

Agenda

Ordinary Meeting of Council

Tuesday, 25 February 2020

6:30pm

Ordinary Meeting of Council

Tuesday, 25 February 2020 at 6:30pm
to be held at the Moonee Valley Civic Centre

TO

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

Officers: Bryan Lancaster Chief Executive Officer
Kendrea Pope General Manager Operations
Vincent Cammell General Manager City Development
Maria Weiss Group Manager Community Services
Kate McCaughey Group Manager Leisure and Community Development
Jessie Keating Group Manager Planning
Carey Patterson Group Manager Regulatory and City Compliance
Allison Watt Executive Manager Corporate Governance

Business:

1. Opening

2. Reconciliation Statement

3. Apologies and Leave of Absence

Cr Lawrence has approved leave of absence for this meeting. Cr Surace has sought approved leave of absence from 29 April to 26 May 2020 inclusive.

4. Confirmation of Minutes

Ordinary Meeting of Council held on Tuesday, 11 February 2020.

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

10.1	957 Mt Alexander Road, Essendon (Land in PC166733E) - Construction of a multi storey mixed use building in a Design and Development Overlay Schedule 3 and alterations to access in a Road Zone Category 1	5
10.2	Flemington Community Hub Renewal Project.....	32
10.3	Moonee Valley Flood Study, 2020 - Resolution to proceed to informal community consultation	41
10.4	Response to Petition - Newsom Street, Ascot Vale	48
10.5	Council Plan 2017-21 - Quarter 2 progress report for 2019-20	51
10.6	Financial Performance Report December 2019	54
10.7	Notices of Motion Quarterly Report.....	56

11. Notices of Motion

11.1	Notice Of Motion No. 2020/06 - Replacement of trees along Buckley Street Essendon following the level crossing removal project	57
------	--------------------------------------------------------------------------------------------------------------------------------------	----

- 12. Urgent Business**
- 13. Delegates Reports**
- 14. Confidential Reports**
Nil.
- 15. Close of Meeting**

BRYAN LANCASTER
Chief Executive Officer

REPORTS

10.1 **957 Mt Alexander Road, Essendon (Land in PC166733E) - Construction of a multi storey mixed use building in a Design and Development Overlay Schedule 3 and alterations to access in a Road Zone Category 1**

Author: Grant Michell - Principal Statutory Planner

Business Unit: Planning

Planning File No.	MV/300/2019
Proposal	Construction of a six-storey building containing: <ul style="list-style-type: none"> • Two commercial tenancies • 48 dwellings • Two levels of basement with 60 car spaces. Alterations to access to a road in a Road Zone Category 1.
Applicant	Raggio Pty Ltd C/- Terrain Consulting Group
Owner	Raggio Pty Ltd
Planning Scheme Controls	Commercial 1 Zone Design and Development – Overlay Schedule 3 Abutting a Road Zone, Category 1
Planning Permit Requirement	Clause 34.01-4 – to construct a building or construct or carry out works Clause 43.02-2 – to construct a building or construct or carry out works Clause 52.29-2 – to alter access to a road in a Road Zone, Category 1
Car Parking Requirements (Clause 52.06)	Required: 51 Residential spaces and 8 commercial spaces Proposed: 51 residential spaces and 9 commercial spaces
Bicycle Requirements	Required: 15 spaces Proposed: 32 spaces
Restrictive Covenants	None
Easements	None
Site Area	1,380m ²
Number Of Objections	23 objections from 20 properties
Consultation Meeting	2 October 2019

Executive Summary

- The application seeks approval for the construction of a six-storey mixed use building containing two commercial tenancies at ground floor and 48 dwellings. Two basement levels are provided with 59 car spaces. A communal roof top terrace is provided.
- The site area is approximately 1,380m² and contains a double storey brick building, currently being used as retirement living.
- The application was advertised and 23 objections from 20 properties were received. Concerns were generally raised in relation to over-development, loss of retirement living dwellings, scale, loss of vegetation, landscaping, impacts on traffic and parking, amenity impacts, construction impacts, compliance with Clauses 54/55, and devaluation of properties.
- A Consultation Meeting was held on 2 October 2019. No resolution was reached at this meeting.
- The application was referred externally to VicRoads who did not object to the proposal. No Council departments objected to the application, subject to conditions on any issued planning permit.
- The proposal demonstrates an appropriate level of compliance with the relevant policies and provisions of the Moonee Valley Planning Scheme. It proposes intensification in a well-established mixed use area, proximate to public transport, commercial, community and public facilities. The architectural response is considered appropriate within the site context and presents a high level of articulation and architectural design.
- This report recommends Council issue a Notice of Decision to Grant a Permit, subject to conditions.



