

# Agenda

Tuesday, 12 November 2019

6:30pm

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# Ordinary Meeting of Council

Tuesday, 12 November 2019 at 6:30pm  
to be held at the Moonee Valley Civic Centre

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<b>Members:</b>	Cr Samantha Byrne	Mayor
	Cr John Sipek	Deputy Mayor
	Cr Jim Cusack	
	Cr Richard Lawrence	
	Cr Nicole Marshall	
	Cr Cam Nation	
	Cr Narelle Sharpe	
	Cr Andrea Surace	
<b>Officers:</b>	Bryan Lancaster	Chief Executive Officer
	Kendrea Pope	Director Corporate Governance, Performance and Transformation
	Petrus Barry	Manager Statutory Planning
	Allison Watt	Executive Manager Corporate Governance

**Business:**

**1. Opening**

**2. Reconciliation Statement**

**3. Apologies and Leave of Absence**

Cr Gauci Maurici is an apology for this meeting.

**4. Confirmation of Minutes**

Ordinary Meeting of Council held on Tuesday, 22 October 2019.

**5. Declarations of Conflict of Interest**

**6. Presentations**

Nil.

**7. Petitions and Joint Letters**

Nil.

**8. Public Question Time**

**9. Reports from Special Committees**

Nil.

**10. Reports**

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**11. Notices of Motion**

Nil.

- 12. Urgent Business**
- 13. Delegates Reports**
- 14. Confidential Reports**
  - 14.1 48 Holmes Road, Moonee Ponds (Lot 1 on TP803507A) -  
Demolition of a fence and construction of a three-storey  
apartment building in a Heritage Overlay .....67
- 15. Close of Meeting**

**BRYAN LANCASTER**  
Chief Executive Officer

## REPORTS

**10.1**                    **23 Wendora Street, Strathmore (Lot 194 on Plan of Subdivision 011110) - Construction of three double storey dwellings**

**Author:**                Vi Neilsen - Senior Statutory Planner

**Directorate:**        Planning and Development

<b>Planning File No.</b>	MV/445/2018
<b>Proposal</b>	Construction of three dwellings One double-storey, three bedroom dwelling with basement garage Two double-storey, four bedroom dwellings Dwelling 1 facing Wendora Street and Dwellings 2 and 3 facing Peck Avenue
<b>Applicant</b>	Eminent Designs
<b>Owner</b>	G S Steward
<b>Planning Scheme Controls</b>	General Residential Zone; and Design and Development Overlay (Schedule 8)
<b>Planning Permit Requirement</b>	Clause 32.08-6 – Construct two or more dwellings on a lot
<b>Car Parking Requirements (Clause 52.06)</b>	Required: 6 Proposed: 6
<b>Bicycle Requirements</b>	N/A
<b>Restrictive Covenants</b>	Yes – Covenant 1550648 is not breached by the proposal
<b>Easements</b>	None
<b>Site Area</b>	816.6 square metres
<b>Number of Objections</b>	Original submission – 30 Section 57A Amendment – 7 new objections
<b>Consultation Meeting</b>	23 January 2019

## Executive Summary

- The application seeks planning permission for the construction of three double storey dwellings.
- The site is located on the north-western corner of the intersection of Wendora Street and Peck Avenue, Strathmore within an established residential area. The site is rectangular in shape with a site area of 817 square metres.
- The original application was advertised with thirty (30) objections received. A subsequent Section 57A Amendment was lodged and re-advertised with seven (7) new objectors. Concerns were raised primarily in relation to neighbourhood character, overdevelopment, traffic and car parking, landscaping and on and off site amenity impacts.
- A Consultation Meeting was held on 23 January 2019, which was attended by Councillors Lawrence and Gauci Maurici, the objectors and Council's planning officer. As the Permit Applicant did not attend this meeting no resolution was made.
- The application was amended under a Section 57A Amendment lodged on 15 July 2019. The primary change relates to the reconfiguration to the layout and incorporation of pier and beam construction to Dwelling 3. This intended to minimise impact on the neighbouring trees located at 25 Wendora Street, Strathmore.
- The proposal achieves a high level of compliance with the quantifiable standards of ResCode. Conditions are proposed to be imposed to improve the design details of the development and meet the standard requirements for street setback (to the porch heights), landscaping, overlooking and internal views. A variation is considered acceptable for the partial encroachment into the required street setback to Dwelling 1.
- Overall, this assessment report finds the proposal demonstrates sufficient compliance with the Garden Court 3 neighbourhood character precinct profile of the Moonee Valley Planning Scheme, subject to conditions. It is recommended a Notice of Decision to Grant a Permit be issued subject to conditions.



Figure 1 – Aerial photo of the subject site and surrounds

## Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/445/2018 for the construction of three dwellings at 23 Wendora Street, Strathmore (Lot 194 on Plan of Subdivision 011110), subject to the following conditions:

### Endorsement Conditions

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and be in an electronic format. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) All internal Elevations;
  - b) The architectural parapet feature on the northern side of the frontage to Dwelling 1 reduced to the height of the Finished Floor Level of the balcony;
  - c) The full extent of the balcony balustrade to Dwelling 1 be clear glass;
  - d) The front porches to Dwellings 2 and 3 be less than 3.6 metres in height;
  - e) The external brickwork or render material be of an earthy tone to accord with the Garden Court 3 Precinct Profile;
  - f) The ground floor, north facing kitchen window to Dwelling 3 screened to accord with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
  - g) Details of the type of window opening to be provided to the first floor north facing bedroom 4 window to Dwelling 2 and the first floor west facing bedroom 3 window to Dwelling 3 and to accord with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
  - h) The first floor east facing bedroom 3 window of Dwelling 2 screened to accord with Standard B23 of Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme;
  - i) Removal of concrete pads within the secluded private open space areas to Dwellings 2 and 3;
  - j) Side boundary fences to be a minimum of 1.8 metres in height and tapering to 900mm within the front setback;
  - k) The driveway grade between the property boundary and Dwelling 3's garage nominated as 1:6.7;
  - l) Provision of trench grates to Dwellings 2 and 3 and connected to the internal drainage;
  - m) All vehicle crossovers constructed in accordance with Council's Vehicle Crossing Design Standards and Vehicle Crossing Policy;

- n) Notation stating 'All works within/near the Tree Protection Zone will need to be supervised by a project Arborist with all protection measures in place', in accordance with Condition 8;
- o) Notation stating 'No buildings and works including land cut/fill to occur within the Tree Protection Zones of the trees at 25 Wendora Street, Strathmore';
- p) Notation stating 'No storage of building materials within the canopy dripline of the Norfolk Pine and Sweet Pittosporum trees located at 25 Wendora Street';
- q) Amended BESS report in accordance with Condition 7;
- r) Notation stating 'All tree protection measures to accord with the recommendations in the Arborist Report' in accordance with Condition 8;
- s) All STORM and BESS measures annotated on the plans;
- t) An amended Landscape Plan in accordance with Condition 9; and
- u) Provision of engineering plans and streetscape detail in accordance with Condition 13.

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

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. Stormwater from the development must be treated to meet the water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999 (Guidelines)*, as amended. The performance objectives of the Guidelines must be met entirely on site as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority; except that with the written consent of the Responsible Authority, up to 20% of treatment may be delivered offsite as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority.
- 4. A minimum 30 days prior to any building or works commencing, all WSUD Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
- 5. A minimum 30 days prior to any building or works commencing, a WSUD Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
  - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.



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

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

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

7. Before the development commences, an amended BESS Report must be submitted to and approved by the Responsible Authority. The amended BESS Report shall refer to the endorsed plans. The BESS Report must be generally in accordance with the BESS Report submitted with the application, but modified to include:
  - a) Any changes as a result of Condition 1.

Upon approval the BESS report will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed BESS Report to the satisfaction of the Responsible Authority.

8. An amended Arborist Report to reflect the changes to the building footprint as required by Condition 1, including tree protection measures for the existing Norfolk Island Pine and Sweet Pittosporum trees at 25 Wendora Street, Strathmore and the existing street trees abutting the site within the Wendora Street and Peck Avenue, road reserve.
9. Before the development starts, and before any trees or vegetation are removed an amended landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and an electronic copy must be provided. The amended landscape plan and schedule must be generally in accordance with the development plans submitted with the application but modified to show:

- a) Any changes in accordance with Condition 1 of this permit;
- b) The provision of an appropriate canopy tree species within the rear setback of each dwelling which are able to achieve a minimum mature height of 3 metres;
- c) Provision of tree protection fencing to all abutting street trees adjoining the subject site within the Wendora Street and Peck Avenue, road reserve;
- d) Notation stating 'All works within / near the Tree Protection Zone will need to be supervised by a project Arborist with all protection measures in place';
- e) Notation stating 'No storage of building materials within the canopy dripline of the Norfolk Island Pine and Sweet Pittosporum trees located at 25 Wendora Street';
- f) Notation stating 'All tree protection measures to accord with the recommendations in the Arborist Report' in accordance with Condition 8;
- g) No tree planting within the rear easement;
- h) The use of drought tolerant species;
- i) Features such as paths, paving and accessways;
- j) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
- k) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-9 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and
- l) An appropriate irrigation system.

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

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

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

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

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

### **End of Endorsement Conditions**

## Development Conditions

11. The water sensitive urban design treatments as specified within the Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority must be implemented on site prior to the occupation of the development unless an alternative agreement is reached with the Responsible Authority.
12. Buildings or works must not be constructed over or adjacent to any easements or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
13. Before the building/s approved by this permit is/are occupied, a 3.0 metre road (Peck Avenue) is to be constructed for the length of the western property boundary (approximately 52 metres) generally in accordance with the Moonee Valley City Council Drawing No.34 (Concrete for Right of Ways) and including kerb and channel and drainage to the satisfaction of the Responsible Authority, it shall be considered an asset to be maintained by Moonee Valley City Council. All costs associated with the survey, design and construction of the road must be borne by the permit holder.

Before the development starts, detailed engineering drawings and streetscape detail to show the construction of the road, including materials, colours and finishes are to be submitted to and approved by the Responsible Authority. The road is to be surveyed by a licensed surveyor and designed by a civil engineer with suitable qualifications to the satisfaction of the Responsible Authority. The plans are to indicate existing surface levels, proposed surface levels, services, trees and construction of the road in accordance with Moonee Valley City Council Drawing No. 34.

Before the building/s approved by this permit is/are occupied, construction of the road as specified in this permit must be completed to the satisfaction of the Responsible Authority.

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

The road must be constructed and properly drained to the satisfaction of the Responsible Authority.

14. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
15. Before the buildings approved by this permit are occupied, all boundary fencing is to be constructed in accordance with the endorsed plans at the cost of the permit holder to the satisfaction of the Responsible Authority.
16. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.

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

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

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

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

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

20. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:

- a) Constructed;
- b) Available for use in accordance with the endorsed plans;
- c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
- d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving),

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

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

- a) Be maintained and made available for such use; and
- b) Not be used for any other purpose,

to the satisfaction of the Responsible Authority.

21. The existing street trees on Wendora Street and Peck Avenue road reserve must not be removed or damaged as a result of the permitted development.

22. The following street tree/nature strip protection measures must be undertaken:
- a) The nature strip trees located within the Wendora Street and Peck Avenue frontage of the land must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder;
  - b) No pruning of the nature strip trees located within the Wendora Street and Peck Avenue frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and
  - c) No building materials are to be stacked and/or dumped on any nature strip during construction.
23. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
24. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.
- Before the development starts a Drainage Layout Plan, including computations and manufacturer's specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.
- When approved, the Drainage Layout Plan will form part of this permit.
- The on-site stormwater detention system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.
25. Prior to the issue of an Occupancy Permit, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
26. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
27. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
28. This permit will expire if:
- a) The development does not start within two (2) years of the date of issue of this permit, or

- b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

**Permit Notes:**

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the land.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following:  $C_w=0.4$ ,  $t_c=10$ mins,  $t_{so}=5$ mins, ARI 1 in 5. An ARI of 1 in 100 shall be used for storage and the greater of post development  $C_w$  or  $C_w=0.80$ .
- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMP's are required to be made via Council's online system at [www.mvcc.vic.gov.au/Planning-And-Building/Planning/I-need-to/Submit-documents-for-endorsement](http://www.mvcc.vic.gov.au/Planning-And-Building/Planning/I-need-to/Submit-documents-for-endorsement) or in person at 9 Kellaway Avenue, Moonee Ponds.

