implications

9.1 The vision work has been funded through operational budgets.

9.2 There is a significant funding commitment for a Community Hub for Essendon in the Long-term Capital Works Plan to 2044/245 and this could be committed to Windy Hill.

9.3 Further operational budgets commitments would be required to realise the vision of Windy Hill due to the fact that there are actions identified to assist in future decision making.

10. Sensitivity / scenario analysis

10.1 The Long-term Capital Works Plan commitment to this project is subject to an annual budget process and is subject to review.

10.2 A hub at Windy Hill is achievable. If Council adopts a vision for the future of Windy Hill, it should also consider locating the community hub commitment, currently identified for the Essendon neighbourhood, at Windy Hill. To achieve this, the current land use agreements would need to be reconsidered to reflect the hub commitment (as the Essendon Football Club are responsible for managing and maintaining the precinct currently and the Essendon Croquet Club for the croquet clubhouse). Gaming is currently a permitted use under the Essendon Football Club lease. In accordance with current Council policy it is anticipated that gaming would not form part of a Council delivered community hub at Windy Hill after the existing lease expires.

10.3 Further work in planned in the short term to begin to understand the complexities of realising the vision.

10.3.1 This includes development of a partnership and advocacy strategy and land management analysis and site planning.

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 Engagement was of a qualitative nature in order to understand broadly how people feel about the study site and the project; and to enable respondents to think creatively and laterally about their ideas for the future. A wide array of groups have been spoken to, with many conversations. The focus always, was to hear from the Essendon neighbourhood.

12.2 The public consultation period for phase 2 opened on 18 September 2019 and closed on 6 October 2019 with submissions invited through Council’s Your Say website and written feedback. 2800 views were made on the project website during this period.

12.3 The information was placed in letter boxes to approximately 7,000 properties in the Essendon Neighbourhood, the Valley View magazine, the Moonee Valley Leader, the EDFL Premier Division Grand Final record, and through social media channels. The local sports groups, agencies and schools were asked to share the information with their memberships and of note the Essendon Football Club released an email to its near 85,000 membership.

12.4 The information was also strongly tested with the Windy Hill Neighbourhood Advisory Group and the vision is endorsed by that group.

12.5 An extensive engagement report can be viewed in Attachment C (separately circulated) with a survey used to capture feedback in phase 2 and the following is noted:

12.5.1 People generally agree with the vision with 75% in agreement or strong agreement. Those who weren’t in agreement did so not because of the aspiration but because of the lack of detail. The detail will come in time through the partnership and advocacy strategy and the future site planning. Most people responded that they could use some aspect of Windy Hill.

12.5.2 The general nature of responses related to:

- Giving consideration to iconic history of the site.
- Continuing as a precinct for sport and recreation.
- Opening the space up.
- The community access for all aspects.
- Having Essendon Football Club presence remain.
- More detail on the future of the infrastructure.
- The long term nature of the vision versus short term demand for change.

12.5.3 A summary of submissions can be viewed in Attachment D (separately circulated).
10.4 Interim Changes to Parking Permit Policy

Author: David Richardson - Traffic and Transport Engineer
Directorate: Planning and Development

1. Purpose

1.1 This report documents the required changes to Council’s Parking Permit Policy and Municipal Parking Strategy in advance of the rewriting of the policy to match the Corporate Document Management Framework.

2. Background

2.1 Moonee Valley’s Municipal Parking Strategy and Parking Permit Policy were first adopted in 2011 and 2013 respectively, and have since received modest changes in 2014 and 2017. While parts of these documents remain in daily use by Transport and other staff within Council, much of their background content is now out of date, and it is not appropriate to adopt another version of these documents with only minor changes. Instead, it is appropriate to update and combine the two documents into the newly agreed, streamlined template. Until that is done, some overlays on the existing documents are needed.

2.2 Moonee Valley City Council has recently developed a Corporate Document Management Framework that will see refreshed and consistent strategies, plans, policies, frameworks, procedures and numerous other document types.

2.3 As part of the Corporate Document Management Framework, a new Transport and Parking Policy is likely to be developed and presented to Council for approval in 2020.

3. Issues

3.1 Two key changes to the documents and/or confirmations of existing practice are required:

3.1.1 The out-of-date ‘four star’ fuel-efficient vehicle discount should cease to be implemented. More information on this change is provided in Attachment B (separately circulated).

3.1.2 A new set of Conditions of Use for parking permits are needed to: address improper use of parking permits; match existing practice (e.g. Temporary Parking Permits operate for 24 hours rather than for a calendar day, and the starting date and time must be written in permanent ink); be generally much easier to read; and to better express the intended uses of parking permits. The new Conditions of Use are provided in Attachment C (separately circulated) and notes to these conditions of use can be found at Attachment E (separately circulated).

3.2 The schedule for undertaking Local Area Traffic Management (LATM) studies throughout Moonee Valley was an action of the Municipal Parking Strategy. In 2013/14 and 2014/15, two studies were undertaken each
year. While undertaking two studies a year was found to be practical, implementing their recommendations was not.

3.2.1 As a result, a significant number of the works recommended by the studies were not delivered within a reasonable timeframe. At the 19 September 2016 Council meeting, it was decided to conduct only one study per year, for three years.

3.2.2 At the conclusion of those three years, there has been significant progress in reducing the backlog of works arising from LATM studies. Returning to a two studies per year schedule is not considered practical.

3.2.3 It is therefore proposed that work in 2019/20 focus further the design and delivery of capital works projects from previous LATM studies (particularly for the 2017/18 Valley Lake 2A and 2018/19 Airport West precincts) within the ‘Connected’ actions from the Council Plan and MV2040.

3.2.4 Council will continue with the remaining LATM precincts from 2020/21 in the same prioritised order as previously approved, with one study per year. The new schedule of LATM studies is provided in Attachment D (separately circulated).

3.2.5 Substantial works will still be occurring in the areas of the two LATM studies delayed from 2019/20, including delivery of the Kent Street Traffic Management Plan (within Newmarket), and working with VicRoads to deliver the State Government’s recently-budgeted drop-off zone for Flemington Primary School (within Travancore).

3.2.6 Council will continue to respond to and investigate all operational traffic, road safety and parking issues identified within all LATM precincts via our operational budget.