Figure 1: Aerial photograph of subject site and surrounds

Recommendation

That Council issues a Notice of Decision to Grant a Planning Permit in relation to Planning Permit Application No. MV/300/2019 for the construction of a multi storey mixed use building in a Design and Development Overlay Schedule 3 and alterations to access in a Road Zone Category 1 at 957 Mt Alexander Road, Essendon (Land in PC166733E), subject to the following conditions:

Endorsement Conditions

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) All changes in accordance with the 'Without Prejudice' plans prepared by R Architecture, revision E, dated 18 December 2019;
 - b) Further details regarding how the fire booster and gas/water meters will be screened;
 - c) The perforated screens on the front façade to be reduced in height to no more than 1.5 metres;
 - d) All above bonnet storage cages to be a minimum of 1.5 metre above Finished Floor Level and not extend more than 1.0 metre into the car space;
 - e) Provision of 300mm trench grates at the bottom of the ramps;
 - f) A minimum headroom clearance of 2.5m for the DDA car space and adjoining shared area, with provision of a bollard centrally located within the adjoining shared area in accordance with the design requirements of Australian Standard AS2890.6-2009;
 - g) Dimensions shown for the column locations and clearance to structures in accordance with the requirements of 'Diagram 1' of Clause 52.06-9 (Design standards for car parking) of the Moonee Valley Planning Scheme;
 - h) Detailed section diagrams of all basement ramps, including all grades and transitions, to ensure that a minimum headroom clearance of 2.2 metres is achieved;
 - i) Details of the pedestrian visibility splays in accordance with Clause 52.06-9 (Design Standards for car parking) of the Moonee Valley Planning Scheme;
 - j) A grade of 1:200 towards the carpark discharge points for drainage purposes;
 - k) The horizontal bicycle rails within the north-western corner of Basement Level 3 redesigned to accord with Australian Standard AS2890.3-2015;
 - l) All stormwater treatment measures and associated annotations as a result of Condition 3;

- m) All Sustainability Management Plan and BESS annotations and measures in accordance with Condition 4;
- n) A landscape plan in accordance with Condition 5
- o) Any changes as a result of the Waste Management Plan in accordance with Condition 6;
- p) Any changes as a result of the Car Parking Management Plan in accordance with Condition 7;
- q) Any changes as required by VicRoads in accordance with Conditions 12-16; and
- r) A detailed schedule of all external materials and finishes. The schedule must show the specific material, colour (including colour samples) and finishes of all external walls, roofing, fascias, window frames, screening measures, soffits, vehicle access doors and paving.

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. An amended Sustainability Management Plan, inclusive of BESS Report, must be submitted simultaneously with the submission of amended plans in accordance with Condition 1 of this permit. The Sustainability Management Plan must be generally in accordance with the report prepared by Frater dated 8 July 2019 and be to the satisfaction of the Responsible Authority for approval. Once approved the Sustainability Management Plan, inclusive of BESS Report, is to be implemented and appropriately managed during construction of the proposed building.
5. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and an electronic copy must be provided. The landscape plan must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Any changes as required by Condition 1 of this permit;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, pot size, mature size and total quantities of each plant;

- c) The use of drought tolerant species; and
- d) Provision of planter bed details, including irrigation and pebble mulch.

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

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

6. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' and must:

- a) Be modified in accordance with Condition 1 of this permit.

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

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

7. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority, and must include:

- a) A car parking layout generally in accordance with the relevant requirements of the Australian Standards for Off-Street Car Parking AS/NZS 2890.1-2004 (including ramp grades and dimensions, column location, headroom clearance, etc.);
- b) Details of all devices and treatments to improve vehicle visibility within the basement levels;
- c) Arrangements for the provision and allocation of car spaces on site;
- d) The management of car parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances;
- e) Lighting of car parking areas, entries and exits;
- f) Proposed line marking, convex mirrors and signage to direct occupants, residents and staff to their designated car spaces;
- g) Arrangements for the loading and unloading of goods and materials for the commercial uses; and
- h) Entitlements to the use of the loading bay by all uses on the land, including the collection of waste by private waste collection vehicles.

When approved, the Car Parking Management Plan will be endorsed and will form part of this permit.

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

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

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

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

9. A minimum 30 days prior to any building or works commencing, all WSUD Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
10. A maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; and
 - d) A report confirming completion and commissioning of all WSUD Response treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

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

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

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

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

VicRoads Conditions

12. The crossover and driveway must be constructed to the satisfaction of and at no cost to the Roads Corporation and/or the Responsible Authority, prior to the commencement of the use or occupation of the building approved by this permit.
13. All disused or redundant vehicle crossings must be removed, and the area reinstated to the kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use.
14. The crossover/driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.
15. Any security boom, barrier, gate or similar device controlling vehicle access to the premises must be located inside the property to allow vehicles to store clear of the Mt Alexander Road pavement and footpath.
16. Construction works must be undertaken in a manner not to compromise safety and efficient operation of Mt Alexander Road, Essendon.