## 1. Introduction

### 1.1 Subject Site and Surrounds

The site is located within an established residential area on the north-western corner of the Wendora Street and Peck Avenue intersection. The site is rectangular in shape with a splayed frontage. Vehicular access via the existing single width crossover located on the northern side of the Wendora Street frontage. Peck Avenue adjoins the southern boundary of the subject site, this section of Peck Avenue is unconstructed. There is a number of street trees located around the perimeter of the site.

The surrounding area is comprised of predominately residential zoned land used and developed for residential purposes. The built form within the vicinity is a mixture of single with some double storey detached and multi-unit dwellings. Peck Avenue runs from Pascoe Vale Road to Dagonet Street, parts of Peck Avenue is unconstructed with some dwellings having vehicular access from Peck Avenue.



**Figure 2 – Subject Site (23 Wendora Street, Strathmore)**

### 1.2 Proposal

It is proposed to construct three double storey dwellings. One dwelling is to contain three bedrooms and two dwellings are to contain four bedrooms. Dwelling 1 provides car parking in the form of a double width basement garage and Dwellings 2 and 3 are provided with two car spaces in a tandem arrangement.

**Table 1**

<b>No of dwellings</b>	Construction of three dwellings
<b>No of car spaces</b>	Six (6) car parking spaces
<b>Bicycle spaces</b>	None
<b>Max Building Height</b>	7.9 metres and 2 storeys
<b>Site Area</b>	816.6 square metres
<b>Site Coverage</b>	55%
<b>Permeability</b>	31%
<b>Garden Area</b>	36.5% (as calculated)

**Section 57A Amended Plans**

A Section 57A Amendment was lodged on 15 July 2019. The primary change relates to the reconfiguration to the layout and incorporation of pier and beam construction to Dwelling 3. This alteration intends to minimise impact on the neighbouring trees located at 25 Wendora Street, Strathmore.

Refer **Attachment A** Plans (separately circulated)

**2. Background**

**2.1 Relevant Planning History**

There was no pre-application meeting held prior to the lodgement of this planning permit application.

There is no relevant planning permit history associated with this site.

**2.2 Planning Policies and Decision Guidelines**

Planning Policy Framework

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

Local Planning Policy Framework

Clause 21.03	Vision
Clause 21.04	Sustainable Environment
Clause 21.05	Housing



Clause 21.06	Built Environment
Clause 21.09	Transport
Clause 21.10	Social and Physical Infrastructure
Clause 22.03	Stormwater Management

Zoning

Clause 32.08	General Residential Zone
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Overlays

Clause 43.02	Design and Development Overlay, Schedule 8
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Particular and General Provisions

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

**2.3 Referrals**

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

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

**Table 2**

Department/Officer	Conditions/Comments
Traffic and Transport Unit	No objections subject to standard conditions, the non-standard condition includes: <ul style="list-style-type: none"> <li>The reconstruction of this section of Peck Avenue to provide access and egress from the site. Any reconstruction of this road would be constructed to Council's standard design requirements which includes drainage infrastructure.</li> </ul>
Development Engineering (Drainage) Unit	No objections subject to standard conditions.
Environmental Sustainable Design	No objection, subject to an amended BESS report and all STORM and BESS annotations on the plans.
Council's Arborist	No objections subject to standard conditions, the non-standard condition includes:

Department/Officer	Conditions/Comments
	<ul style="list-style-type: none"><li>Tree protection fencing to all street trees and all works within the TPZ will need to be supervised by a project Arborist with all protection measures in place.</li></ul>
Strategic Planning	No objection to the proposal, subject to minor conditions.
Urban Design and Open Space	No objection to the proposal to reconstruct Peck Avenue and standard tree protection conditions for the street trees.
Property	No objection to the proposal to reconstruct Peck Avenue subject to during construction grated pits be installed and tapping into existing stormwater infrastructure.

## 2.4 Public Notification of the Application

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

Thirty (30) objections were received.

Pursuant to Section 52B of the *Planning and Environment Act 1987 (the Act)*, the Section 57A Amendment application was re-advertised by mail to owners and occupiers of surrounding properties including all persons who objected to the original application.

As a result nineteen (19) submissions were received. Amongst these 7 were new objectors.

A total of thirty-eight (38) objections were received from the properties listed within **Attachment B** (separately circulated).

## 2.5 Consultation Meeting

A Consultation Meeting was held on 23 January 2019, which was attended by Councillors Lawrence and Gauci Maurici, the objectors and Council's planning officer. As the Permit Applicant did not attend this meeting no resolution was made.

## 3. Discussion

### 3.1 State and Local Planning Policy Framework

The relevant Planning Policy and Local Planning Policy Framework objectives are considered to have been satisfied by the proposal. The policy framework objectives, inclusive of 'Plan Melbourne: Metropolitan Planning Strategy', broadly encourage consolidation of urban allotments in locations which can provide additional housing in areas with good access to existing public transport and community and commercial services.

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

The proposal accords with Clause 18.04 (Airports). The proposed development will not interfere and continues to strengthen and support the on-going operations of Victoria's airports in accordance with the objective of Clause 18.04-1S (Planning for airports and airfields) and Clause 21.09-6 (Essendon Airport) of the Moonee Valley Planning Scheme.

The proposal generally complies with the requirements of Clause 21.04-3 (Ecologically Sustainable Development), Clause 21.10-2 (Integrated Water Management in Urban Development) and Clause 22.03 (Stormwater Management) through the use of ecological sustainable design principles. The STORM Report is compliant. However, the BESS Report does not appropriately incorporate design measures to suitably reduce the environmental impact of the development, as such an amended BESS report and associated annotations will be required as part of any condition of permit.

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

The proposal contributes to the objective of Clause 21.05 (Housing) as it relates to providing a variety of housing choices in appropriate locations to meet the needs of an increasingly diverse range of households. Further, the Moonee Valley Housing Strategy 2010 is a reference document of this Clause and provides guidance on the level of change expected in appropriate locations.

The subject site is located in an area of Slight to Moderate Housing Intensification. On this basis, the proposed level of change proposed is consistent with relevant policy guidelines contained at Clause 21.05 (Housing) and the Housing Strategy through increasing housing opportunities to meet growing population needs, providing diversity of housing choice in a well-established area with access to public transport options and local/community services.

The proposed development is considered to adequately respond to the key objectives and strategies of Clause 15 (Built Environment and Heritage) and Clause 21.06 (Built Environment) of the Moonee Valley Planning Scheme, subject to conditions. The key concepts of this clause are assessed against the Neighbourhood Character Precinct Profile Guidelines within Section 3.2 of this report.

### **3.2 Neighbourhood Character Guidelines**

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

The majority of dwellings within this immediate section of Wendora Street is single storey in form with some dwellings containing higher finished floor levels and subfloors. The proposed development including the bold architectural features to Dwelling 1 are considered in direct contrast and does not provide continuity to the simple front facades within the streetscape. To ensure the development reflects the prominent characteristics and provides a transition to the adjoining dwelling a condition of any permit will require modifications to the façade to include the architectural parapet feature situated on the northern side of the frontage be reduced in height and the full extent of the balcony be made clear glass. These changes will provide for modest proportions that are respectful of the surrounds.

The double storey development is suitably recessed throughout. Further, the first floor, built form separation has been incorporated between dwellings providing visual breaks and relief across the site. The majority of the garage to Dwelling 1 is located below natural ground level with part of the north side garage protruding 1.15 metres above, this height is reflective of the higher finished floor levels on the western side of Wendora Street and as such will not significantly raise the dwelling and therefore will not appear disproportionate to dwellings along the streetscape.

The nominated colours are predominantly grey. This is unsympathetic of the earthy tones in the street. As such, a condition of any permit will require either the external brickwork or render material be of an earthy tone to accord with the Garden Court 3 Precinct Profile.

The dwellings are well recessed and staggered from the street to achieve a gradual transition to the adjoining dwellings and is reflective of the setback pattern along the street. The development is setback from both side boundaries with Dwelling 1 presenting as a detached single dwelling from the Wendora Street frontage.

The proposed basement to Dwelling 1 is largely constructed within the site's rising slope with significant landscaping and garden beds on either side making the basement a secondary and discreet feature from the street. Additionally, the garages to Dwellings 2 and 3 are appropriately setback behind the front wall of the dwellings.

The Landscape Plan provides sufficient areas within the front and rear setbacks for a suitable landscaping response, including canopy tree planting to contribute to the garden character of the area. However, the tree selection is not suitable and an amended Landscape Plan will thus be required as part of any condition of permit. Further, the proposal also includes the retention of existing street trees located along Wendora Street and Peck Avenue - this appropriately provides an immediate landscape benefit to the site.

No front fence is proposed. It is not uncommon for dwellings with no front fencing along Wendora Street. It is considered the proposed landscaping response will appropriately define the site's front garden setting whilst maintaining clear views to the dwellings.

### 3.3 Zone and Overlays

The site meets the Garden Area and height requirement of Clause 32.08-4 and Clause 32.08-10 (General Residential Zone) of the Moonee Valley Planning Scheme.

Further, no planning permit is required under Clause 43.02, Design and Development Overlay, Schedule 8 as the proposed buildings and works does not exceed 73 metres (proposed 65.3 metres) Australian Height Datum (AHD).

### 3.4 Compliance with Clause 52.06 (Car Parking)

The proposal is considered to generally comply with the provisions of Clause 52.06, Car parking of the Moonee Valley Planning Scheme. The site is located in the Principal Public Transport Network Area.

The applicable car parking rates are specified in Column B of Table 1 to Clause 52.06-5 of the Moonee Valley Planning Scheme and calculated below:

**Table 3**

<b>Dwelling</b>	<b>No. of bedrooms</b>	<b>Requires</b>	<b>Provides</b>
<b>Dwelling 1</b>	<b>3</b>	<b>2</b>	<b>2</b>
<b>Dwelling 2</b>	<b>4</b>	<b>2</b>	<b>2</b>
<b>Dwelling 3</b>	<b>4</b>	<b>2</b>	<b>2</b>
<b>Total</b>	<b>11</b>	<b>6</b>	<b>6</b>

Council's Traffic and Transport Unit assessed the proposal and raised no objection to the proposal, subject to standard conditions.

In relation to site access from Peck Avenue, which has historically been an unconstructed road, Council's Traffic and Transport Unit including Council's Strategic Planning and Property Departments have recommended the road be constructed to Council standard design requirements for a local road (not a driveway). The road must include drainage infrastructure such as grated pits and tapping into existing stormwater infrastructure and an associated Streetscape Plan to the satisfaction of the Responsible Authority. The Streetscape Plan is to include details of the proposed materials, colours and finishes. This is to ensure any reconstruction provides suitable access as well as achieves a positive urban design outcome for this Section of Peck Avenue. The above-mentioned requirements will form part of any condition of permit.