Recommendation

That Council resolves to:

a. Cease implementing the out-of-date ‘four star’ fuel-efficient vehicle discount.

b. Adopt a new set of Conditions of Use for parking permits as per Attachment C.

c. Amend the schedule of future Local Area Traffic Management studies as per Attachment D.

Attachments

A: Impact Assessment
B: Fee Discounts for Fuel-Efficient Vehicles (separately circulated)
C: Proposed Parking Permit Conditions of Use (separately circulated)
D: Revised LATM Schedule (separately circulated)
E: Notes to Attachment C (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 (Yanoninnon 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 13 June 2017.

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 recommendation of this report will provide additional flexibility to help the community with parking issues, and will reduce parking that is illegal or contrary to the goals of the Municipal Parking Strategy and Parking Permit Policy.

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 There are no significant financial implications associated with the recommendation of this report. The removal of the discount for fuel-efficient vehicles is expected to increase revenue by less than $10,000 (possibly much less, depending on how many households drop the permit to avoid the fee introduced in the 2019/20 budget) and will also prevent Council’s administrative costs for this program increasing.

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 Council officers will continue to consult with residents and organisations as required as part of the project work arising from the Municipal Parking Strategy and Parking Permit Policy.
10.5 Annual Report 2018/19

Author: Sarah Carles - Corporate Planning Officer
Directorate: Organisational Performance

1. Purpose
   1.1 This report presents the Annual Report 2018/19 to Council for consideration.

2. Background
   2.1 All Victorian councils must prepare an annual report in accordance with the Local Government Act 1989 (Act), the Local Government Planning and Reporting Regulations 2014 and a range of other acts. The report must be submitted to the Minister for Local Government within three months of the end of the financial year. After the report has been sent to the Minister, Council must then consider the annual report at a public meeting pursuant to section 134 of the Act.

3. Issues
   3.1 The Annual Report 2018/19 (attachment A) reviews Council’s operational and financial performance for the last financial year.
      
      3.1.1 The Annual Report 2018/19 shows that Council continues to be in a strong financial position. Council recorded a $7.9 million operating surplus and was able to invest the largest amount ever on its capital work program, funded from operating revenue and cash reserves. It remains debt free with no plan for any borrowings in 2019/20.

      3.1.2 The Annual Report 2018/19 highlights Council’s key achievements including the completion of 30 projects to improve sports and leisure facilities, a reduction in net carbon emissions, and the installation of solar panels across six council owned and operated facilities. Council has improved customer experience by significantly reducing the time taken to action food complaints and to process statutory planning applications, and the results from the annual Community Satisfaction Survey show that Moonee Valley City Council scored above the state average in three categories - libraries, recreational facilities and the condition of sealed local roads.

   3.2 The Annual Report 2018/19 has been prepared according to legal requirements and comprises two sections: a report of operations, and a financial report. The report of operations includes:

      3.2.1 A review of Council’s performance against the Council Plan 2017-21 (Year 2 update), comprising a statement of progress regarding the major initiatives adopted in the Annual Budget to implement the Council Plan in 2018/19, and the results achieved in relation to the Council Plan strategic indicators

      3.2.2 Information about Councillors, Council services and our organisational structure
3.2.3 Our performance against the Local Government Performance Reporting Framework.

3.3 The financial report includes audited financial statements and a performance statement. The Victorian Auditor-General has reviewed the financial report and has concluded that it presents the position of Council fairly in all material respects.

3.4 As required by the Act, the Annual Report was submitted to the Minister for Local Government by 30 September 2019 and copies of the report were made available at the Civic Centre, Council libraries, Flemington Community Centre and on Council's website. A public notice was placed in the local newspaper and on the Council website to advertise the availability of the report, as well as to give 14 days’ notice that the Annual Report would be considered at this Council meeting.

Recommendation

That Council resolves to consider the Annual Report 2018/19, as required by section 134 of the Local Government Act 1989.

Attachments

A: Annual Report 2018/19 (separately circulated)
10.6 Adoption of Governance Local Law 2019

Author: Allison Watt - Manager Governance and Communications
Directorate: Organisational Performance

1. Purpose

1.1 This report presents Council with a new Governance Local Law 2019 (Local Law No. 1 of 2019) and a revised Meeting Procedure Protocol for adoption, following a period of public consultation as required under Section 223 of the Local Government Act 1989 (the Act).

2. Background

2.1 The Act requires a Council to have a Local Law to govern the conduct of its meetings.

2.2 The Local Law regulates use of the common seal of the Council, election of the Mayor, Deputy Mayor and Committee Chairpersons, and the conduct of meetings of the Council and its Committees.

2.3 The current Governance Local Law was made by Council resolution in September 2009 and will sunset in October 2019 in accordance with Section 122 of the Act, therefore requiring a new Local Law to be made and adopted.

2.4 The Meeting Procedure Protocol which is an incorporated document under Section 112 of the Act, was revised and adopted in August 2018.

3. Issues

3.1 At its meeting held on 27 August 2019, Council resolved to commence the statutory process to make a local law and endorsed that the proposed Governance Local Law 2019 and revised Meeting Procedure Protocol be placed on public exhibition for a period of 28 days to allow for public comment.

3.2 The public consultation period opened on 29 August 2019 and closed on 27 September 2019 with notices published in the in the Victorian Government Gazette and The Age newspaper. Submissions on the local law were also invited online via Council’s Your Say website.

3.3 Following the close of the public consultation period, no submissions were received.

3.4 The new Governance Local Law 2019 maintains the existing document structure with two parts, the Local Law and a Meeting Procedure Protocol which is an incorporated document by reference to the Local Law.

3.5 This structure will continue to provide Council with the ability to adjust the detail of the Meeting Procedure Protocol of the Local Law as it deems necessary or appropriate over its 10-year lifespan.
3.6 The Local Government Bill 2019 proposed by the State Government will require Council to complete a more substantial review and changes of the Governance Local Law in preparation for the adoption of Governance Rules.

3.7 The Local Government Bill 2019, has not yet been passed by the State Government, therefore Council can proceed in making its Governance Local Law and make any necessary amendments.

3.8 The new Governance Local Law 2019, which is provided as Attachment A to this report has been reviewed by Maddocks Lawyers and includes the following amendments:

3.8.1 The objectives of the Local Law have been updated and refreshed under Clause 2.

3.8.2 A sunset provision has been added to provide clarity as to when the Local Law will cease to operate. This is referenced in Clause 5.