Development Conditions

17. 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.
18. The following street tree/nature strip protection measures must be undertaken;
 - a) The nature strip and street tree located within the Mt Alexander Road frontage of the land must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder;
 - b) No pruning of the nature strip and street tree located within the Mt Alexander Road frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and
 - c) No building materials are to be stacked and/or dumped on any nature strip during construction.
19. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the occupier of the adjoining land allows access for the purpose.
20. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.

21. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
22. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

23. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater downpipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
24. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Available for use in accordance with the endorsed plans;
 - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
 - e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,

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.
25. Before the building approved by this permit is 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 relevant servicing authority/agency. Subsequent works and costs in association with the relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and Responsible Authority.

26. Bicycle parking spaces, including access, lockers and compounds, associated showers and change rooms, must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
27. 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.
28. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
29. The development must be provided with external lighting capable of illuminating access to the vehicle accessway, loading bay, car parking spaces and pedestrian entrances. 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.
30. Noise levels emanating from service equipment on the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).
31. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.
32. The amenity of the area must not be detrimentally affected by the use of land, through:
 - a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil; or
 - d) Presence of vermin,or in any other way, to the satisfaction of the Responsible Authority.
33. All wastes, including liquid waste and waste water, must be disposed of to the satisfaction of the Responsible Authority.
34. 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.
35. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within three (3) years from the date of issue of this permit, or

- b) The development is not completed within five (5) years from 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.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land other than those which have been approved under a separate planning permit or are exempt from the need for a planning permit under the Moonee Valley Planning Scheme.
- No on street parking permits will be provided to the occupiers of the land.
- 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 10 shall be used for storage and the greater of post development C_w or $C_w=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- The 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 within Council's website or in person at 9 Kellaway Avenue, Moonee Ponds.

VicRoads Notes

- Separate approval under the *Road Management Act* for this activity may be required from Roads Corporation (VicRoads). Please contact VicRoads prior to commencing any works.

1. Introduction

1.1 Subject Site and Surrounds

The subject site is located on the western side of Mt Alexander Road, Essendon. The site is regular in shape with a frontage to Mt Alexander Road of 30.18 metres and depth of 45.72 metres, resulting in a total area of 1,380m².

The land has a fall of approximately 1.25 metres from north to south across the site. There are no easements or restrictions noted on the Certificate of Title provided.

The site comprises a two-storey brick building used for retirement living. Vehicle access is obtained from an existing crossover along the northern boundary to Mt Alexander Road. There is landscaping along the perimeter of the site with a large street tree within the Mt Alexander Road nature strip.



Figure 2: Subject Site – 957 Mt Alexander Road, Essendon

The western side of Mt Alexander Road contains a range of building styles, including two-storey dwellings, a number of medium density scale residential development of four to six-storeys, along with commercial uses, including a car yard.

The site is within the Commercial 1 Zone and abuts a General Residential Zone to the rear. The subject site is located within the Mt Alexander Road Corridor and within the Principal Public Transport Network Area, and is proximate to Essendon Railway Station, the No.59 tram route, numerous bus routes and various local businesses.

1.2 Proposal

It is proposed to demolish all buildings and construct a six-storey building comprising of two ground floor commercial tenancies and 48 dwellings above two basement levels and alter access to a Road Zone Category 1 road. The proposal can be summarised as follows:

Table 1

Commercial premises	Total of 241m ²
No. of dwellings	48 (3 x 3 bedrooms, 28 x 2 bedrooms and 17 x 1 bedroom)
No. of car spaces	59 (9 x commercial and 50 x dwelling spaces)
No. of bicycle spaces	32 (28 residential and 4 visitor)
Max. building height	23.8 metres (6 storeys)

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

Revised 'without prejudice' plans (refer **Appendix C** – separately circulated) were received by Council on 19 December 2019 to address some of the referrals and concerns raised. The revised 'without prejudice' plans demonstrate:

- Alterations to the rear balcony treatments to reduce the enclosed design
- Alterations to the basement layout including the provision of sectional diagrams and convex mirrors, changes to the storage area, increase in the number of bicycle spaces, reallocation of car spaces and the inclusion of a fire lobby to the access stairs.

2. Background

2.1 Relevant Planning History

No relevant planning permit history has been identified for the land.