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

The proposal is considered to generally comply with the provisions of Clause 55 as set out in the summary table in **Attachment C** (separately circulated). The following points of non-compliance are assessed below:

**Table 4**

Standard	Response
Clause 55.02-1 (Standard B1 – Neighbourhood character)	Refer to discussion in this report.
Clause 55.03-1 (Standard B6 – Street setback)	<p>Dwelling 1 requires a setback of 9.0 metres. The proposed front setback is 8.5 metres. A variation to this standard is acceptable, as the northern side of the front wall staggers to 9.0 metres. This provides a gradual transition to the adjoining dwelling's front setback at 25 Wendora Street, Strathmore and as such will sit comfortably within the streetscape.</p> <p>The front porches to Dwellings 2 and 3 exceed the allowable maximum height of 3.6 metres. A condition of any permit will require the porches to Dwellings 2 and 3 be less than 3.6 metres in height.</p>
Clause 55.03-8 (Standard B13 – Landscaping)	<p>The proposed Landscape Plan shows there is sufficient area for the planting of a tree within the front yard and rear secluded private open space of each dwelling. However, the nominated species 'James Stirling' that is proposed to be planted within each dwelling's secluded private open space is not appropriate as this species is classified as a shrub (not tree). As such, any condition of permit will require an amended Landscape Plan be provided with appropriate tree species.</p> <p>Council's Arborist raised no concern to the modification of the existing vehicular crossover on Wendora Street as a clearance of 1.0 metres is maintained and subject to appropriate tree protection fencing, this will form part of any condition of permit.</p> <p>In relation to the existing Norfolk Island Pine tree located on the adjoining site at 25 Wendora Street the Construction Impact Report prepared by Homewood Consulting dated 13 December 2018</p>

Standard	Response
	<p>specified this tree has a Structural Root Zone (SRZ) of 2.72 metres and a Tree Protection Zone (TPZ) of 6.36 metres.</p> <p>The building footprint of Dwelling 3 does not encroach within the SRZ of this tree. Further, the proposal adopts pier and beam construction which is designed to have the floor grade suspended and cantilevered above the natural ground level. This means while part of the building is located within the TPZ, there will be no footings constructed within the TPZ of this tree.</p> <p>The other tree located within close proximity to the proposed buildings and works is Sweet Pittosporum located on the adjoining site at 25 Wendora Street. The Arboricultural Assessment prepared by Treetec dated the 15 August 2018 specified this tree has a TPZ of 4.6 metres. The adoption of pier and beam construction to Dwelling 3 means while part of the building is located within the TPZ, all the footings are footings constructed outside the TPZ of this tree.</p> <p>The proposed method of construction minimises disturbance of any roots, additionally there is no land cut or fill within the TPZ of these trees.</p> <p>However, it is identified the concrete pads proposed within the secluded private open space of Dwellings 2 and 3 are situated within the TPZ of the Norfolk Island Pine tree. To minimise impact a condition of permit will require these concrete pads be removed.</p> <p>Subject to conditions as outlined above, including an amended Arborist Report, the proposal is unlikely to negatively impact the health and stability of these trees.</p>
<p>Clause 55.04-6            (Standard B22            – Overlooking)</p>	<p>The ground floor, north facing kitchen to Dwelling 3 has a finished floor level of more than 0.8 metres above natural ground level. Therefore, a condition of any permit will require the kitchen window to be screened in accordance with this Standard. The remainder of the ground floor habitable room windows are less than 0.8 metres and bounded by a fence that is to be 1.8 metres in height and as such accords with this Standard.</p>

Standard	Response
	Whilst plans show the first floor north facing bedroom 4 window to Dwelling 2 and the first floor west facing bedroom 3 window to Dwelling 3 as screened with obscured glass, the type of window openings has not been specified. Consequently, a condition of any permit will require the window openings be specified and designed in accordance with this Standard. The remainder of the first floor habitable room windows accords with this Standard.
Clause 55.04-7 (Standard B23 – Internal Views)	There is the potential for internal overlooking from the first floor east facing bedroom 3 window of Dwelling 2 into the SPOS area of Dwelling 1. Therefore, a condition of permit will require this window be screened in accordance with this Standard.
Clause 55.06-1 (Standard B31 – Design detail)	Refer to discussion in this report.

### 3.6 Objections

The following table provides a discussion of the concerns raised with the objections of this application.

**Table 5**

Issue	Response
Neighbourhood character	Refer to response in this report in relation to neighbourhood character.  Further, visual eyesore of trellis fencing (in lieu of new full length paling fencing) located along the shared property boundary is not a planning consideration.
Site layout and building massing	Subject to conditions, the development achieves the Building height, form and layout and Siting and setback of the Garden Court 3 Precinct as outlined in the Neighbourhood Character assessment at Section 3.2 of this report.
Overdevelopment	The development accords with Clause 55.03-2 (Standard B7 – Building Height), Clause 55.03-3 (Standard B8 – Site Coverage), Clause 55.03-4 (Standard B9 – Permeability and Stormwater Management), Clause 55.04-1 (Standard B17 –



Issue	Response
	<p>Side and Rear Setbacks) and Clause 55.04-2 (Standard B18 – Walls on Boundaries) of the siting requirements of Clause 55, ResCode of the Moonee Valley Planning Scheme. The development also complies with the Garden Area requirements. Therefore, the proposal is not considered an overdevelopment of the site.</p>
<p>On-site amenity (daylight to habitable rooms, storage and waste facilities and size of living areas)</p>	<p>The development has been designed to provide sufficient solar access, storage and waste facilities to the dwellings. The internal dimension of the internal living areas and bedrooms of the dwellings are designed fit for purpose.</p>
<p>Off-site amenity impacts (overlooking from the ground floor, overshadowing, residential noise and stormwater flooding)</p>	<p>The proposal complies with the relevant objectives and standards of Clause 55 (ResCode) subject to a condition requiring the kitchen window of Dwelling 3 to be screened, the remainder of the ground floor habitable room windows are less than 0.8 metres and bounded by fence that is to be 1.8 metres in height and as such accords with the requirements of Standard B22, Overlooking of Clause 55, ResCode.</p> <p>The orientation of the site means the development will not result in any unreasonable overshadowing and accords with Standard B19, Daylight to existing windows and Standard B20, Solar access to open space objective of Clause 55, ResCode.</p> <p>The proposed residential use is consistent with the General Residential Zoning of the land and the proposed development is unlikely to generate unreasonable noise impacts greater than that of a typical residential area.</p> <p>The development incorporates a number of measures for the capture and re-use of stormwater on the site. This will reduce the amount of stormwater run-off from the site. Further, Council’s Drainage Engineering Unit raised no concern in this regard subject to standard conditions.</p>
<p>Car parking / traffic</p>	<p>Each dwelling has been provided with the required on-site car parking provision in accordance with Clause 52.06 (Car parking) of the Moonee Valley Planning Scheme.</p>

Issue	Response
	<p>No visitor car parking is required to be provided on-site in accordance with Clause 52.06 (Car parking) of the Moonee Valley Planning Scheme.</p> <p>The development maintains sufficient area within the street frontage for on-street car parking within the road reserve and of sufficient length in accordance with Moonee Valley's Vehicle Crossings Policy.</p> <p>Council's Traffic and Transport Unit raised no concern in regard to increased traffic.</p>
Existing vegetation	<p>Vegetation on the subject site at 23 Wendora Street is not covered by any Vegetation Protection Overlay or proposed to form part of Amendment C179 Significant Tree Register.</p> <p>The proposed building footprint has been setback and designed to ensure the development is entirely constructed outside the neighbouring trees at 25 Wendora Street, Strathmore SRZ and no land cut/fill or footing installed within the TPZ of these trees. The proposed setbacks and pier and beam construction methods will minimise impact on these trees.</p> <p>The loss of trees for wildlife is not a planning consideration, although Council is very considerate of loss of vegetation and consequently ensures in conditions on permit the development does provide additional landscaping.</p>
Lack of landscaping	<p>There is sufficient area within the front and rear setbacks of each dwelling for the planting of canopy trees and associated vegetation that will strengthen the garden settings of dwellings subject to an amended Landscaping Plan.</p> <p>Further, the development has been appropriately sited to maintain the existing street trees located along the Wendora Street and Peck Avenue, road reserve and the neighbouring trees at 25 Wendora Street Strathmore.</p>
Insufficient Garden Area provision	<p>The development achieves the Garden Area requirement of Clause 32.08, General Residential Zone of the Moonee Valley Planning Scheme.</p> <p>Further, paved areas less than 0.8 metres in height and outbuildings of less than 10 square metres can be included as part of the Garden</p>

Issue	Response
	Area calculation as specified in Clause 73.01, General Terms of the Planning Scheme.
Impact on the road reserve	To ensure any reconstruction of Peck Avenue provides suitable access as well as achieves a positive urban design outcome for this section of Peck Avenue, conditions will form part of any permit and as outlined in this report.
Infrastructure (impact on local school)	This is not a planning consideration.
Heritage Impact on the Heritage Dwelling (Cobb & Co. Mansion) at No. 27 Wendora Street	The dwelling at 27 Wendora Street, Strathmore is situated deep within the battle-axe allotment and is not visible from the street. Further, there is no requirement under the Planning Scheme to consider the proposed development impact upon this heritage listed property. Nevertheless, a neighbourhood character assessment has been undertaken as outlined in Section 3.2 of this report.
Essendon Airport	The proposed development sits well below Essendon Airport permit height trigger of 73AHD being 65.339AHD and as such will not impact the ongoing operation of the airport.
Social issues associated with multi unit developments	This is not a planning consideration.
Property devaluation	This is not a planning consideration.
Setting a precedent	This is not a planning consideration.
Incorrect Documents and Plans	A full and proper assessment of this report has been undertaken.
Effectiveness of the Victorian Planning System	Effectiveness of the Victorian Planning System is not a matter that can be considered for this application.




#### 4. Human Rights

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

## 5. Conclusion

The application has been assessed against the relevant provisions of the Planning Policy Framework and Local Planning Policy Framework, the purpose and requirements of the Zone and Overlays, and the relevant Particular Provisions and General Provisions of the Moonee Valley Planning Scheme. In light of the above, officers consider the proposal should be supported, subject to conditions.

### Attachments

- A: Amended Section 57A Plans (separately circulated) 
- B: Objectors List (separately circulated) 
- C: Clause 55 ResCode table (separately circulated) 

**10.2 Development Contributions Plan Amendment C194moon - post-exhibition consideration**

**Author:** Fiona McDougall - Senior Strategic Planner

**Directorate:** Planning and Development

**1. Purpose**

- 1.1 To seek Council's endorsement of the proposed changes to the *Moonee Valley Development Contributions Plan 2018* (DCP) and Schedule 1 to Clause 45.06 Development Contributions Plan Overlay (DCPO), following the public Exhibition of the Amendment, for the purpose of the upcoming Panel Hearing.

**2. Background**

- 2.1 At the 26 June 2018 Ordinary Meeting, Council resolved to request the Minister for Planning to authorise Amendment C194moon and place the amendment on exhibition (previously referred to as Amendment C190).
- 2.2 Amendment C194moon seeks to insert the DCP into the Moonee Valley Planning Scheme. The DCP is expected to collect 18.86 percent of the \$381.1 million total cost of infrastructure projects. The DCP supports the delivery of infrastructure in a financially sustainable way.
- 2.3 On 27 June 2018, Council requested authorisation to prepare and exhibit Amendment C194moon to the Moonee Valley Planning Scheme from the Minister for Planning.
- 2.4 Conditional authorisation was granted on 30 October 2018.
- 2.5 Between October 2018 and June 2019, Council officers awaited the granting of authorisation to exhibit the amendment, providing additional information as requested from the Department of Environment, Land, Water and Planning (DELWP).
- 2.6 This further information included additional project costings and at the 28 May 2019 Ordinary Meeting, Council endorsed the Development Contributions Plan Costing Package.
- 2.7 Modifications to the long term capital works budget made at the 11 June 2019 Ordinary Meeting have been reflected in the planning scheme amendment documentation.
- 2.8 The revised documents were submitted to DELWP on 4 July 2019, who then provided confirmation Amendment C194moon could proceed to public exhibition.
- 2.9 Amendment C194moon was exhibited from 1 August to 30 August 2019. During exhibition, 103 submissions were received and a further five were submitted after 30 August 2019. In total, 108 submissions were received.
- 2.10 In accordance with the Council resolution of 26 June 2018, a request for the appointment of an independent Panel has been made, and unresolved submissions have been referred to Planning Panels Victoria.