3.8.3 An expanded table of definitions has been added to the Local Law under Clause 7.

3.8.4 Incorporated documents by reference have been updated to include only the Meeting Procedure Protocol. The procedure of the election of Mayor and Deputy Mayor was incorporated into the revised Meeting Procedure Protocol in July 2018. The Councillor Code of Conduct is a prescribed document under the Act and its incorporation into the Local Law provides no additional value. This is referenced in Clause 8.

3.8.5 The clause for the Common Seal has been updated to grant authority to Chief Executive Officer to use the Common Seal in accordance the Instrument of Delegation. This is referenced in Clause 9.

3.8.6 The list of offences under the Local Law have been updated and structured into two parts, Offences under the Local Law and Offences under the Meeting Procedure Protocol. This is referenced in Clause 10.

3.8.7 An infringement provision has been added to provide clarity on penalties in respect of an offence under the Local Law and Meeting Procedure Protocol. Schedule 1 details the maximum penalty unit for an offence. This is referenced in Clause 11.

3.9 The Meeting Procedure Protocol, which is provided as Attachment B to this report has been revised to incorporate a number of administrative updates, to reduce duplication and to generally tighten up some clauses which have caused confusion when applied during meetings.

3.10 It is recommended that Council adopts the attached new Governance Local Law 2019 and revised Meeting Procedure Protocol and publishes a notice in the Victorian Government Gazette.
Recommendation

That in the exercise of the powers conferred by Section 111 of the *Local Government Act 1989*, Council resolves to:

a. Adopt the Governance Local Law 2019 (Local Law No. 1 of 2019) provided as Attachment A.

b. Adopt the revised Meeting Procedure Protocol provided as Attachment B.

c. Sign and seal the Governance Local Law 2019 (Local Law No. 1 of 2019).

d. Give public notice of the creation of the Governance Local Law 2019 (Local Law No. 1 of 2019) in accordance with Section 119(3) of the *Local Government Act 1989*.

e. Revoke Governance Local Law 2009 (Local Law No. 1 of 2009), once public notice of the making Governance Local Law 2019 (Local Law No. 1 of 2019) is published in the Victorian Government Gazette.

Attachments

A: Governance Local Law 2019 (separately circulated)  
B: Meeting Procedure Protocol August 2019 (separately circulated)  

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10.7 Submission to Local Government Rating System Review

Author: Meghan Hopper - Senior Coordinator, Governance and Advocacy
Directorate: Organisational Performance

1. Purpose

1.1 It is proposed that Council makes a submission to the Victorian Local Government Rating System Review, as per Attachment B.

2. Background

2.1 In November 2018, the Victorian Government announced as an election commitment that it would launch an inquiry into the Council rating system.

2.2 The scope and terms of the Victorian Rating Review were formally announced by the Minister for Local Government, the Hon. Adem Somyurek MP on 24 July 2019 and a Ministerial Panel was appointed to lead the review process.

2.3 Submissions to the inquiry are due by 1 November, 2019.

2.4 Councils have been asked to restrict their submissions by responding to 19 specific questions which have been supplied by the review. The questions are designed to help the panel better understand the different practices currently used by councils to deal with and administer the rating system.

2.5 It is intended that the review process will conclude in March 2020, when the panel will provide its recommendations to the Minister.

3. Issues

3.1 The Victorian Local Government Rating System Review will assess the following scope:

3.1.1 Current local government rates and charges, collected under the Local Government Act 1989 and a number of related pieces of State legislation;

3.1.2 The rating system and how it sits alongside other systems, including the State’s taxation and valuation systems;

3.1.3 Current exemptions and concessions on rates, including those that apply to various classes of land, such as farm land, charitable status land and mining land;

3.1.4 Council’s autonomy to apply the rating system to meet local needs;

3.1.5 The impacts any recommended changes would have on councils, businesses and ratepayers.

3.2 The primary stated purpose of the review is to ensure local government rates are fair and equitable for all of the community.
3.3 The review will **not** consider submissions in relation to rate capping and its financial impact on Council. A separate statutory review of the first five years of the current rate capping system in Victoria is scheduled to take place in 2021.

**Recommendation**

That Council resolves to:

a. Endorse the proposed submission to the Victorian Local Government Rating System Review, attached;

b. Authorise officers to make minor changes to the submission as required, and to provide a copy of the final submission to the following:
   
i. The Ministerial Panel on the Victorian Local Government Rating System Review, via the Engage Victoria website;

ii. The Minister for Local Government, the Hon. Adem Somyurek MP;

iii. The Shadow Minister for Local Government, Mr Tim Smith MP;

iv. The Member for Essendon, Mr Danny Pearson MP;

v. The Member for Niddrie, the Hon. Ben Carroll MP;

vi. Members of the Legislative Council in the Western Metropolitan Region.

**Attachments**

A: Impact Assessment

B: Moonee Valley City Council Submission to the Local Government Rating System Review (separately circulated)
Impact assessment

1. **Relationship to Council commitment MV2040 or Council Plan**
   
   1.1 In the 2018-19 Financial Year, rates and charges comprised 64.70 per cent of Council’s revenue base. This revenue empowers us to deliver the Strategic Resource Plan. The expenditure of rates influences all of Council’s commitments as featured in both the Council Plan and MV2040.
   
   1.2 Council has previously provided feedback to Government decision-making processes around rates and rate-setting policy. Examples include: our submission to the Inquiry into Rate Capping Policy undertaken by the Victorian Parliament’s Environment and Planning Committee in June 2015, and a submission in response to *A Blueprint for Change – Local Government Rates Capping and Variation Framework Review – Draft Report – Volume 1* in August 2015.

2. **Legislative obligations**

   2.1 Council is empowered to declare and collect rates under the *Local Government Act 1989*.

3. **Legal implications**

   3.1 None applicable.

4. **Risks**

   4.1 At this stage, it is not clear what changes will be recommended to the Victorian rating system as a result of this inquiry.

   4.2 Depending on the scale of the changes, there could be a significant impact on Council’s existing approach to collecting rates, collecting special rates and charges, and applying rebates and concessions where relevant. This would potentially represent a financial risk to Council.