2.2 Planning Policies and Decision Guidelines

Planning Policy Framework (PPF)

Clause 11	Settlement
Clause 15	Built Environment and Heritage
Clause 16	Housing
Clause 17	Economic Development
Clause 18	Transport
Clause 19	Infrastructure

Local Planning Policy Framework (LPPF)

Clause 21.01	Municipal Profile
Clause 21.02	Key Issues and Influences
Clause 21.03	Vision

- Clause 21.04 Sustainable Environment
- Clause 21.05 Housing
- Clause 21.06 Built Environment
- Clause 21.08 Economic Development
- Clause 21.09 Transport
- Clause 21.10 Social and Physical Infrastructure
- Clause 22.03 Stormwater Management (Water Sensitive Urban Design)

Zoning

- Clause 34.01 Commercial 1 Zone

Overlays

- Clause 43.02 Design and Development Overlay Schedule 3

Particular, General and Operational Provisions

- Clause 52.06 Car Parking
- Clause 52.29 Land Adjacent to a Road Zone, Category 1
- Clause 52.34 Bicycle Facilities
- Clause 53.18 Stormwater Management in Urban Development
- Clause 58 Apartment Developments
- Clause 65 Decision Guidelines
- Clause 66.02 Use and Development Referrals
- Clause 71.02-3 Integrated decision making

2.3 Referrals

External

The following external referrals were undertaken:

Referral Authority	Conditions/Comments
VicRoads (Section 55 referral)	No objection, subject to standard conditions

Internal

The following internal referrals were undertaken:

Department/Officer	Conditions/Comments
Development Engineering (Drainage)	No objection subject to standard engineering and drainage conditions
Traffic and Transport	No objections subject to standard conditions relating to the basement ramps and internal layout of the car spaces
Waste Management	No objection

Department/Officer	Conditions/Comments
Environmental Sustainable Design (ESD) Officer	No objection subject to conditions
Strategic Planning	Greater compliance with the height and setback requirements of the Design and Development Overlay Schedule 3 is required

2.4 Public Notification of the Application

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

As a result, 23 objections from 20 properties were received and identified within **Appendix A** (separately circulated) of this report.

The objections are discussed at Section 3.6 of this report.

2.5 Consultation Meeting

A Consultation Meeting was held on 2 October 2019, which was attended by Councillors Sharpe and Lawrence, objectors, the permit applicant and Council's Planning Officer. There was no resolution achieved.

3. Discussion

3.1 Does the proposal address the relevant Planning and Local Planning Policy Frameworks?

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

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

Clause 21.05 also sets out policy guidelines for three identified categories of growth, being 'High to Substantial', and 'Moderate to High' and 'Slight to Moderate' housing intensification. The Moonee Valley Housing Strategy 2010, listed as a reference document under Clause 21.05-7, sets out a number of principles to define locations within these categories. In relation to the Moderate to High intensification area, these are sites which are generally:

- Within 400 metres to train or tram stations and community facilities and services
- Not located within a Heritage Overlay
- Where the housing market produces a greater level of diversification than typically found in the area
- Where the surrounding character is evolving and includes a mix of new and old built forms.

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

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

The proposed development is considered to represent an acceptable, incremental increase in housing opportunities to meet growing population needs, as well as diversity of housing choice in an established commercial corridor with access to a major activity centre. The site is also located within the Principal Public Transport Network (PPTN) and in an area where there is great diversity in built form. The development will cater for different demographic groups and for varying household needs.

Policy guidelines relevant to the built environment and urban design, Clauses 15.01 (Built Environment) and 21.06-4 (Urban Design) are discussed in detail within Section 3.2 of this report.

With regard to Clauses 17.02-1S (Business) and 21.08 (Economic Development) the proposal will help meet the community's needs for commercial spaces within the Mt Alexander Road Corridor and the Principal Public Transport Network Area. This is further consistent with the site's Commercial 1 Zoning.

With regard to Clauses 18.01-1S (Land use and transport planning) and 21.09 (Transport), the proposed development helps create a safe and sustainable transport system by integrating land use and transport. The proposed development also complies with the strategies of Clause 18.02-2R (Principal Public Transport Network), by maximising the use of existing infrastructure and increasing the diversity and density of development along the PPTN.

The proposal complies with Clause 21.04 (Sustainable Environment) and Clause 22.03 (Storm Water Management) through the use of ecological sustainable design principles as highlighted within the submitted BESS assessment and STORM reports, subject to appropriate conditions on any permit issued requiring additional details on the development plans and amended reports.

The proposal accords with the objectives of Clause 21.04-4 (Waste) as it relates to encouraging the use of recycling and achieving best practice in waste minimisation. Waste collection will be undertaken by private collection within the subject site and a condition has been included to this effect.

3.2 Does the proposal represent an appropriate built form outcome?

It is a strategy of Clause 15.01-1S (Urban design) to ensure new development responds to its context in terms of character, cultural identity, natural features, surrounding landscape and climate. The proposed development, subject to modification, appropriately considers its site context and proposes a built form that will not be visually dominant to the streetscape or adjoining properties and provides appropriate internal amenity to future users of the site.