2.11 The Directions Hearing is scheduled to take place on Friday 8 November, with the Panel Hearing scheduled for December 6, 9, 11, 12 and potentially into the week of December 16 if required.

### 3. Issues

3.1 The Summary of Submissions (**Attachment B**) includes officer responses to issues raised in the 107 submissions (there were 108 submissions, however one was withdrawn as was intended for a Statutory Planning matter, not this Amendment). Table 1 below summarises the number of submitters who support, oppose or support Amendment C194moon with changes.

*Table 1: Submissions received*

No. of submissions	Category
1	Support
19	Support with changes
81	Oppose
6	Information

3.2 Having considered the submissions, the main issues raised (in order of the main issues raised) are:

- 3.2.1 Concern levies are being applied retrospectively
- 3.2.2 Concern developments are already subject to the Public Open Space Contribution policy
- 3.2.3 The absence of transitional provisions
- 3.2.4 Requests to exclude extensions to permits
- 3.2.5 Requests proposed payment stages be simplified
- 3.2.6 Concern levies increase development costs
- 3.2.7 Requests to exclude community uses from attracting the development contributions levies
- 3.2.8 Requests to exclude not-for-profit residential aged care facilities from attracting the levies.

#### Peer Review

3.3 During the exhibition period, Urban Enterprise, undertook an independent peer review of the exhibited DCP and supporting documents. The review concluded the methodology used to prepare the exhibited DCP is sound, and accords with the statutory framework subject to the following revisions:

- 3.3.1 Update Section 8 of the DCP to include references to policies, action plans and master plans relied upon to justify inclusion of DCP projects.
- 3.3.2 Update Appendix A to include existing dwellings and floor area.
- 3.3.3 Replace floor area table in Appendix B with demand units per charge area.
- 3.3.4 Address format and text issues.

### **Proposed post-exhibition changes**


- 3.4 As a result of the peer review and submissions received, it is proposed to revise the *Moonee Valley Development Contributions Plan 2018* to address the recommendations of the peer review, and concerns raised in submissions. A summary of the proposed changes is contained in **Attachment B**.
- 3.5 As a result of the proposed changes, a number of submissions have been responded to, however no submissions have been resolved. Given this, a total of 107 submissions have been referred to Planning Panels Victoria, with one submission having been withdrawn.

### **Recommendation**

#### **That Council resolves to:**

- a. **Note submissions and responses received following exhibition of Amendment C194moon (Attachment A).**
- b. **Note officers have, under delegation, referred all submissions under section 23(1)(b) of the Planning and Environment Act 1987 to a Panel appointed under Part 8 of the Planning and Environment Act 1987.**
- c. **Acknowledge the ‘Panel Version’ recommended revisions to the exhibited Moonee Valley Development Contributions Plan 2018 (Attachment C) and Schedule 1 to Clause 45.06 Development Contributions Plan Overlay (Attachment D).**
- d. **Adopt the ‘Panel Version’ recommended revisions to the exhibited Moonee Valley Development Contributions Plan 2018 (Attachment C) and Schedule 1 to Clause 45.06 Development Contributions Plan Overlay (Attachment D), as Council’s updated position to be presented at the Panel hearing in response to the submissions received.**
- e. **Authorise officers to effect minor changes to the ‘Panel Version’ recommended revisions to the exhibited Moonee Valley Development Contributions Plan 2018 (Attachment C) and Schedule 1 to Clause 45.06 Development Contributions Plan Overlay (Attachment D) in response to Panel submissions and discussions.**
- f. **Note Council officers will provide a further report to Council after receipt of the Panel report from Planning Panels Victoria to further consider Amendment C194moon.**

### **Attachments**

- A: Summary of Submissions (separately circulated)  
B: Summary of proposed changes (separately circulated)  
C: Panel Version - Moonee Valley C194moon Development Contributions Plan June 2018 incorporated document (separately circulated)  
D: Panel Version - Moonee Valley C194moon 45\_06s track changes Exhibition (separately circulated) 

## **Impact Assessment**

### **1. Relationship to Council commitment MV2040 or Council Plan**

- 1.1 The *Moonee Valley Development Contributions Plan 2018* achieves MV2040 objective 2.2, pursuant to theme Fair QEENTE BOORDUP, to provide an accessible network of community facilities by allowing Council to collect contributions from new development towards community facilities.
- 1.2 The DCP achieves Council Plan objective 5.3, *infrastructure meets the needs of today and responds to future demand*, by incorporating the Development Contributions Plan Overlay (DCPO) into the Moonee Valley Planning Scheme.
- 1.3 At the 26 June 2018 Ordinary Meeting, Council noted the importance of the DCP and resolved to request the Minister for Planning to authorise Amendment C194moon and place it on exhibition.

### **2. Legislative obligations**

- 2.1 Part B of the *Planning and Environment Act 1987* permits Council to collect contributions from new development.
- 2.2 There are no human rights implications as a result of this report.

### **3. Legal implications**

- 3.1 The amendment is unlikely to result in legal implications.

### **4. Risks**

- 4.1 The risk rating for failing to deliver the DCP is Extreme (20). The measure of consequences is assessed as minor (reputation) and the measure of likelihood is almost certain as failing to deliver the DCP would prevent Council from discharging its core responsibilities to deliver municipal infrastructure. The risk has been mitigated by ensuring the projects and costs have been justified.

### **5. Social impact assessment**

- 5.1 The decision will have a positive social impact through the delivery of infrastructure projects for the growing community

### **6. Economic impact assessment**

- 6.1 The decision will have a positive economic impact through enabling the collection of contributions from new development towards Council's infrastructure asset needs of our growing community.

### **7. Environmental impact assessment**

- 7.1 The decision will have a positive environmental impact. The collection of contributions goes towards upgrading community facilities, improvements to open space, streetscape improvements and sustainable transport infrastructure for pedestrians and cyclists.



**8. Reputational impact assessment**

- 8.1 Once the DCP is inserted into the Moonee Valley Planning Scheme, Council is committed to deliver the infrastructure projects.

**9. Financial implications**

- 9.1 The DCP items are identified in the Long Term Capital Works Plan or Council's annual budget.
- 9.2 The DCP is expected to collect approximately \$71.1 million of the total infrastructure project costs of \$381.1 million.

**10. Sensitivity / scenario analysis**

- 10.1 The anticipated collection of contributions is based on dwelling and non-residential floor space projections. If the projections are not realised, the DCP may either under or over collect. The DCP mitigates this by including a review requirement every three years. Changes to the DCP may require approval through the planning scheme amendment process.

**11. Conflict of interest declaration**

- 11.1 No officer involvement 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 Public exhibition commenced on 1 August to 30 August 2019.

12.2 Notification included:

- 12.2.1 Exhibition period of four (4) weeks.
- 12.2.2 3,836 letters to landowners whose property had a planning, building or subdivision permit issued since 2017. Notification included an information brochure and notice of the preparation of the Amendment.
- 12.2.3 Letters to prescribed Ministers and the Minister for Planning.
- 12.2.4 Correspondence to 127 building surveyors who operate in Moonee Valley.
- 12.2.5 Notice in the Government Gazette on 1 August 2019.
- 12.2.6 Notices in the Leader on 31 July 2019 and 14 August 2019.
- 12.2.7 Information available at Council's Civic Centre.
- 12.2.8 Information available on the Department of Environment, Land, Water and Planning's corporate website.
- 12.2.9 Information available on Council's corporate website, including a Development Contributions Plan calculator.
- 12.2.10 Information, including an online submission form, on Council's Your Say Page.

- 12.3 During exhibition, officers responded to 112 phone calls, three appointments, 19 counter enquiries and 49 requests for additional information and/or clarification.
- 12.4 Between 31 July and 30 August, Council's your say page was visited 613 times including 253 visitors were informed and 26 people made a submission using the submission form.

## 10.3 Neighbourhood Hero Awards

**Author:** Veronica Cybulski - Coordinator Visual Arts, Festivals and Events  
Leisure

**Directorate:** City Services

### 1. Purpose

- 1.1 To provide Council with information regarding the revised civic recognition awards, to be known as the Moonee Valley Neighbourhood Hero Awards.
- 1.2 To establish a Neighbourhood Hero Special Committee for the assessment of award nominations.

### 2. Background

- 2.1 At the Ordinary Meeting of Council 10 July 2018, Council endorsed the Events and Festivals Review Transition and Action Plan 2018-2021. Key recommendations adopted included the following:
  - 2.1.1 Adopt a neighbourhood planning approach for delivering Council events
  - 2.1.2 Strengthen community capacity through event partnerships and grants
  - 2.1.3 Implement business efficiencies.
- 2.2 The review supported revising the Spirit of Moonee Valley Awards to align with MV2040's neighbourhood approach, with the event to take place on Australia Day as follows:
  - 2.2.1 'Transition to a combined Spirit of Moonee Valley Awards with the 26 January (Australia Day) Citizenship Ceremony for 2019. Awards (including 13 outstanding neighbourhood citizen awards, plus one Citizen of the Year) would be announced as part of the ceremony followed by an outdoor BBQ (weather permitting) or afternoon tea' (Report of Ordinary Meeting of Council held 10 July 2018).
- 2.3 At the Ordinary Meeting of Council on 28 August 2018, Council endorsed the Reconciliation Policy and Action Plan update, which reflected sensitivities around Australia Day and recommended that Council:
  - 2.3.1 Notes the revised Spirit of Moonee Valley Awards ceremony will be held during the Moonee Valley Festival period.
- 2.4 At the Strategic Briefing on 3 September 2019, a presentation to Council provided an overview of the Moonee Valley Neighbourhood Hero Awards.
- 2.5 Reflecting the MV2040 themes of 'Fair' and 'Thriving', the Moonee Valley Neighbourhood Hero Awards will celebrate and acknowledge the efforts of those who make a positive contribution to their community and neighbourhood.

- 2.6 The Moonee Valley Neighbourhood Hero Awards will be presented at a community celebration on Neighbour Day and within the Moonee Valley Festival period.
- 2.7 Neighbour Day is celebrated on the last Sunday of March each year, with the aim of fostering strong personal connections and encouraging people to connect with those who live in their community.

### 3. Issues

- 3.1 The Neighbourhood Hero Awards support Council's vision of a Healthy City and will invite the community to celebrate and acknowledge people who positively contribute within their neighbourhood.
- 3.1.1 From 30 December 2019 to 9 February 2020, the community will be invited to nominate their 'Neighbourhood Hero'.
- 3.1.2 Nominations can be for people from all spheres of the community. Any individual, community organisation, professional body or similar group can nominate or be nominated for an award.
- 3.1.3 The Neighbourhood Hero Special Committee will be responsible for the assessment of the award nominations. Refer to **Attachment A**: *Charter – Neighbourhood Hero Special Committee*.
- 3.1.4 The establishment of the Neighbourhood Hero Special Committee will be in accordance with Section 86 of the *Local Government Act 1989* and will facilitate:
- Assessment of Neighbourhood Hero Award Nominations
  - Awarding of 13 Neighbourhood Heroes
  - Awarding the Citizen of the Year from the 13 Neighbourhood Heroes.
- 3.1.5 The Neighbourhood Hero Special Committee will have the authority to consider and determine the awarding of the Neighbourhood Hero Awards in accordance with its Instrument of Delegation. Refer **Attachment B**: *Instrument of Delegation – Neighbourhood Hero Special Committee*.
- 3.1.6 The Neighbourhood Hero Special Committee is an interim committee for the assessment of 2020 nominations. Future assessment of Neighbourhood Hero nominations will form part of the responsibility of the Community Grants Panel (subject to a further report to Council).
- 3.1.7 The assessment period will be from 10 to 16 February 2020. A meeting will be held the week commencing Monday 17 February to finalise the assessment and award the Neighbourhood Heroes and Citizen of the Year.
- 3.1.8 The awards model promotes the value of social connections within our communities, and the positive impacts of these connections across Moonee Valley's 13 neighbourhoods. The model is further

strengthened by its presentation on Neighbour Day which will be held Sunday 29 March 2020 at Coronet Park, Flemington.