5. **Social impact assessment**

   5.1 The stated purpose of the inquiry is to “identify changes that will improve (the rating system’s) fairness and equity – this is to ensure that the burden of rates falls fairly amongst all ratepayers” (source: Ministerial Panel on the Victorian Local Government Rating System Review Terms of Reference). As such it is intended that positive social impact outcomes will result from this inquiry and its associated recommendations.

6. **Economic impact assessment**

   6.1 In recent years, rates and charges have typically comprised around 65 per cent of Council’s revenue. As such, any proposed changes to the rating structure may have a significant economic impact.

7. **Environmental impact assessment**

   7.1 None apparent.
8. Reputational impact assessment

   8.1 It is central to Council’s role that we contribute to discussions around how to ensure rates are fair and equitable for all members of the community, whilst also delivering all of the projects and services the community requires.

9. Financial implications

   9.1 It will not be possible to assess financial implications in detail until such time as the Ministerial Panel hands down its recommendations.

10. Sensitivity / scenario analysis

   10.1 The recommendations of the Ministerial Panel will be supplied to the Minister shortly prior to Council endorsing its Annual Budget 2020-21.

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 Internal consultation was undertaken within Council’s Finance team and Organisational Performance directorate during the preparation of this report.
10.8 Response to Notice of Motion 2019/11 - Clocktower Mural

Author: Julie Stevens - Business Development Officer
Directorate: Planning and Development

1. Purpose

1.1 To provide Council with an update on the Clocktower Mural Advisory Committee (the Committee), including recommendations for procuring an art mural for the Pascoe Vale Road wall of the Clocktower building along with approval of a project budget.

2. Background

2.1 On 9 April 2019, a Notice of Motion (NoM) was received that a sub-committee of Council be formed to consider and recommend an appropriate art mural design for the Pascoe Vale Road wall of the Clocktower building.

2.2 The Committee has investigated how the art mural can be approached. At the Committee’s meeting of 16 August 2019, the Committee agreed to seek Council approval at the Ordinary Meeting of 22 October 2019 in relation to recommendations for a project budget, process and timing for a project. Details of the Committee meetings is included in Attachment B (separately circulated).

Proposed process and timing

2.3 Following investigations (Attachment B – separately circulated), the Committee proposes commissioning a professional artist to design and apply a painted mural to 30 per cent of the Clocktower Centre on Pascoe Vale Road, at a project cost per Attachment C (separately circulated – confidential).

2.4 It is proposed an Expression of Interest (EOI) for a mural design be released by December 2019.

2.5 The Committee will consider all responses to the EOI and a report will come back to Council regarding a final determination on the design of the mural.

2.6 The installation of the mural would occur in the 2020/21 financial year, subject to a successful 2020/21 budget bid.

3. Issues

3.1 Since the 1880s the Clocktower Centre has been an iconic local venue, playing many roles in the history of the municipality as both a social and creative hub.

3.1 The Clocktower Centre has a blank façade along Pascoe Vale Road, which could carry a mural. A mural in this location provides an opportunity to beautify a significant gateway into the Moonee Ponds Junction and broader Activity Centre. A mural also provides the ability to enhance the
focus and visitation (art tourism) of the Clocktower as an important arts asset.

3.2 Given the size of the façade and location of windows, it is likely that around 30 per cent of the space would be appropriate for the installation of a mural.

Recommendation

That Council resolves to:

a. Note the recommendations of the Clocktower Mural Advisory Committee, and request the Chief Executive Officer prepare a bid for consideration in the capital works budget for 20/21 to allocate a project cost per Attachment C (separately circulated – confidential) for the mural on the Pascoe Vale Road façade of the Clocktower Centre.

b. Note the operational budget will be impacted by approximately $3,900 to support the project ongoing.

c. Request a report come back to Council regarding a final determination on the design of the mural.

Attachments

A: Impact Assessment
B: Project Background (separately circulated)  
C: Funds allocation (separately circulated) (confidential)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan

1.1 This project addresses the following MV2040 Themes and Strategic Objectives

1.1.1 Thriving (Bandingith, which means thriving in Woi wurrung language)

- **Strategic Direction 8**: A city with things to see and do
  - **Target**: Across Moonee Valley there is increased participation and value placed in the arts, sport, culture and local community-run events
  - **Objective 8.1**: Celebrate our local assets and identity
  - **Objective 8.2**: Enhance our activity centres as places for entertainment and gathering

1.1.2 Beautiful (Nga-ango gunga, which means beautiful in Woi wurrung language)

- **Strategic Direction 19**: A city with vibrant and safe public spaces
  - **Target**: Our city is regarded as a beautiful place with a diversity of spaces
  - **Objective 19.1**: Create beautiful, interesting and engaging public spaces

1.2 The project addresses the following MV2040 Implementation Initiatives

- **Municipal**:
  20. Activate spaces through public art and other creative interventions

- **Moonee Ponds**:
  125. Activate public spaces for people of all ages, including programming events and fun activities such as a ferris wheel, bike tracks or trampolines in laneways
  136. Beautify and green Puckle Street and the wider Moonee Ponds Activity Centre

1.3 This project responds to a Notice of Motion (NoM) 9 April 2019 that a sub-committee of Council be formed to consider and recommend an appropriate art mural design for the Pascoe Vale Road wall of the Clocktower building.

2. Legislative obligations

2.1 There are no legislative obligations to 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**

   There are no legal implications of this report

4. **Risks**

   4.1 There are no significant risks arising from this report which are measured as follows:

   - **Financial**
     - Minor (represents a negative financial impact of $50k or more, but less than $500k)

   - **Operational/Service Delivery**
     - Nil

   - **People**
     - Nil

   - **Environmental**
     - Nil

   - **Reputational**
     - Minor (some local media coverage or social media interest anticipated)

   - **Legislative**
     - Nil

5. **Social impact assessment**

   5.1 The mural artwork will deliver improved outcomes for the local and wider community through

   - community involvement in the artwork consultation process
   - delivery of a well designed, high quality, meaningful artwork to experience and enjoy
   - improving the aesthetic value of the Pascoe Vale Road entry to Moonee Ponds Junction
   - enhance public perception of the Clocktower Centre as an arts precinct
   - increase visitation to the municipality as a public art tourism destination

6. **Economic impact assessment**

   6.1 Situated in a key gateway to the Moonee Ponds Activity Centre both from Pascoe Vale Road and Coates Street directions, the art mural has the potential to increase visitor numbers and benefit the local economy
7. **Environmental impact assessment**
   7.1 Artists/artist groups will be asked to demonstrate how their making process minimises environmental impact, during the application process.
   7.2 Promotion and community consultation processes relating to this project, will be conducted through electronic means where possible.