Further to this, the overarching objective of Clause 15.01-2S (Building design) is:

- “To achieve building design outcomes that contribute positively to the local context and enhance the public realm.”

The *Urban Design Guidelines for Victoria (2017)* are a policy guideline in support of this clause, providing guidance on the development of functional and enjoyable places throughout Victoria for people to live, work and spend leisure time. The guidelines contained at Element 2 (Movement Network), Element 3 (Public Spaces) and Element 5 (Buildings) are of relevance to this application and have been satisfied, as discussed below.

Clause 21.06-4 (Urban Design) provides further objectives and strategies, including the reference document *City of Moonee Valley Design Guidelines for Multistorey Residential Buildings (2003)*, which echoes the key urban design principles contained within Clause 15.01-2S and the *Urban Design Guidelines for Victoria (2017)*.

It is considered the proposed development, subject to modification, is consistent with the relevant design principles of the *Urban Design Guidelines for Victoria (2017)*, the *City of Moonee Valley Design Guidelines for Multistorey Residential Buildings (2003)* and Clauses 15.01-2S and 21.06-4, as discussed below.

Building Design Quality and Context

The design response demonstrated within the plans is appropriate given the size and location of the site.

The proposed design is contemporary and responds well to the site’s location and context through the provision of architectural elements and an acceptable combination of materials. An appropriate degree of visual interest and design articulation has been provided that is consistent with the site’s Commercial 1 Zoning and the emerging built form within the area.

Streetscape and Urban Design

The front façade of the development is highly articulated through the use of angled balconies and glazing, which presents a visually interesting built form to the streetscape and is consistent with its contemporary styling. The side elements of the balconies at first, second and third level have been designed to provide the illusion of a consistent street wall that spans the site. These elements are perforated screens that span from finished floor to finished ceiling

level. It is considered that these features are visually intrusive and a condition requiring these elements to be lowered to a maximum height of 1.5 metres.

The inclusion of the ground floor commercial tenancies to Mt Alexander Road provides for a suitably active frontage at street level. The setback of building along with the angled façade provides visual interest to the streetscape at a pedestrian level and the inclusion of planter boxes within the frontage provides a green edge. The incorporation of balconies also provides appropriate articulation of the building façade while maximising opportunities for visibility and passive surveillance. All vehicle and pedestrian entries are well defined and clearly identifiable from the public realm.

Car parking for the development is contained within two basement levels with vehicle access from Mt Alexander Road. The provision of one vehicle accessway can be comfortably absorbed along the streetscape, particularly given the location of an existing crossover and vehicle accessway in this location. This will maintain an active and visually interesting street frontage to Mt Alexander Road. The provision of one vehicle accessway and basement car parking areas allows the articulated built form to be the main focal point of the proposed development.

Setbacks and Site Coverage

The building envelope and scale of the building is dictated by the Commercial 1 Zoning, Design and Development Overlay Schedule 3 and adjoining developments abutting the site. The proposed site coverage and setbacks are acceptable to the zoning of the site and the requirements of the Design and Development Overlay Schedule 3 as discussed within Section 3.3 of this report.

Overall, the siting and setbacks of the proposal provide articulation and visual interest to the built form while helping to mitigate detrimental off-site amenity impacts. Therefore, the setbacks for the proposed development provide an acceptable response to the opportunities, constraints and features of the site.