- 3.1.9 To further support community celebrations and capacity building across our 13 neighbourhoods, community groups and individuals will have the opportunity to apply for a \$300 grant to support neighbourhood activations.

### **Recommendation**

#### **That Council resolves to:**

- a. Note the revised civic recognition awards transition from the Spirit of Moonee Valley Awards to Moonee Valley Neighbourhood Hero Awards in alignment with the Festivals and Events Transition and Action plan endorsed by Council 10 July 2018.**
- b. Endorse the establishment of the Neighbourhood Hero Special Committee in accordance with Section 86 of the *Local Government Act 1989* for a period of one year.**
- c. Endorse the Neighbourhood Hero Special Committee Charter provided as (Attachment A).**
- d. Delegate to the Neighbourhood Hero Special Committee those functions, powers and duties set out in the Instrument of Delegation (Attachment B) in accordance with Section 86 of the *Local Government Act 1989*.**
- e. Authorise the Common Seal of Moonee Valley City Council to be affixed to the Instrument of Delegation to the Neighbourhood Hero Civic Recognition Special Committee (Attachment B).**
- f. Appoint three Councillors, one from each ward, being: Cr \_\_\_\_\_, Cr \_\_\_\_\_ and Cr \_\_\_\_\_, as members of the Neighbourhood Hero Special Committee for the term of Council, effective from the date of this resolution.**

### **Attachments**

- A: Charter - Neighbourhood Hero Special Committee (separately circulated) 
- B: Instrument of Delegation (separately circulated) 

## **Impact Assessment**

### **1. Relationship to Council commitment MV2040 or Council Plan**

- 1.1 Theme 1: Fair (Qeente Boordup, this means 'fair' in Woi wurrung language).
- 1.2 Theme 2: Thriving (Bandingith, this means 'doing well' in Woi wurrung language).
- 1.3 This report relates to Council's endorsement of the Events and Festivals Review Transition and Action Plan 2018-2021 at the Ordinary Meeting on 10 July 2018.
- 1.4 This report relates to Council's endorsement of the Reconciliation Policy and Action Plan update at the Ordinary Meeting on 28 August 2018.

### **2. Legislative obligations**

- 2.1 Section 3 of the *Local Government Act 1989* outlines the primary objective of Councils is 'endeavouring to achieve the best outcomes for the local community through leadership and good governance'.
- 2.2 This report and recommendations have considered the Human Rights Charter and adheres to the four key themes of Freedom, Respect, Equality and Dignity. The Moonee Valley Neighbourhood Hero Awards advances these rights and intends to foster inclusive and connected communities.

### **3. Legal implications**

- 3.1 No legal issues have been identified.

### **4. Risks**

- 4.1 No significant risks have been identified.

### **5. Social impact assessment**

- 5.1 The Neighbourhood Hero Awards are in alignment with MV2040 and strongly reflect the themes of Fair and Thriving.
- 5.2 The awards promote and celebrate community participation through:
  - 5.2.1 Inviting the community to nominate their neighbourhood hero
  - 5.2.2 Celebrating and acknowledging the achievements and contributions community members make in their neighbourhood.
- 5.3 Alignment of the awards presentation on Neighbour Day, presented as part of the Moonee Valley Festival program, further fosters and promotes social connection, celebration of our diverse communities and support for Council's vision of a Healthy City.

### **6. Economic impact assessment**

- 6.1 No economic impacts have been identified.

## **7. Environmental impact assessment**

- 7.1 As a part of a commitment to reducing waste and single-use plastics at events, Council has taken the Zoos Victoria's 'bubbles not balloons' pledge, which is implemented at all outdoor events.
- 7.2 Events delivered and supported by Council promote connections to our local natural environments and encourage engagement with sustainability practices.
- 7.3 The Neighbourhood Hero Awards and Neighbour Day event will be delivered in alignment to Council's environmental policies and sustainable practices.

## **8. Reputational impact assessment**

- 8.1 Facilitated by Relationships Australia, Neighbour Day is a date of recognition presenting an annual celebration of strong communities and friendly streets.
- 8.2 Council's celebration of Neighbour Day and presentation of the Neighbourhood Hero Awards is a demonstration of the commitments and objectives within MV2040.

## **9. Financial implications**

- 9.1 Presented as a part of the Moonee Valley Festival program, the awards and celebration event are funded from the Moonee Valley Festival operational budget.
- 9.2 The Neighbourhood Hero Awards will be developed and delivered by Council's Festivals and Events team with support from Council's Communications, Neighbourhood Engagement Officers, and Neighbourhood Planning teams.

## **10. Sensitivity / scenario analysis**

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

## **11. Conflict of interest declaration**

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

## **12. Consultation undertaken or planned**

- 12.1 Consultation regarding the model and governance of the Neighbourhood Hero Awards has been undertaken with Council's Governance, Neighbourhood Engagement and Neighbourhood Planning departments.
- 12.2 An overview of the Neighbourhood Hero Awards was presented to Council at the Strategic Briefing held on 3 September 2019.

## 10.4 Financial Performance Report September 2019

**Author:** Damian Hogan - Manager Finance

**Directorate:** Organisational Performance

### 1. Purpose

- 1.1 To receive a report on Council's financial performance for the financial year to date ending 30 September 2019.

### 2. Background

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

The attached financial report for the period 1 July 2019 to 30 September 2019 is a component of ensuring the accountability of Council's operations and in line with good governance it forms part of the public accountability process and reporting that includes the following Financial Statements:

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

### 3. Issues

- 3.1 Council's overall financial position as at 30 September 2019 is a forecast annual surplus of \$13.9 million which is \$0.3 million less than the adopted budget. At this stage of the financial year, management does not foresee any reason why the actual result will vary materially from the adopted budget. The quarterly finance report is shown as **Attachment A**.
- 3.2 The Capital Works Program annual forecast is \$65.1 million compared to the adopted budget of \$82.2 million. The reduction is due to already known project carryovers to 2020/21. Council resolved at the ordinary meeting held on 8 October to amend the capital budget to \$64.7m. The revised budget will be reflected in the October finance report. The status of current projects and the list of projects to be carried over are shown in **Attachment B**.
- 3.3 The Grant Register Status Report provides an update as to the status of council's grant submissions. For Q1, Council has been successful in receiving \$756K worth of grant funding. The details and status of all applications are shown in **Attachment C**.






## Recommendation

That Council resolves to:

- a. Receive and note the Financial Performance report for the period 1 July 2019 to 30 September 2019.
- b. Receive and note the 2019/20 Capital Works Program – quarterly report to 30 September 2019.
- c. Receive and note the Grants Register Status report for September 2019.

## Attachments

- A: Quarterly Financial Report - September 2019 (separately circulated) 
- B: 2019-20 Capital Works Program- Quarterly Report- Q1 (separately circulated) 
- C: Grant Register Status as at 30 September 2019 (separately circulated) 

**10.5 Response to Notice of Motion 2019/15 - Sharing sheds and library of things**

**Author:** Kate McCaughey - Manager Community Planning

**Directorate:** Planning and Development

**1. Purpose**

- 1.1 To report and provide recommendations regarding Notice of Motion No. 2019/15 – Sharing shed and Library of Things.

**2. Background**

- 2.1 The terms Library of Things (LoT) and sharing shed are used interchangeably in this report.
- 2.2 A sharing shed is a place where community members can go to borrow useful items like sewing machines, tools, kitchen appliances, entertaining and party equipment, musical instruments, bikes, sports and camping gear. In some instances, a LoT can provide low cost access to non-returnable assets such as seeds, or experiences such as museum passes. Some LoT focus on a limited range of items. Examples include Toy Libraries, Tool Libraries and Seed Libraries. Others provide a broader range of things, in response to the needs of their local community.
- 2.3 In May 2019, Council endorsed Notice of Motion No. 2019/15 to:
- 2.3.1 Explore potential sharing shed sites (Council and non-Council); their role in waste prevention/reduction; consultation with potential community organisations regarding partnership opportunities; as well as the role Council's libraries could play in either expanding their collections to include sharing shed items or support a community-run sharing shed. A *Moonee Valley Library of Things, Issues and Opportunities Report* (the Sharing Shed Report) has been prepared exploring these elements (**Attachment A**);
- 2.3.2 Write to relevant State Government Ministers and local State Members requesting the establishment of a grant funding stream to fund Councils in the establishment of sharing sheds, noting the Sustainability Fund as a potential funding source and the importance of supporting initiatives at the highest level of the waste Hierarchy that involve the repair/ reduction /reuse or sharing of goods; and
- 2.3.3 Approach LeadWest and its member councils and the City of Melbourne in relation to the potential to work across Councils (similar to the My Smart Garden program) to create one or more sharing shed/repair café/reverse garbage facility/facilities.

### 3. Issues

- 3.1 Typically, a LoT's aims and benefits include:
- 3.1.1 Environmental: To reduce the need for each household to buy, store, maintain and dispose of items that are used infrequently and for a short period of time; and promote sustainability principles of consumption underpinned by the principles of refuse, reduce, re-use and repair.
  - 3.1.2 Social: To foster community connections. Unlike online sharing platforms which focus on facilitating a transaction between strangers, a LoT uses the opportunity of the transaction to build community connections. Membership of a sharing shed, typically allows participating households to: be less reliant on purchasing things they rarely use; reduce consumption by borrowing and or donating items for re-use; and extend the length of time an item is used (when linked in with a Repair Café).
- 3.2 The Sharing Shed Report identified:
- 3.2.1 Sharing sheds can promote sustainability and foster community connections – although most analysis relating to these benefits was qualitative rather than quantitative.
  - 3.2.2 There is a lack of available quantitative evidence correlating the existence of sharing sheds and a reduction in goods going to landfill. However, the emergence of sharing sheds is consistent with global consumption patterns which have seen a decline in the purchase of goods and an increase in the purchase of services (or a 'decoupling' of economic growth and material consumption). A significant and tangible benefit of a LoT in Moonee Valley is therefore its potential role in piloting alternative models of consumption and supporting principles of refuse, reduce, re-use and repair.
  - 3.2.3 Council's Libraries and Learning service has limited capacity to expand their existing collection at existing sites without the creation of additional space and an increase in resources (estimated at an additional \$138,000 per annum in its establishment year and \$95,000 per annum on-going to operate a sharing shed).
  - 3.2.4 The majority of successful sharing sheds operate as community run initiatives. The City of Moonee Valley's Sustainability Champions program has identified a community group, Sharing Shed Melbourne Inc., who is keen to establish a sharing shed within the municipality and have submitted a bi-annual community grant request to Council to support the establishment of a sharing shed in Moonee Valley.

- 3.2.5 A range of Council and non-Council owned sites were explored and site assessment criteria developed based on existing models (refer Appendix 3 of **Attachment A** – separately circulated). Types of privately-owned sites that may be suitable for a sharing shed include: warehouses; retail shops; offices; and ground floor or basements of apartment buildings. However, unless these sites can be secured pro bono, at very low rent or free of charge, they are prohibitively expensive for a start-up community-run LoT.
- 3.2.6 Two potential Council owned sites have been identified and assessed as being able to accommodate a community-run sharing shed initiative: the Flemington Community Centre (FCC), or the Ascot Vale Neighbourhood Centre.
- 3.2.7 The FCC site has several benefits including provision of potentially an affordable service for low income communities (and with small dwellings) to access equipment and experiences not otherwise available. Note: this option proposes a retrofitted shipping container adjacent to the FCC but accessing the FCC building (foyer, amenities etc.). Whilst the final location has yet to be resolved; it is anticipated a shipping container could be placed on the driveway at the rear of the FCC building as indicated in Figure One. In addition, there is potential through volunteer placements and community workshops to foster social connection, share skills, knowledge and things across generations and cultures between the Estate and wider Flemington community. This site has been discussed with the Sharing Shed Melbourne Inc. If the Sharing Shed Melbourne Inc. were to be located here, the arrangements could follow those of other FCC partners such as the Brotherhood of St Laurence and Latitude Direction for Young People (youth homelessness service) who both operate from the site (with leases) and work with Council's Community Development team around coordination of services.