8. **Reputational impact assessment**
   8.1 Governance and fiscal transparency is demonstrated through Clocktower Mural Advisory Committee record keeping as an Assembly of Councillors, in keeping with the Local Government Act 1989.
   8.2 Fair employment practices – the mural project will use industry standards for artist and contractor engagement models.

9. **Financial implications**
   9.1 A budget submission to the 2020/21 budget process for a capital works allocation of the value outlined at **Attachment C** for the mural on the Pascoe Vale Road façade of the Clocktower Centre will be required.
   9.2 Operational budget support from the 2019/20 budget for shortlisting process payment to artists of $3,900 and up to 3 hours per week of an officers time to support the Clocktower Mural Advisory Committee, until the end of 2019, commencing again for a period of 3 months if budget is approved for the mural’s installation in 2020/21, will also be required.
   9.3 The mural will increase visitation to the Moonee Ponds Activity Centre through art tourism, where people travel in order to visit, explore and engage with art (in particular public art).

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**
    **Undertaken**
    **Internal MVCC:** Arts & Culture, Statutory Planning, Traffic & Transport, Engineering
    **Third Party Permits:** Yarra Trams, Jemena, Vic Roads
    **Traffic Management:** Construct Traffic Pty Ltd
Site investigation: David Haggar (an independant public art consultant), Jemena, Yarra Trams

Artist/contractor fees: National Association of Visual Artists (NAVA), Arts & Culture Department Maribyrnong City Council, equipment hire companies, Construct Traffic Pty Ltd, Yarra Trams, Jemena

Planned

Internal MVCC: Arts & Culture, Traffic & Transport Engineering

Strategic Briefing: Following the advertisement of the Expression of Interest for this mural, shortlisted concepts and Committee recommendations will be presented to Council for approval prior to final design selection/artist engagement.

Third party permits: Yarra Trams, Jemena, Vic Roads

Project management: National Association Visual Artists (NAVA), traffic management consultants

Community consultation: the selected mural concept will be projected onto the site at a community consultation event
10.9 Response to Notice of Motion 2019/19 - 81 Charles Street, Ascot Vale

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

1. Purpose

1.1 The purpose of this report is to respond to Notice of Motion No. 2019/19 which requested the Chief Executive Officer to investigate the potential for including the property at 81 Charles Street, Ascot Vale in the Heritage Overlay of the Moonee Valley Planning Scheme either as a place of individual significance or as part of a broader precinct.

1.2 The report recommends Council requests a ministerial amendment (C210moon) to apply the interim Heritage Overlay to 81 Charles Street, Ascot Vale and seek ministerial authorisation to prepare and exhibit a Planning Scheme Amendment (C211moon) which proposes to apply the Heritage Overlay to the property on a permanent basis.

2. Background

Review of HO Precincts Report (2012) and Amendment C109 – deletion of Charles Street from Heritage Overlay 20 (HO20)


2.2 The Report provided a review and made recommendations with regard to precinct boundary changes to existing heritage precincts, including HO20 - Monash Street/Dumblane Avenue/Elliot Street, Ascot Vale.

2.3 In relation to Charles Street, Ascot Vale, the Review of HO Precincts Report found the following:

2.3.1 In the Charles Street/Monash Street precinct (HO20) in Ascot Vale the Charles Street section has moderate/low integrity and no apparent relationship to the significance of the precinct.

2.3.2 … should Council decide to proceed with removal of Charles Street from HO20 there are no places that would be individually significant (and therefore worthy of retention in the HO).

2.4 As such, Amendment C109, in part, deleted 6-38 and 5-127 Charles Street from HO20.

2.5 Council resolved to pursue deletion of Charles Street from HO20 because it is inappropriate to retain a street within a precinct when it does not display the heritage values which characterise the precinct.

2.6 This position was supported by the Panel appointed by the Minister for Planning to hear submissions in relation to Amendment C109, which concluded that:
2.6.1 “…to leave the street within a precinct when it clearly does not display those heritage values which characterise that precinct seems to the Panel to be both an incorrect planning approach and is inconsistent with the approach taken in other heritage precincts. The Panel considers that the HO should be deleted. Research through the TEH [Thematic Environmental History] and an additional amendment if necessary should be pursued as soon as possible.”

2.7 Following the Panel Hearing and after receiving the Panel Report, Council adopted Amendment C109 on 4 September 2012. The amendment was approved by the Minister for Planning in March 2013.

Thematic Environmental History and Heritage Gap Study

2.8 Council adopted the Moonee Valley Thematic Environmental History in September 2012 and proceeded with the development of the Moonee Valley Heritage Gap Study (adopted 2014). Through these subsequent studies, Charles Street was not identified as a precinct warranting further investigation for application of the Heritage Overlay.

Planning Permit MV80/2019

2.9 On 31 January 2019, Council received an application seeking planning approval for the construction of three dwellings at 81 Charles Street, Ascot Vale. If approved, the planning application would necessitate the demolition of the existing dwelling on site.

2.10 The application was advertised and 80 objections (including a petition with 1,411 names) were received. Concerns raised were primarily in relation to neighbourhood character, loss of a period dwelling, site layout and building massing, overdevelopment, amenity impacts, landscaping, car parking, traffic impact and ResCode non-compliances.

2.11 A Consultation Meeting was held on 3 July 2019, attended by Councillors Marshall and Nation, objectors, the permit applicant and Council’s Planning Officer. No resolution was achieved at this meeting.

Notice of Motion No. 2019/19

2.12 At its Ordinary Meeting on 23 July 2019, Council resolved to support a Notice of Motion that requested the Chief Executive Officer to investigate the potential for including the property at 81 Charles Street, Ascot Vale in the Heritage Overlay of the Moonee Valley Planning Scheme either as a place of individual significance or as part of a broader precinct.

2.13 Council subsequently commissioned external heritage consultants RBA Architects and Conservation Consultants to investigate the site for potential heritage significance.