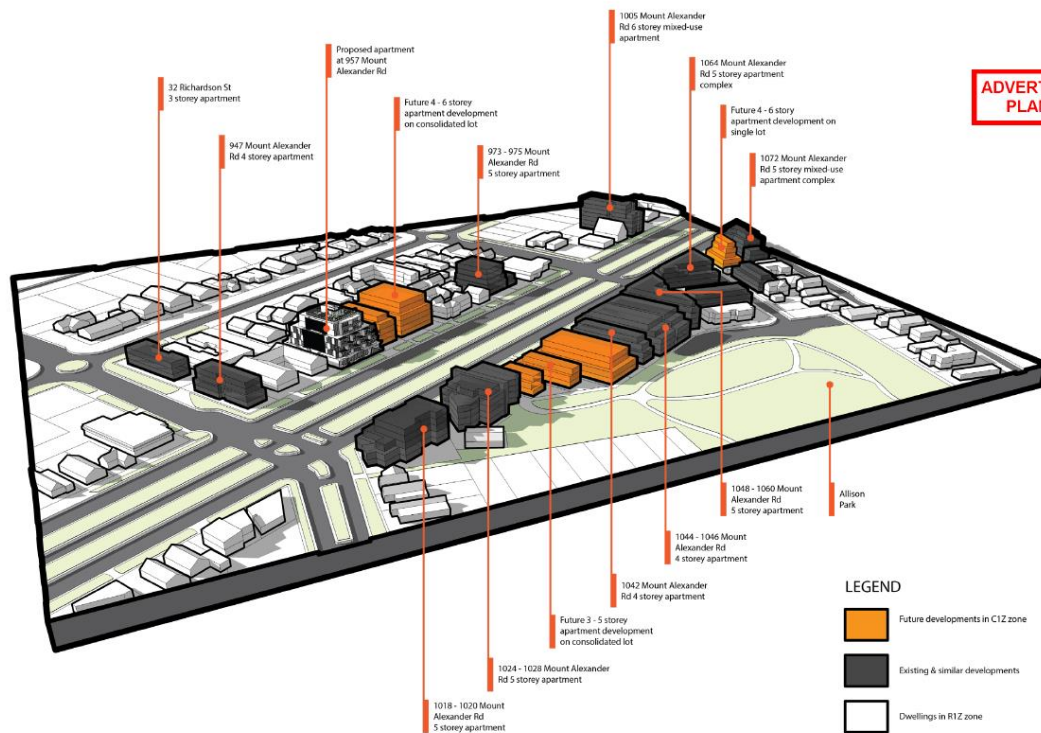
The site provides for sufficient areas to achieve landscaping, including deep root planting, to limit visual bulk impacts to the adjoining properties.

Building Height and Silhouette

Appropriate building height is derived from the local context, street conditions and character objectives for an area.

The Design and Development Overlay Schedule 3 provides guidance on maximum preferred building heights. It is noted the proposed maximum building height of 23.8 metres measured to the top of the roof access structure exceeds the preferred height within the DDO3 of 18 metres (5 storeys). However, the roof structure is centralised within the building and will not be readily visible from the streetscape or adjoining properties due to the design of the main building parapets.

The overall form of the development within the surrounding context is considered appropriate and in keeping with the general scale of buildings along Mt Alexander Road. The image below demonstrates existing built form within the surrounding area and future built form and shows that the overall scale is consistent with the emerging character of the area.



03_1_DESIGN RESPONSE TO FUTURE CHARACTER

Design Response Plan

Internal Circulation, Space and Building Adaptability

The proposed development is considered to achieve an acceptable degree of internal amenity and provide for comfortable living environments with adequate internal living spaces.

The pedestrian entry points to the commercial premises and dwellings are clearly identifiable from Mt Alexander Road and the basement car parking levels are also easily accessible from the site frontage along Mt Alexander Road. The provision of lift and stair access, in conjunction with a lobby/foyer area along Mt Alexander Road, will allow for ease of movement, including the movement of furniture, emergency access and escape.

The development, as demonstrated within the 'without prejudice' plans, generally provides an adequate car parking layout that will ensure safe vehicle movements. As discussed within Sections 2.3 and 3.4 of this report, Council's Traffic and Transport Unit have no objection to the revised provision and layout of car parking, subject to the inclusion of conditions on any permit granted. These revised plans are to form conditions on any permit granted accordingly.

In terms of storage space, all dwellings have been provided with adequate internal and external storage space in accordance with the relevant provisions of Clause 58.05-4 (Storage).

Provision for waste storage is included at basement level by way of a common bin storage room with waste chutes to the upper levels. Council's Waste Management Unit has no objection to the revised waste management plan as discussed within Sections 2.3 and 3.1 of this report.

On-Site Amenity and Liveability

The proposal has been designed to accommodate a range of dwelling sizes and types, including different layouts and orientations.

In a general sense, the layout of each dwelling provides an appropriate level of amenity for future occupants. Residents will be afforded with generous sized open plan living opportunities with good fenestration, ventilation and access to daylight. Further to this, all habitable rooms (living areas and bedrooms) will have direct access to daylight. The development has been designed to minimise southern aspect apartments where possible, given the site's orientation.

All balcony areas meet the minimum area and dimension requirements of Clause 58.05-3 (Private open space), however, it is acknowledged three of the ground floor apartments do not provide the required 25sqm of area required.

The proposed development has been designed to limit internal overlooking in accordance with the requirements of Clause 58.04-2 (Internal views).

The proposed development has been designed to minimise the transmission of noise within the development in accordance with the requirements of Clause 58.04-3 (Noise impacts).

Off-Site Amenity

There would not be any overlooking potential into habitable room windows and private open space of new and existing dwellings from the proposed development, due to screening proposed to habitable room windows and balcony areas within the southern and western elevations.