- 3.2.8 Figure One: potential container sharing shed location adjacent to FCC building (indicative only and not to scale).
- 3.2.9 The Ascot Vale Neighbourhood Centre site is in close proximity to other aligned community initiatives in the Ascot Vale area such as the Little Free Pantry, Boomerang Bags, and the Moonee Valley Repair Café; and also hosts a number of other community services for aged and disability cohorts. The sharing shed would be accommodated within the Neighbourhood Centre building footprint. This opportunity emerged just prior to finalisation of the Sharing Shed Report, and so was not part of initial discussions with the Sharing shed Melbourne Inc. They have subsequently indicated an interest in exploring this location as an option.
- 3.2.10 Both the FCC or Neighbourhood Centre site would require a lease with Council for any dedicated space and a licencing agreement for access to shared space.
- 3.3 In July 2019, then-Mayor of Moonee Valley Councillor Narelle Sharpe wrote to the following State Government Ministers and local State Members regarding Notice of Motion No. 2019/15: the Hon. Lily D'Ambrosio, Minister for Energy, Environment and Climate Change; Mr Danny Pearson MP, Member for Essendon and Parliamentary Secretary to the Premier; the Hon. Ben Carroll MP, Member for Niddrie and Minister for Crime Prevention, Corrections, Youth Justice and Victim Support; the Hon. Marlene Kairouz, Minister for Suburban Development; and the Hon. Tim Pallas, Treasurer and Minister for Economic Development. Council has received responses from a number of these representatives who flagged further opportunities including that the Victorian Government:
- 3.3.1 Had recently consulted on an issues paper, *A circular economy for Victoria: creating more value and less waste*, and are in the process of preparing a circular economy policy and accompanying action plan. Council was represented in these consultations. They are encouraging community to share their stories online as part of this consultation process via:  
[www.encaqe.vec.gov.au/circulareconomy/yourcircularstory/](http://www.encaqe.vec.gov.au/circulareconomy/yourcircularstory/)
- 3.3.2 Has a Sustainability Fund which could be a future funding opportunity for a sharing shed initiative  
<https://www.environment.vic.gov.au/sustainability/sustainability-fund>
- 3.3.3 Has a Waste and Resource Recovery team within Department of Environment, Land, Water and Planning (DELWP) who are the suitable future liaison point within government.
- 3.4 Council officers will continue to liaise with these contact points and opportunities as part of the roll-out of any prospective sharing shed initiative.


- 3.5 In addition, Council will continue to have discussions with LeadWest on regional approaches to waste and recycling and this discourse will be informed once Council has progressed local sharing shed opportunities. The Sharing Shed Melbourne Inc. will be invited to attend the Flemington Kensington Community Forum scheduled for late 2019. This community forum is a collaboration between the cities of Moonee Valley and Melbourne; evolved as an action from Notice of Motion No. 2018/02 (establishment of a working group with City of Melbourne for Racecourse Road), and aims to increase community understanding of both Councils' services and resources and initiate community led projects.

### **Recommendation**

#### **That Council resolves to:**

- a. Note the attached 'Moonee Valley Library of Things, Issues and Opportunities Report' (Attachment A – circulated separately).**
- b. Note the role library of things/sharing sheds can play in fostering community connections, promoting alternative models of consumption underpinned by the principles of refuse, reduce, re-use and repair with the local community and other levels of government.**
- c. Provide support for a community-run and operated library of things/sharing shed within Moonee Valley.**
- d. Request Council officers to continue exploring opportunities to partner with a non-profit organisation emerging through its' Sustainability Champions program.**
- e. Note that Council's support for a community-run and operated library of things/sharing shed could include provision of space, potential funding through Council's grants program, advice and promotional support.**
- f. Note any community-run library of things/ sharing shed initiative operating out of a Council owned site would require a lease and be subject to endorsement by Council.**

### **Attachments**

- A: Moonee Valley Library of Things, Issues and Opportunities Report (separately circulated) 

## Impact Assessment

### 1. Relationship to Council commitment MV2040 or Council Plan

- 1.1 Council's long-term Moonee Valley 2040 Strategy (MV2040) aspires to become "a city that rethinks waste", and has set the aspirational long-term target of diverting 90% of household waste, and waste from Council operations from landfill by 2040.
  - 1.1.1 Action 15.1.2: "...Work with others to create community spaces for sharing, reuse and repair (such as skill sharing and tool and equipment libraries)".
- 1.2 MV2040 Strategy's Fair and Thriving Strategic Directions include:
  - 1.2.1 Action 2.1.3: "...Focus delivering services across the life cycle and create a variety of opportunities for interaction and connection within our broader community.
  - 1.2.2 Action 4.3.1: "...Resource the community to innovate, create and problem solve. Support strong community networks to encourage community-led initiatives."
  - 1.2.3 Action 6.2.3 "...Provide opportunities for and support volunteering, along with support training programs to increase community participation and entry into employment."

### 2. Legislative obligations

- 2.1 The nature and arrangement of the proposed sharing shed model will inform the type of legislation that must be adhered to. Relevant legislation is likely to include: Australian Consumer Law and Fair-Trading Act; Occupational Health and Safety Act; Privacy Act; Building Act; and Disability Discrimination Act.

### 3. Legal implications

- 3.1 To mitigate the risk of litigation legal advice will be required to ensure the operators understand and comply with their legal obligations, including a safe working environment for volunteers. Australian consumer law requires those providing products and services to not be misleading about what is provided and to comply with product safety standards. Effective cyber security processes will be required to manage the private data of users and volunteers.

### 4. Risks

- 4.1 Risks associated with the operation of a sharing shed include operational / service delivery risks; people risk; legislative risks; and financial risks. Further discussion of these risks is outlined in Appendix 6 of the attached Sharing Shed Report (circulated as **Attachment A**).

- 4.2 To mitigate potential negative impacts posed by the potential risks, sharing shed operators require adequate insurance including coverage for: workcover (for sharing shed staff); public liability; professional indemnity; building and contents; cyber security / data loss; inventory loss; and volunteer protection.
- 4.3 If a sharing shed operator uses a Council-owned site, the operator will need to provide Council with evidence that all relevant insurances are in place, and a signed and witnessed written indemnity statement that clearly absolves Council of risks associated with the operation of the sharing shed, including injury to persons resulting from use of borrowed items. Any building works proposed would need to comply with legislation and be addressed in any lease or licencing agreement if a sharing shed were to be established on a Council owned site.

## **5. Social impact assessment**

- 5.1 LoTs can foster community connections – although most analysis relating to these benefits was qualitative rather than quantitative. People interested in participating in a sharing shed tend to be English speaking females, with no children, aged 36 to 50 years, and a household income greater than \$75,000. The Sharing Shed Report identified a range of social benefits as summarised below.

### *Individual benefits*

- 5.2 Research conducted in the City of Maribyrnong in 2018, suggested that a LoT can provide opportunities for members in the following ways: reduce their consumption; save money; reduce their own storage needs; making under-utilised items accessible to the broader community: ensure things are used more times than if they were owned by one person; reduce cost of living pressures by borrowing rather than buying items; allow people to declutter or down-size without contributing to landfill by donating barely used things to a sharing shed; and benefit low income households through potentially easier access to a sharing shed where they can borrow things that may otherwise be unaffordable.

### *Community benefits*

- 5.3 Operating models, explored for this paper, often evolve around a community volunteer run model and emphasise how a LoT's operation can be more than just a place that lends items and can:
- 5.3.1 Help strengthen ties within the community;
  - 5.3.2 Create opportunities to bring together both disadvantaged and more affluent people from diverse cultural backgrounds for mutual benefit. That is, they can be a place for people from all walks of life to come together, make new friends, help each other, and socialise in a safe and welcoming environment.
  - 5.3.3 It is assumed that potential benefit would be maximised if the LoT is collocated with existing complementary community services and programs and in close proximity to populations where there are higher levels of disadvantage (such as public housing estates).



*Enhanced experiences and programs*

- 5.4 Some LoT offer additional experiences and programs and allow people access to specialist activities.
- 5.5 Community benefits can be sensitive to location. For example, if collocated with a community centre, and supported/ promoted by other community programs, a sharing shed is likely to be more successful in providing local people with opportunity for volunteer work experience; build new skills and social interactions. Depending on where it is located, including the proximity to disadvantaged communities and complementary services, the opportunities for community benefit can be further enhanced. For example, if combined with a community garden, an open pantry or with gardening and cooking programs, a LoT can give more people access to healthy food. If promoted at community centres, people can, for example, take a sewing class, then borrow a sewing machine to make clothes at home. Someone thinking about learning the violin, can borrow one to try it out. Pasta making classes could link students with the LoT to give more students access to pasta machines. Other LoT explored offered programs to make or repair clothes, preserve food, go camping, learn a musical instrument, learn to ski, or play a round of golf.

**6. Economic impact assessment**

- 6.1 Analysis undertaken for this report has not identified definitive evidence regarding the impact (negative or positive) of sharing sheds on local economies. It has, however, identified the importance of sharing sheds in promoting concepts of consumption reduction and goods re-use. It is also consistent with a global consumption pattern which has seen a decline in the purchase of goods and an increase in the purchase of services (or a 'decoupling' of economic growth and material consumption).

**7. Environmental impact assessment**

- 7.1 There is a lack of available quantitative evidence correlating the existence of sharing sheds and a reduction in goods going to landfill. A significant and tangible benefit of a LoT in Moonee Valley however, would be its' potential role in piloting alternative models of consumption and supporting principles of refuse, reduce, re-use and repair.

**8. Reputational impact assessment**

- 8.1 At its' 22 October 2019 Ordinary Meeting, Council declared a Climate Emergency. Supporting initiatives which promote a lighter carbon footprint and sustainable consumption patterns is consistent with Council's position and reputation on this matter.

**9. Financial implications**

- 9.1 Council's Libraries and Learning service has limited capacity to expand their existing collection at existing sites without the creation of additional space and an increase in resources (estimated at an additional \$138,000 per annum in its' establishment year and \$95,000 per annum on-going to operate a sharing shed).

- 9.2 Community run LoTs have limited sources of income including: fundraising and donations, government grants and membership fees. In community-run initiatives, LoT items are generally donated by residents, although some items are purchased during the start-up phase and where the items must be in 'as new' condition (with relevant user manuals) to mitigate safety risks. Borrowers pay an annual membership fee (often subsidised for disadvantaged groups) that allows them to borrow things. Annual membership fees (including concession rates) can be further reduced if members agree to volunteer their time. The fee structure of a sharing shed service will be important in ensuring its' accessibility for low income residents.
- 9.3 Council, and other organisations (such as churches, charities, and corporates), can provide a range of financial and in-kind support to sharing sheds including: convenient, accessible sites for operations (space for storage, display, pick-up / drop-off and repair of items); sharing shed promotion; funding support for either establishment and/or ongoing costs; training and advice for social enterprise start-ups (including volunteer management); and advocacy to encourage other levels of government and the private sector to support initiatives that seek to reduce waste and build social cohesion.

## **10. Sensitivity / scenario analysis**

- 10.1 A community run and operated LoT could benefit from starting with a smaller scale low-cost pilot site to test demand, build expertise and feasibility (and to minimise Council expenditure and risk exposure). The aim should be to create a model that can be replicated, or adapted, in neighbourhoods across the municipality.

## **11. Conflict of interest declaration**

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

## **12. Consultation undertaken or planned**

- 12.1 This report consulted with the following groups to get their feedback around a proposed LoT:

12.1.1 Strathmore Men's Shed (and Moonee Valley Council Coordinator);

12.1.2 Moonee Valley Toy Library (Coordinator and Essendon Branch);  
and

12.1.3 Scouts District Commissioner.

- 12.2 All groups consulted thought that establishing a Moonee Valley sharing shed was a good idea. They indicated support for the concept and a willingness to: promote a LoT (and its events) to their membership; and/ or make their volunteers aware of the shed (once it's established).