3. Issues

81 Charles Street, Ascot Vale: Heritage Values Review (2019)

3.1 The findings of the heritage review conclude the dwelling at 81 Charles Street has local significance and warrants inclusion in the Schedule to the Heritage Overlay of the Moonee Valley Planning Scheme as an individually significant place.
3.2 The dwelling is considered to be one of the finest timber, Italianate style houses in the municipality, and is identified as being of aesthetic and historic significance to Moonee Valley.

3.3 The review also investigated the potential for including 81 Charles Street in the Heritage Overlay as part of a broader precinct.

3.4 While the review established there is potential for a heritage precinct in the area, it concludes that:

3.4.1 …the location of the subject site is such that it would be difficult to include within a potential precinct as it is somewhat isolated from other contributory buildings…Whilst it is possible to form a precinct that is composed of multiple related but non-adjointing groups, each group should nonetheless be large enough to form a relatively intact streetscape…in this case, the subject site (together with no. 85) cannot be said to form a streetscape group.

3.5 As such, the review recommends the potential precinct identified be further investigated as part of Council’s future heritage work program. The boundary of the potential precinct is shown in Figure 1.

3.6 It should be noted that this potential precinct takes in the boundaries of proposed Brown Avenue and Morphett Avenue Precinct (HO451) which was identified in the Moonee Valley 2017 Heritage Study and is subject to Amendment C200moon (currently awaiting ministerial authorisation). The boundary of potential precinct HO451 is shown in Figure 2.

3.7 A copy of the heritage review is provided at Attachment C (separately circulated).

**Figure 1 – Potential heritage precinct**

![Potential heritage precinct map](image)

Pink: Existing Individual HO, Orange: Contributory, Green: Non-Contributory. 81 Charles Street is indicated with a red star.
Amendments C210moon and C211moon – Interim and Permanent Heritage Controls for 81 Charles Street, Ascot Vale

3.8 In order to implement the findings of the heritage review, it is recommended Council request a ministerial amendment, Amendment C210moon, under section 20(4) of the Planning and Environment Act 1987, to apply the interim Heritage Overlay to 81 Charles Street, Ascot Vale until such time as permanent controls can be considered.

3.9 It is also recommended Council seek authorisation to prepare and exhibit Amendment C211moon to apply the Heritage Overlay to the property on a permanent basis.
3.10 The Explanatory Report for Amendment C211moon and Heritage Citation for the property (including Statement of Significance) can be found at Attachment D (separately circulated).

3.11 Following public exhibition, a further report will be presented to Council to consider the amendment in light of community and stakeholder feedback.

Recommendation

That Council resolves to:

a.  Note the findings of the 81 Charles Street, Ascot Vale: Heritage Values Review (2019).

b.  Request a ministerial amendment, Amendment C210moon, under section 20(4) of the Planning and Environment Act 1987, to apply the interim Heritage Overlay to 81 Charles Street, Ascot Vale.

c.  In accordance with Section 8A(3) of the Planning and Environment Act 1987, seek authorisation from the Minister for Planning to prepare and exhibit Moonee Valley Planning Scheme Amendment C211moon to apply the Heritage Overlay to 81 Charles Street, Ascot Vale on a permanent basis.

d.  Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C211moon in accordance with Section 19 of the Planning and Environment Act 1987.

e.  Allow Council officers to make minor editing or typographical changes to the amendment documentation as required.

f.  Further investigate the potential precinct identified in the 81 Charles Street, Ascot Vale: Heritage Values Review (2019) as part of Council’s future heritage work program.

Attachments

A: Impact assessment


C: 81 Charles Street, Ascot Vale Heritage Values Review (2019) (separately circulated)

D: Amendment C211moon Explanatory Report and Heritage Citation (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan
   1.1 Proposed Amendments C210moon and C211moon achieve Council Plan objectives 1.5 and 17.2, pursuant to themes Fair QENTE BOORDUP, Beautiful, NGA-ANGO GUNGA, respectively and MV2040 Strategic Directions 5.1.3 and 17.2.4.
   1.2 Planning Scheme Amendment C109 removed Charles Street, Ascot Vale from HO20. Council adopted Amendment C109 on 4 September 2012.

2. Legislative obligations
   2.1 Planning Scheme Amendment C211moon is consistent with the Ministerial Direction relating to the form and content of Planning Schemes under Section 7(5) of the Planning and Environment Act 1987. The preparation of the Amendment is also in accordance with Section 4 of the Planning and Environment Act 1987.
   2.2 There are no human rights implications as a result of this report.

3. Legal implications
   3.1 The amendments are unlikely to result in legal implications.

4. Risks
   4.1 The risk rating for the amendments is High (10) which is reputational. The measure of consequences is assessed as minor and the measure of likelihood is almost certain.
   4.2 The risk rating is based on previous amendments prepared by Council seeking to apply the Heritage Overlay.

5. Social impact assessment
   5.1 The decision will have a positive impact with the recognition of the place as a connection to the past and the history of Moonee Valley.

6. Economic impact assessment
   6.1 The property owner may oppose the Heritage Overlay on the grounds of impediments to property value, however this does not constitute a reason to not pursue heritage protection given the significance of the place has been shown to meet the appropriate threshold.

7. Environmental impact assessment
   7.1 The decision will have a positive environmental impact through protecting a place of local significance.

8. Reputational impact assessment
8.1 The decision will have a positive impact on the reputation of Council through protecting Moonee Valley’s local heritage.

9. Financial implications

9.1 The planning scheme amendments will require funding in the 2019/20 financial year and will be funded from Council’s Strategic Planning 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 Subject to obtaining authorisation from the Minister for Planning, exhibition of Amendment C211moon will be undertaken in accordance with Section 19 of the Planning and Environment Act 1987. The exhibition process will provide an opportunity for individuals to make a submission supporting or opposing the amendment.

12.2 Public exhibition will include:

12.2.1 Exhibition period of four weeks.

12.2.2 Notifying parties considered to be affected by the proposed amendment, including the owners and occupiers of the subject site.

12.2.3 Notifying prescribed Ministers and relevant agencies.

12.2.4 Notices in the local paper.

12.2.5 Information on the corporate website and YourSay website.
10.10 Response to petition to improve the Weather Station Park in Airport West

Author: Russell Beer - Coordinator Horticulture and Public Spaces
Directorate: City Services

1. Purpose

1.1 To provide a response to a petition tabled at Council’s ordinary meeting on Tuesday, 23 July 2019 regarding a request for improvements to the Weather Station Park, Airport West Attachment A separately circulated.