As a result of the orientation of the site there will be overshadowing to existing secluded private open space areas of the adjoining apartment building to the south. Three of the adjoining dwellings to the south have their private open spaces located along the common boundary and are also provided with north facing windows. The development will overshadow these spaces for the majority of the day as a result of the height of the built form.

However, there is overwhelming strategic support for increased built form intensity on this site. Importantly, the subject site and adjoining properties to the south are located within a Commercial 1 Zone and in a location where this form of development is encouraged and where amenity impacts are likely to occur. It is a commonly accepted argument that the standard of amenity which can reasonably be accepted for a dwelling within a commercial zone or at an interface of a commercial zone and a residential zone is less than would be expected for a dwelling entirely within a residential context. It is then an assessment as to what is a reasonable or unreasonable amenity impact having regard to the strategic context of the subject site and affected site.

As a result of the width of the adjoining private open space areas and their location along the common boundary, to limit amenity impacts to these areas the only way to improve the level of solar access to these open spaces would be to further increase the setbacks of the development from the southern boundary. However, even by significantly increasing the buildings setbacks from the southern boundary the open spaces would still be impacted by significant overshadowing from midday onwards. It is considered that the level of

increased setbacks required would not result in an equitable development outcome. As proposed, the development has been setback from the southern boundary to preserve equitable redevelopment rights for any future redevelopment of the adjoining property while still being able to achieve the strategic directions for sites such as this.

Parking, Traffic and Access

See sections 2.3 and 3.4 of this report.

Landscaping and Fencing

The proposed development provides for deep root planting along the rear western boundary and includes the planting of appropriate canopy trees (refer to submitted Landscape Plan). There are further landscaping opportunities within planters along the northern and southern boundaries and within the front setback. Additional landscaping within planter boxes is provided within the communal roof terrace area.

Environmental Sustainability

Given the type of development and the intensive use of the site for a multi-level, multi-dwelling development, there are a range of inherent energy efficient design principles used in this project. These include the sharing of floors, walls and ceilings, which assist in the prevention of excessive heat gain and loss.

The proposed development has incorporated many Environmentally Sustainable Design initiatives, including the provision of a rainwater tank with a total capacity of 20,000L within the lower basement level, for the re-use of stormwater within the development, and a solar photovoltaic system.

Service Infrastructure

The proposed infill development would utilise existing infrastructure and services available on site and within the surrounding area. The servicing cabinets have been integrated within the design of the development to limit impacts on the built form while meeting servicing requirements for the development.

3.3 Does the proposal address the purpose and requirements of the Zone or Overlays?

Commercial 1 Zone

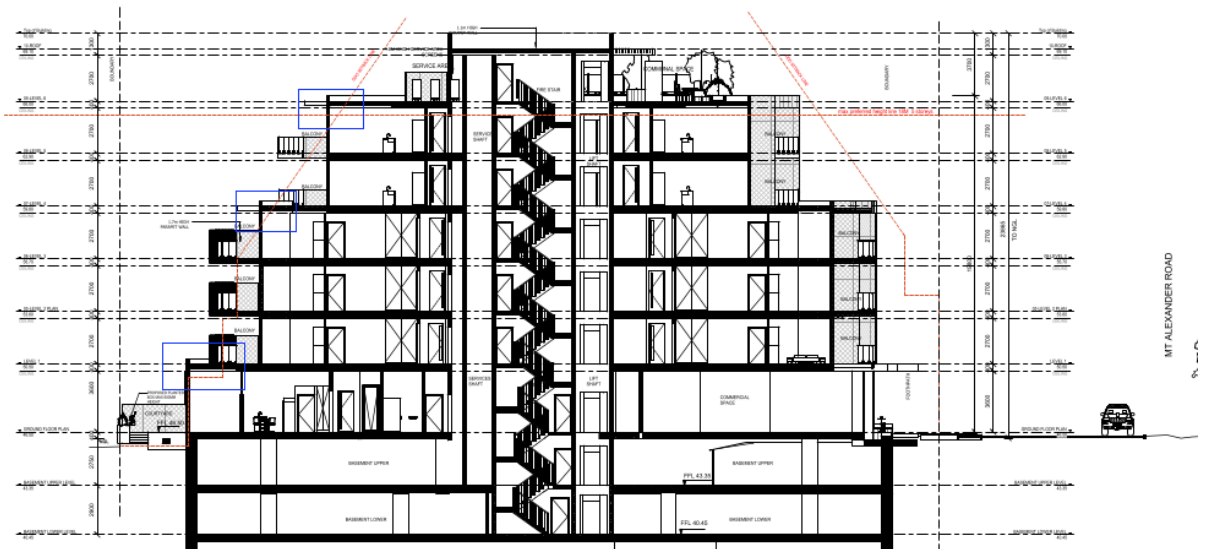
The proposed development is consistent with the purpose and design guidelines of the Commercial 1 Zone.