12.3 Discussions were also held with the Sharing Shed Melbourne Inc. This group has been identified via the Sustainability Champions Program as potential community partner/operator of a Moonee Valley Sharing Shed. This group has already established relationships with the following community groups which have also indicated support for a shed: Moonee Valley Repair Café, which operates out of the Cave at the Ascot Vale Church of Christ alongside Boomerang Bags; and Melbourne Repair Café (Inner West), which was founded by one of the co-founders of Sharing Shed Melbourne Inc. and is supported by two other Sharing Shed co-founders who volunteer in coordinating and repair capacities.

**10.6 Response to Notice of Motion 2019/06 - Safety lighting in public open spaces**

**Author:** Venta Slizys - Coordinator City Design

**Directorate:** Planning and Development

**1. Purpose**

- 1.1 To report and provide an update to Council resolution from 11 June 2019 in regards to NoM 2019/06.

**2. Background**

- 2.1 Two requests have been received for the installation of lighting at Hassett Crescent Reserve. Resident concerns relate to the night-time safety of people/residents, particularly young women who use the park as a short-cut to the 903-bus service on Keilor Park Drive.
- 2.2 At the Ordinary Meeting held on 11 June 2019, Council resolved to:
- a) Note recent site maintenance undertaken to improve safety and visibility at Hassett Crescent Reserve and the walkway between Keilor Park Drive and Darling Close in Attachment B.
  - b) Investigate lighting options (including community consultation) for the walkway between Keilor Park Drive and Darling Close to Hassett Reserve.
  - c) Report back to Council with lighting options and community safety initiatives for further consideration and action.
- 2.3 The following site maintenance has been undertaken:
- 2.3.1 Hassett Crescent Reserve: shrubbery has been cleared (near walkways and the fence line) and new gum trees have been planted in line with Council's Tree Management Plan and Urban Forest Strategy.
- 2.3.2 The walkway between Keilor Park Drive and Darling Close: Jemena has undertaken lighting maintenance to fix the street light directly in front of the walkway from Keilor Park Drive. Council also removed shrubs and pruned the trees along this path to extend the effectiveness of existing lighting available from both ends of the walkway (Keilor Park Drive and Darling Close).
- 2.4 A report from lighting consultant Webb Australia has been produced (**Attachment A** – separately circulated). The consultant undertook a lighting assessment to indicate the required level of lighting for the reserve's accessway, as per the required standards for pedestrian movement. Please note the design allows for pathway safety and pedestrians' ability to foresee trip hazards or obstructions on the pathway. The report noted lighting cannot prevent unpredictable behaviour or intention to harm by others.

- 2.5 The initial cost estimate to provide lighting to a P4 Standard is \$74,000 to both Hassett Crescent Reserve and Darling Close Walkway (**Attachment B** – separately circulated).
- 2.6 **Table One** below outlines indicative project implementation timelines if a Hassett Crescent Reserve and Darling Close Walkway lighting project was endorsed by Council.

Date	Item
12 Nov 2019	Council Report
Dec 2019	Consultation with neighbouring residence
January- Feb 2020	Adopt Council recommendation based on consultation
Feb – March 2020	Design Process (pending Council decision)
April – June 2020	Tender (pending Council decision)
Feb – Aug 2020	Approval from Jemena (pending Council decision)
Aug- Sept 2020	Construction (pending Council decision)

**Table One:** Hassett Crescent Reserve and Darling Close Walkway lighting project indicative dates

- 2.7 It should be noted the crime statistics for this area do not indicate this location is of particular concern. Discussions with local Victoria Police also indicated lighting of the location was not necessarily advisable.
- 2.8 It is noted in the report that lighting the reserve is no guarantee of providing a safe space for pedestrians during night time. This is due to the low passive surveillance with little or no passing traffic along the immediate walkway.

### 3. Issues

- 3.1 Lighting can improve people's perception of safety at night, however additional lighting may not actually improve the safety of a park if people in the park cannot be easily seen by others, due to little or no passive surveillance.
- 3.2 There is no legislative requirement to light the access-ways in reserves. It is important to note that this lighting recommendation is not a guarantee for lighting every section of the reserve, it will just light the pathway enough to avoid potential trip hazards or obstructions.
- 3.3 The installation of lighting where there are suitable alternative routes and without guarantee of creating a safer place, due to low passive surveillance, may create a precedent for Council.
- 3.4 A more considered approach based on municipal wide assessment would provide Council with more consistency around investment and also enable Council to light areas to promote walkability at night in a safer environment. This could include a broader review of lighting in public spaces within in the context of;
- Increasing personal safety awareness and

- Addressing higher risk areas to direct pedestrian activity during the evening to suitable locations.
- 3.5 Lighting Hassett Crescent Reserve and Darling Close Walkway may encourage pedestrians to a low surveillance area. In addition, Council could be investing heavily in an infrastructure response that may have limited benefit.
- 3.6 Statistically, Keilor East is one of the safest neighbourhoods in Moonee Valley. Community safety principles encourage pedestrians to take responsibility for their personal safety by:
- Choosing walking routes in the evening which are well lit and have surveillance from passing traffic and residential frontages. This would include footpaths along the road network.
  - Encourage pedestrians to meet a family member or friend at the destination, point/bus stop to ensure a safety journey home together.

### **Recommendation**

#### **That Council resolves to:**

- a. **Endorse officers to undertake community consultation regarding the Hassett Crescent Reserve and Darling Close Walkway lighting project in line with findings outlined in Attachment A and Table One, including promotion of personal safety initiatives to encourage behaviour change and community safety awareness.**
- b. **Receive a Hassett Crescent Reserve and Darling Close Walkway lighting project community consultation findings report, with a view to confirming project scope, cost and relative benefits, prior to a municipal wide assessment being undertaken.**
- c. **Prepare a proposal as part of Council's 2020/21 budget process to undertake a municipal wide assessment for priority locations for the installation of safety lighting over the 2020 year and come back to Council with a priority list for consideration and incorporation into the 21/22 financial year.**

### **Attachments**

- A: Keilor East Lighting Review Report: Hassett Crescent Park and Darling Close Laneway (separately circulated) 
- B: Lighting Cost Estimate (separately circulated) 

## **Impact Assessment**

### **1. Relationship to Council commitment MV2040 or Council Plan**

- 1.1 MV2040 Theme – Fair – Includes Objective 3.4 – Promote community safety and confidence. MV2040 Action 3.4.2 – Promote neighbourhood-based programs that support community safety and resilience.
- 1.2 Installation of lighting in open space, is not supported by the actions listed in the MV2040 strategy.

### **2. Legislative obligations**

- 2.1 No legislative requirement to light access-ways in Reserves.
- 2.2 Under the Charter of Human Rights responsibilities everyone has the right to security. Community safety messaging, that includes practical public safety advice, will aim to improve the community safety.
- 2.3 A decision not to install lighting in Hassett Crescent Reserve is not considered to be an infringement of human rights.

### **3. Legal implications**

- 3.1 NO legal implications are foreseeable.

### **4. Risks**

- 4.1 There is a risk of Council lighting areas which are remote and have low passive surveillance. By introducing lighting, this would encourage pedestrians into these spaces with false perception of safety, when in fact their safety cannot be guaranteed.
- 4.2 A decision to install lighting in Hassett Crescent Reserve or the walkway between Keilor Park Drive and Darling Close could create potential future financial risk. It would set a precedent for installing lighting in small local reserves, even when the site has low usage and poor surveillance from neighbouring properties. There is potential that such a decision will result in increased community requests for additional lighting.
- 4.3 Given that Moonee Valley has many small parks (including 46 Local, 71 Small Local, and 12 Small Local Links), if there was demand for lighting in 50 per cent of these parks the cost to Council would be at least:
  - 4.3.1 Capital – \$3.25M (assuming \$ 74,000 per Local, \$40,000 per Small Local and \$30,000 per Small Local Links);
  - 4.3.2 Operational – \$2000pa per additional solar light.

### **5. Social impact assessment**

- 5.1 Community safety initiatives such as “Coffee with a Cop” or a “Safety Walk” can improve community understanding of crime levels in the local area; and provide information on why lighting doesn’t always improve safety. Tips on how to improve personal safety when walking after dark would empower people by taking responsibility for their own personal safety. This can include walking along a well-lit street network or meet with a friend or family to accompany on the journey.

- 5.2 Installing lighting in locations that have poor natural (passive) surveillance, such as Hassett Crescent Reserve, can have a negative impact on public safety by:
- 5.2.1 Providing a false sense of security and promoting more night-time use of the park
  - 5.2.2 Encouraging inappropriate anti-social gathering and behaviours after hours.
  - 5.2.3 The level of violent crime in Moonee Valley is low compared to other municipalities; with the total level of crime in Keilor East is lower than other Moonee Valley suburbs.

## **6. Economic impact assessment**

- 6.1 There is no anticipated impact on business or economic development in the municipality.

## **7. Environmental impact assessment**

- 7.1 Lighting can be harmful to biodiversity. It can deter native fauna from regular night time foraging and can disturb nesting birds. Decisions regarding installation of lighting in Council reserves must therefore include consideration of the impact of artificial lights on local flora, birds and native animals.
- 7.2 Installation of additional lighting (unless the installation is solar powered) will increase Council's energy usage.

## **8. Reputational impact assessment**

- 8.1 A considered response to community safety concerns that include engagement with residents, the local police and the local Neighbourhood Watch Group can be expected to have a positive impact on Council's reputation provided the safety rationale behind the decision to either install or not install lights is clearly explained.
- 8.2 A municipal wide assessment and program to encourage night time walking by directing pedestrians to safe walking routes with high passive surveillance and visibility will increase Council's reputation for good governance.
- 8.3 Residents that are concerned about the safety of their loved ones, and who have a strong belief that additional lighting is the only way to improve public safety may escalate their concerns to the public arena, if additional lighting is not provided. This could have negative impact on reputation of Council. This risk can be addressed by providing practical ways to improve community awareness of safety and providing alternative approaches that they may not have considered.

## **9. Financial implications**

- 9.1 Based on the cost of previous community engagement work, a series of community safety activities for the Keilor East neighbourhood, is expected to cost \$3,000 to \$4,000.



- 9.2 Lighting Hassett Crescent Reserve and Darling Close Laneway is estimated to be \$74,000 + GST
- 9.3 A municipal wide assessment to identify priority locations for the installation of safety lighting is estimated to cost \$50,000 and will provide guidance to Council to light preferred walking routes to inform the Capital Works program.

**10. Sensitivity / scenario analysis**

- 10.1 Sensitivity / scenario analysis has not been undertaken for this report.

**11. Conflict of interest declaration**

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

**12. Consultation undertaken or planned**

- 12.1 The following consultation has been undertaken
  - 12.1.1 Coordinator Facilities Maintenance has visited the site and spoken to the residents.
  - 12.1.2 Manager Community Planning, Coordinator Social Planning and Wellbeing have met with local Victoria Police and residents on site.
  - 12.1.3 Victoria Police presented to Councillors
- 12.2 It is anticipated that future community engagement will be planned and undertaken in consultation with the local police. Community safety initiatives will include the following:
  - 12.2.1 A “Safety Walk”, led by police, through the area of concern and/or “Coffee with a Cop” community meeting at the site.
  - 12.2.2 Community safety messaging that includes an explanation of why extra lighting does not always improve safety; and practical public safety advice for people out walking after dark.
  - 12.2.3 Follow up meeting and communications with residents 2-3 months after safety initiatives are implemented.