2. Background

2.1 The Weather Station Park was upgraded in the 2017/18 financial year as part of the Playground Renewal Program. The upgrade of the park which included the removal of existing play equipment, the supply of new equipment and landscape improvements resulted in a total cost of $150,000.

2.2 A petition was tabled at Council’s ordinary meeting on Tuesday, 23 July 2019 requesting the installation of additional play equipment to better engage primary school aged children.

2.3 The petition was signed by 17 petitioners, with an additional written submission by a resident suggesting a range of improvements that should be undertaken at the park.

2.4 The lead petitioner initially made a submission to the ‘your say’ page for open space improvements. This survey is being used for the development of Council’s Open Space Plan. The comments provided via ‘your say’ will be considered in the development of the Open Space Plan.

3. Issues

3.1 Local residents have informed Council of their concerns that the play equipment at the Weather Station Park caters predominately for pre-school children.

3.2 The petition has suggested significant works which aim to make the Weather Station Park a premier park.

3.3 Photographs of the current and previous play equipment at the park have been included as an attachment to this report Attachment C separately circulated.

3.4 Current play equipment includes a swing frame, overhead and combination climbing units, which are aimed at engaging primary school aged children and an accessible swing allowing for inclusive play.

3.5 The playground at Weather Station Park is identified as a medium playground in accordance with Council’s Playspace plan 2013-23 (the Plan) endorsed in June 2013 Attachment C.
3.6 The Plan recognises that play is important for children of all ages and recommends that:

- Residents can access play opportunities within walking distance of their home
- There is an even spread of types of playspaces across the city
- Playspaces cater for different age groups, including older children
- Playspaces are safe, attractive and accessible places for all family members

3.7 The playground upgrade in 2017/18 provided additional improvements to enhance the playground and remove older equipment. The playground meets the requirements of a medium level playground, which includes items to cater for all age groups. In addition, the playground includes a sealed path, seats, drinking fountains and trees for shade. Photos of previous equipment and current equipment at Weather Station Park are available in Attachment D.

3.8 The 2017/18 works are consistent with the development standards for Council’s playspaces, outlined on page 19 and 20 of the plan Attachment C. The playground has achieved all the requirements of the ‘should have’ development standards and many of the requirements of the ‘might have’ development standards including picnic tables, a BBQ and car parking.

3.9 Airport West currently includes seven playspaces, comprising of three minor, three medium and, one large playspace which is located at Hansen Reserve (south) Airport West.

3.10 Hansen Reserve (south), Airport West is an estimated 1.5 km distance from Weather Station Park and is identified as the suburbs large playspace. It includes amenities such as a large slide, climbing units, bouncers, gliders and a basketball court Attachment E separately circulated.

3.11 The feedback provided by residents in this petition and via Council’s ‘your say’ webpage will be considered in the development of the Open Space Plan.

Recommendation

That Council resolves to:

a. Note the petition received
b. Note that there is adequate playground equipment at the Weather Station Park for primary school aged children
c. Notify the lead petitioner of Council’s decision
Attachments

A: Impact Assessment
B: Petition - Airport West Weather Station Park petition (separately circulated)
C: Moonee Valley City Council Playspace Plan 2013-23 (separately circulated)
D: Weather Station Park Airport West (separately circulated)
E: Hansen Reserve south (separately circulated)
Impact assessment

1. Relationship to Council commitment MV2040 or Council Plan

   1.1 In presenting this report, Council is seeking to achieve its strategic objective ‘A Beautiful city that celebrates its identity, heritage and open spaces’ in accordance with Council Plan 2017 – 2021 Theme 5: Beautiful (Ngä – Ango Gungg, which means beautiful organisation in Woi wurrung language).

2. Legislative obligations

   2.1 There are no legislative implications associated with the recommendations of this report.

3. Legal implications

   3.1 There are no legal implication associated with the recommendations 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 impacts.

8. Reputational impact assessment

   8.1 The reputation of Council/Councillors is not expected to be impacted due to this decision.

9. Financial implications

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

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 There has been no consultation undertaken as a result of the petition being tabled to Council.
10.11 Report on Audit Committee

Author: Cindy Edwards - Senior Coordinator Risk and Corporate Information
Directorate: Organisational Performance

1. Purpose

1.1 The purpose of this report is to present the confirmed minutes of Council’s Audit Committee meetings held on 25 February 2019 and 20 May 2019 (circulated separately as a confidential item).

2. Background

2.1 The Audit Committee is an advisory committee of Council established pursuant to Section 139 of the Local Government Act 1989 (‘the Act’).

2.2 The Audit Committee Charter requires that the Committee is to report regularly to Council about audit committee activities, issues, and related recommendations through circulation of minutes and annual report. Additional updates may be appropriate should issues of concern rise.

2.3 Council’s financial management is delivered through the planning of resource allocations as part of the Annual Budget. Regular quarterly monitoring and reporting through the Audit Committee facilitates:

- The enhancement of the credibility and objectivity of internal and external financial reporting
- Effective management of financial and other risks, and the protection of Council assets;
- Compliance with laws and regulations as well as use of best practice guidelines;
- The effectiveness of the internal audit function; and
- The provision of an effective means of communication between the external auditor, internal audit staff; Management and Council.

2.4 Audit Committee meetings are held quarterly, or as required; and the minutes of these meetings are submitted for Council’s information in accordance with the Audit Committee Charter.

3. Issues

3.1 Items considered by the Audit Committee during the February and May 2019 meetings included, but were not limited to:

- Verbal updates from the Chief Executive Officer on organisational matters
- Occupational Health and Safety Reports
- Risk Management reports (including report on the enterprise risk register)
• Internal audit status updates
• Sector reports with management responses
• Financial reports
• ICT Strategy reports

Recommendation

That Council resolves to receive and note the confirmed minutes of the Audit Committee meetings held on 25 February 2019 and 20 May 2019 (circulated separately as confidential attachments).