## 10.7                      2019-20 Capital Works Program Update

**Author:**                      Nikhil Aggarwal - Coordinator Program Management Office

**Directorate:**                Asset Planning and Strategic Projects

### 1. Purpose

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

### 2. Background

- 2.1 Council adopted 2019/20 CWP of \$82.54 million (including part 2018/19 CWP carryovers), which was revised to \$65 million to include all 2018/19 CWP carryovers and 2019/20 CWP variations approved through various reports and/or delegations endorsed to 8 October 2019.
- 2.2 Council officers have identified necessary variations to the program that require Council authorisation to deliver the program and/or improved outcomes for the wider community. Details of these variations are as per Section A of **Attachment A** and summarised as below:

Project	Comments on the Variation	Change in 2019/20 Project Cost
<b>Retro-fit double glazing</b>	Authorisation sought to redistribute partial funds from Capital budget of 'Project 30902 - Retro-fit double glazing' to 'Project 30908- Greenhouse reduction works', to complete the energy efficient lighting upgrades at Ascot Vale Leisure Centre (AVLC), through conversion of an additional 350 lights.	<b>-\$39,000</b>
<b>Greenhouse reduction works</b>		<b>\$39,000</b>

- 2.3 Section B of Attachment A lists variations previously authorised through Tender reports, Capital Works Program Updates, Other Reports and CEO delegation (approvals up to +5 per cent of authorised project budget).
- 2.4 As of 22 October 2019, \$39 million (60 per cent) of the program (by budget) is completed / under construction / awarded or in procurement phase. The remainder of the program is in planning/design/ consultation phases.

### 3. Issues

- 3.1 Whilst 60 per cent of the program (by budget) is completed/under implementation/awarded or in procurement phase, the full delivery remains reliant on a number of factors (some outside Council control) including design capacity, extensive consultation, external approvals (e.g. VicRoads, Melbourne Water, utility companies, cultural heritage) and contractor availability.

### **Recommendation**

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

### **Attachments**

A: 2019-20 CWP Variation Register (separately circulated) 

## **Impact Assessment**

### **1. Relationship to Council commitment MV2040 or Council Plan**

- 1.1 Theme 6: Resilient organisation (Balit Djerring-dha, which means resilient organisation in Woi wurrung language)].
- 1.2 The request for variation is subsequent to the variations endorsed through various reports and/or delegations endorsed to 08 October 2019.

### **2. Legislative obligations**

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

### **3. Legal implications**

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

### **4. Risks**

- 4.1 There are no risks arising out of this report.

### **5. Social impact assessment**

- 5.1 The report seeks endorsement for variations considered necessary to deliver improved outcomes for the wider community.

### **6. Economic impact assessment**

- 6.1 There are no economic impacts arising out of this report.

### **7. Environmental impact assessment**

- 7.1 There are no environmental issues associated with this report.

### **8. Reputational impact assessment**

- 8.1 There are no reputational impacts arising out of this report.

### **9. Financial implications**

- 9.1 This report details changes to Council's funding commitments to 2019/20 CWP.
- 9.2 The report seeks authorisation for budget variations in addition to variations endorsed through various reports and/or delegations to 08 October 2019.
- 9.3 Variations put up for endorsement are expected to have operational cost impact. In the absence of detailed whole of life costing guidelines, it is estimated that operational costs for each project will be average 2 percent per annum calculated on the final project costs.

### **10. Sensitivity / scenario analysis**

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

**11. Conflict of interest declaration**

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

**12. Consultation undertaken or planned**

12.1 Detailed consultation has been undertaken with capital works project officers, and has been endorsed by Council's Capital Works Review Committee and Executive Team.

**10.8 Proposed Leases to Axicom and Optus over part of Walter Street Reserve**

**Author:** Jaci Underwood - Senior Commercial Property Officer

**Directorate:** Asset Planning and Strategic Projects

**1. Purpose**

- 1.1 To consider the proposed lease agreements for the telecommunication facility (Facility) at Walter Street Reserve (Reserve) currently occupied in overholding by both Axicom and Optus under leases that expired in 2017 and 2016 respectively.

**2. Background**

- 2.1 At its Ordinary Meeting on 9 April 2019, Council resolved to commence the statutory procedures in accordance with sections 190 and 223 of the *Local Government Act 1989 (Act)* in relation to the proposed leases.

- 2.1.1 A public notice advising the proposed leases was published in the Moonee Valley Leader newspaper on 29 May 2019 shown in **Attachment A**.

- 2.1.2 Fourteen submissions opposing the proposed leases were received. The submissions are attached in **Attachment B** with personal information redacted as per submitters' requests.

- 2.1.3 Officers comments in relation to issues raised in the submissions are provided in **Attachment C**.

- 2.2 It is proposed Axicom and Optus will occupy the existing leased areas shown in **Attachment D**. It is also proposed that the existing subletting arrangements will continue, additionally outlined in **Attachment D**.

- 2.3 Relocation options were raised in July 2017, and in 2018 and 2019 after extensive investigation were determined as unviable solutions.

While there were multiple factors considered that led to this opinion, including engineering constraints, the primary reason to not recommend a relocation, was the concern that the Facility would be transferred onto another resident group at a relocation area. The Ascot Chase Enclave (Enclave) residents purchased their properties with the knowledge of this Facility. Please see officer comments to the third issue raised in **Attachment C**.

**3. Issues**

- 3.1 The submissions raised multiple issues, including visual impact, health risks and highlighted that relocation has previously been implied.

- 3.2 In accordance with section 223 of the Act, any person may request to be heard in support of their submission at a committee of Council. Two submitters requested to be heard and were heard on 20 August 2019 by a committee of Council comprising of two ward Councillors.





- 3.3 The two submitters generally spoke to their written submission with no new issues raised.
- 3.4 The area where the Facility exists is already underserved by base station telecommunication facilities. Removal of the Facility would significantly impact the mobile service throughout Ascot Vale and Flemington or cause approximately 12-24 low impact facilities to be installed throughout Ascot Vale, which would not require Councils approval under the *Telecommunications Act 1997* and could still see that mobile service is compromised.
- 3.5 As Telstra have a separate tower in the Reserve, it is recommended that the expiry of the proposed leases with Axicom and Optus agreements coincide with Telstra's lease expiry in 2023. This will allow Council officers to further investigate alternatives with the carriers including consolidation onto one pole.
- 3.6 Council officers recommend the option at Council's discretion to enter into two further terms of 5 years. Noting that if a Facility is no longer required, precedence has indicated that telecommunication carriers terminate their agreements as it is cost effective to do so. It has been assessed that this Facility will in all likelihood be required in 14 years' time.

## Recommendation

### That Council resolves to:

- a. **Endorse a lease with Axicom for a four-year period with two five-year options at the discretion of Council for the land known as part of Walter Street Reserve.**
- b. **Endorse a lease with Optus for a four-year period with two five-year options at the discretion of Council for the land known as part of Walter Street Reserve.**
- c. **Authorise the Chief Executive Officer to negotiate and finalise the lease with Axicom and execute the lease on behalf of Council.**
- d. **Authorise the Chief Executive Officer to negotiate and finalise the lease with Optus and execute the lease on behalf of Council.**
- e. **Inform all persons that made a submission under section 223 of the *Local Government Act 1989* of Council's decision to enter into leases with Axicom and Optus.**

## Attachments

- A: Public Notice (separately circulated) 
- B: Correlated Submissions (separately circulated) 
- C: Officer's Comments (separately circulated) 
- D: Area Plan (separately circulated) 

## Impact Assessment

### 1. Relationship to Council commitment MV2040 or Council Plan

- 1.1 By Council proceeding with the proposed lease agreements, Council is working to achieve MV2040 Strategic Direction 9: A city that is technology ready and the action item 9.1.2 Support high-quality data transfer and telecommunications infrastructure.

### 2. Legislative obligations

- 2.1 The statutory process has been undertaken in accordance with the requirements under sections 190 and 223 of the Act. Council has fulfilled its legislative requirements under the Act and can proceed with the proposed leasing of land.
- 2.2 The initial proposed leases to Council by Axicom and Optus requested a 20 year term. Council agreed to advertise a 15 year term and may only enter into an agreement up to 15 years in accordance with the Act.

### 3. Legal implications

- 3.1 There are no direct legal implications in proceeding with the proposed lease agreements.
- 3.2 The proposed leases will be prepared by Council's lawyers.

### 4. Risks

- 4.1 Health risks were raised as a concern by all 14 submissions. After investigation of this matter, Council finds this risk to be unsupported as health and regulatory bodies including the Australian Federal Government have taken the position, based on the latest research, that mobile base stations do not constitute a risk to health. Further information outlined in the officer's comments within the first issue raised in **Attachment C**.
- 4.2 Axicom have investigated the likely restrictions to mobile service in regards to emergency calling if the Facility was removed. They have made the following statement: "If both towers (Telstra and Axicom) are decommissioned then 000 calls made indoors may be compromised. 000 calls made outdoors however will still likely be transmitted.

Although an emergency call could be carried by Telstra if the Axicom Facility was decommissioned, Telstra can only carry the call if it has sufficient network coverage. In a natural disaster, if a thunderstorm or a crisis that effects many residents in the surrounding area were to occur, Telstra may not have sufficient network coverage to carry all emergency calls. This statement however will only be true in a full emergency where the Telstra base station may be loaded with a large amount of additional high bandwidth traffic such as social media, video and many subscribers seeking news and other information within a short timeframe."



**5. Social impact assessment**

5.1 Mobile services provide connectivity for multiple purposes, including work, social and family. Lifestyle benefits and convenience to residents are also provided by mobile services. Reliable mobile service is a community expectation in metropolitan Melbourne and service would be detrimentally impacted in areas if the Facility was removed. There are also concerns that coverage would still be compromised if multiple low impact facilities are installed.

**6. Economic impact assessment**

6.1 Coverage loss to the area may cause issues for businesses operating in the area and residents who work from home that rely on mobile services to conduct their business.

**7. Environmental impact assessment**

7.1 Relocation may mean effecting open space. As the Facility is existing and no amendment to the leased area is suggested, there would be no encroachment into existing open space by continuing on this basis.

**8. Reputational impact assessment**

8.1 As the developer of the Enclave expressed removal of the Facility may occur, the residents of the Enclave were expectant of this outcome. In 2014, after review of the matter, Council wrote to residents expressing removal/relocation could not occur at this time due to the lease agreements. Following expiry of the leases in 2016/2017, residents were anxious to have relocation/removal reviewed again. In July 2017, Council resolved to investigate relocation of the Facility. The Facility has been a contentious issue for some Enclave residents for many years with no resounding outcome.

8.2 Installation of multiple low impact facilities will likely be met with similar concerns in regards to health and visual affect by many residents.

**9. Financial implications**

9.1 The commencing rent for the proposed leases would be set in accordance with market levels to be determined by an external valuer and increased on an annual basis.

**10. Sensitivity / scenario analysis**

10.1 Council officers note the concerns of Enclave residents in relation to the visual impact of the Facility. The colour of the Facility and materials used minimise the visual effect as much as possible, however the level of impact is a personal view and residents purchased their homes with the Facility in place.

**11. Conflict of interest declaration**

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

**12. Consultation undertaken or planned**

- 12.1 Consultation with residents through the section 223 process was undertaken.
  - 12.1.1 Over 150 abutting properties of the Reserve were also advised of the proposal in writing and informed of their right to make a submission under section 223 of the Act.
- 12.2 Consultation with Axicom, Optus and Vodafone to understand the importance of the Facility to the network, review issues raised by submissions and scenario analysis occurred.
- 12.3 Consultation with Australian Radiation Protection and Nuclear Safety Agency and Australian Communications and Media Authority were utilised to confirm facts and statements provided by Axicom and the carriers and to give an objective judgement.
- 12.4 Consultation with necessary Council departments to assist in investigation of issues raised by submissions and consider relocation options occurred.

## **Closure of meeting to public**

### **Recommendation**

That Council resolves to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss the following matters:

**14.1 48 Holmes Road, Moonee Ponds (Lot 1 on TP803507A) - Demolition of a fence and construction of a three-storey apartment building in a Heritage Overlay**

Item 14.1 is Confidential under the terms section 89(2) of the *Local Government Act 1989* as it contains information relating to: (f) legal advice.