Attachments

A: Audit Committee Minutes 25 February 2019 (separately circulated) (confidential)
B: Audit Committee Minutes 20 May 2019 (separately circulated) (confidential)
10.12 Notices of Motion Quarterly Report

Author: Rosie Ferreira - Governance Officer
Directorate: Organisational Performance

1. Purpose

1.1 This report provides an update on the status of Notices of Motion that have been endorsed by Council since 23 July 2019.

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

2. Background

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

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

2.3 From 23 July 2019 to 24 September 2019, there has been one Notice of Motion requesting Council write to a Member of Parliament or government agency.

3. Issues

3.1 Between 10 November 2016 and 24 September 2019, Council endorsed 70 Notices of Motion presented by Councillors. Of these 70 Notices of Motion, 60 have now been successfully completed (86 per cent), while 10 are in progress. Attachment A provides details of Notices of Motion for the current council term which are either in progress or require ongoing action.

3.2 For the period 23 July 2019 to 24 September 2019 there has been one Notice of Motion requesting that Council write to a Member of Parliament or Government agency.

3.2.1 Correspondence relating to Notice of Motion no.2019/20 – additional addendum to its submission to the Essendon Fields Preliminary Master Plan 2019, from 23 July 2019 Ordinary Meeting of Council is included with this report as Attachment B.

Recommendation

That Council resolves to receive and note the report on the endorsed Notices of Motion that are currently in progress or ongoing, for the period 10 November 2016 to 24 September 2019.
Attachments

A: Notice of motion actions report (separately circulated)

B: Correspondence relating to Notice of Motion no.2019/20 (separately circulated)
**10.13 Assemblies of Councillors**

**Author:** Tracey Classon - Governance Officer  
**Directorate:** Organisational Performance

1. **Purpose**
   1.1 The purpose of this report is to present to Council the written records of Assemblies of Councillors held in accordance with the provisions of Section 80A(2)(a) and (b) of the *Local Government Act 1989* (“the Act”).

2. **Background**
   2.1 In accordance with Section 80A (1) and (2) of the Act, the Chief Executive Officer is to ensure that a written record of an Assembly of Councillors is, as soon as practicable, reported at an Ordinary Meeting of the Council; and incorporated in the minutes of that Council meeting.

**Recommendation**

That Council resolves to receive the following records of Assemblies of Councillors in accordance with section 80A(2) of the *Local Government Act 1989*.

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Strategic Briefing held on Tuesday 17 September 2019 at 6.10pm. Flemington Community Centre</th>
</tr>
</thead>
</table>
| Councillors present | Cr Samantha Byrne  
Cr Jim Cusack  
Cr Rebecca Gauci Maurici  
Cr Nicole Marshall  
Cr Narelle Sharpe  
Cr John Sipek  
Absent: Cr Richard Lawrence, Cr Cam Nation, Cr Andrea Surace |
| Staff present | Bryan Lancaster  
Natalie Reiter  
Gil Richardson  
Allison Watt |
| Conflict of interest | Bryan Lancaster left the meeting at 6.16pm due to a conflict of interest in confidential item 14.1 on the agenda and returned to the meeting at 6.18pm. |

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Ordinary Council Meeting pre-meet held on Tuesday 24 September 2019 at 6.00pm. Committee Room, Civic Centre.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matters considered</td>
<td>24 September 2019 OCM agenda</td>
</tr>
</tbody>
</table>
| Councillors present | Cr Narelle Sharpe  
Cr John Sipek  
Cr Rebecca Gauci Maurici |
**TUESDAY 22 OCTOBER 2019**

**AGENDA – ORDINARY COUNCIL MEETING**

<table>
<thead>
<tr>
<th>Staff present</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Natalie Reiter</td>
</tr>
<tr>
<td></td>
<td>Gil Richardson</td>
</tr>
<tr>
<td></td>
<td>Allison Watt</td>
</tr>
<tr>
<td></td>
<td>Petrus Barry</td>
</tr>
</tbody>
</table>

| Conflict of interest   | Nil.                   |

**Assembly**

**Strategic Briefing held on Tuesday 1 October 2019 at 6.06pm. Council Chamber, Civic Centre**

**Matters considered**

1. New corporate website
2. Community Survey 2019
3. Review of the draft agenda for the Ordinary Meeting to be held 8 October 2019

**Councillors present**

- Cr John Sipek (Deputy Mayor)
- Cr Samantha Byrne
- Cr Jim Cusack (6.24pm)
- Cr Nicole Marshall
- Cr Andrea Surace

Apologies: Crs Sharpe, Gauci Maurici, Lawrence and Nation.

**Staff present**

- Bryan Lancaster
- Kendrea Pope
- Natalie Reiter
- Gil Richardson
- Maria Weiss
- Allison Watt
- Geua Montana
- William Lai
- April Rathgen
- Larry Chew

| Conflict of interest | Nil.                   |

**Assembly**

**Ordinary Council Meeting pre-meet held on Tuesday 8 October 2019 at 6.00pm. Committee Room, Civic Centre.**

**Matters considered**

8 October 2019 OCM agenda

**Councillors present**

- Cr Samantha Byrne
- Cr Jim Cusack
- Cr Richard Lawrence
- Cr Nicole Marshall
- Cr Narelle Sharpe
- Cr John Sipek
- Cr Andrea Surace

Leave of absence: Cr Rebecca Gauci Maurici
Absent: Cr Cam Nation

**Staff present**

- Kendrea Pope
- Natalie Reiter
- Gil Richardson
- Maria Weiss
- Petrus Barry
- Allison Watt

| Conflict of interest | Nil.                   |
Attachments

Nil
NOTICES OF MOTION

11.1 Notice of Motion Report - No 25/2019 - Naming of Canary Island Date Palms on Mt Alexander Road

From: Councillor Richard Lawrence

Take notice that at the Ordinary Meeting of Council to be held on 22 October 2019 it is my intention to move:

That Council consider naming each of the 143 Canary Island Date Palms located along the median strip of Mt Alexander Rd between Shamrock St and Leake St Essendon after a past or present prominent and well regarded resident who has resided within the City of Moonee Valley. That each year up to five of the Canary Island Date Palms be named in honor of those residents, starting with the Palms located at the southern end of the median strip.

The naming of the Canary Island Date Palms be undertaken by MVCC place naming committee each year with reference to the community of Moonee Valley for suggestions of those names each year.

That a small naming plaque be erected in front of each Canary Island Date Palm in honor of that person selected with some details of their life.