Design and Development Overlay Schedule 3

The subject site is located within Precinct C-1 under the Design and Development Overlay Schedule 3 (DDO3). The preferred built form outcomes are provided within the table below:

	Precinct requirements	Proposed
Preferred maximum height	18 metres (5 storeys)	23.8 metres (6 storeys)
Front setback (up to 8 metres in height)	0 metres	1.2 – 3.5 metres
Front setback (above 8 metres in height)	2 metres plus 0.7 metres for every metre of height above 11.5 metres	3.5 – 8.4 metres
Rear setback (up to 4 metres in height)	4 metres	4 metres
Rear setback (between 4 and 7.5 metres in height)	6 metres	4 – 8.3 metres
Rear setback (between 7.5 and 11 metres)	7 metres	8.3 – 12.3 metres
Rear setback (above 11 metres in height)	0.7 metres for every metres of height above 11 metres	8.3 – 12.3 metres

The image below provides a visual indication of the areas of non-compliance with the setback requirements (red line).



‘Without Prejudice Plans’ Section A-A – Development Plans prepared by R Architecture

The overall height of the development as noted in the table above does not comply with the preferred heights within the DDO3. The overall height is measured from the top of the roof terrace access structure, which is centrally located within the built form. As such, the highest section of the building will have limited views given its setbacks from the roof level parapets. As measured from the parapets, the development has a height of 19.8 metres.

While this remains non-compliant with the preferred height requirements, it is consistent with similar six storey buildings approved at 973 Mt Alexander Road (20.96 metres) and 1032 Mt Alexander Road (20.1 metres). The scale of the building is considered appropriate in the context of the frontage to Mt Alexander Road, where there is relatively new built form character being established, with many other buildings of similar height being built over the past ten years.

The front setbacks exceed the minimum setback requirements under the DDO3. It is noted this section of Mt Alexander Road allows for a 0 metre setback up to 8 metres in height. The proposed setback of the development from Mt Alexander Road is considered appropriate in this instance, as it allows for an articulated ground floor presentation that includes landscaping and areas onsite for bicycle parking. A veranda over part of the footpath is also provided, which is consistent with its Commercial 1 zoning.

The development fails to comply with the setback requirements to the rear of the site. The image below indicates there are three areas of non-compliance with the rear setbacks (nominated in blue boxes). It is considered the proposed setbacks from the rear of the site are acceptable and the areas of non-compliance are minimal, not resulting in unreasonable amenity impacts to the adjoining properties (they are generally as a result of the slope of the land from the frontage to the rear). There are a number of balconies that encroach within the setback requirements, however, these are allowable as they are no more than 2.5 metres in depth. The without prejudice plans amend the design of the balconies to the rear of the site to reduce their overall scale and visual dominance.

The DDO3 includes a precinct specific guideline that where the side boundary abuts a residential property, the design should have regard to the scale of the adjoining property, providing generous setbacks for building elements above 3 storeys to ensure adequate daylight and amenity to existing one and two storey dwellings. The impact of the proposed southern setbacks of the development are discussed in Section 3.2 of this report.

Overall, the development is consistent with the design requirements of the DDO3 and presents as an acceptable built form to the streetscape and surrounding area.

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

The proposal requires car parking in accordance with Clause 52.06 as set out in the table below:

Table 6

Proposed	Requirement	Provided
45 x one or two bedroom dwellings	45	45
3 x three or more bedroom dwellings	6	6
Visitor spaces	0	0
Commercial tenancies (241m ²)	8	9
Totals	59	60

The proposed development complies with the requirements of Clause 52.06. The parking provided to the commercial uses exceeds the requirements by one space. While the allocation of spaces technically meets the requirements, it is considered appropriate to require the additional commercial space to be reallocated to the residential uses to enable the electric vehicle space to be communal.

On this basis, without prejudice plans have been provided which reallocate one commercial space to a residential space to ensure that the development remains fully compliant with the requirements of Clause 52.06.

Clause 52.34 Bicycle Parking

The proposal requires bicycle parking in accordance with Clause 52.34 as set out in the table below:

Table 7

Proposed	Requirement	Provided
Residential Dwellings	10	29
Visitors	5	6
Totals	15	35

The plans show 35 bicycle spaces across the site, including 29 spaces across the two basement levels and 6 spaces at ground level within the frontage. This provision exceeds the requirements of Clause 52.34.

Road Zone, Category 1

The proposed development seeks to alter the existing crossover to Mt Alexander Road. The application has been referred to VicRoads, who have no objection to the alterations to the existing crossover, subject to conditions.

Loading Facilities

Clause 65 (Decision Guidelines) requires the consideration of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts. Given the moderate size of the proposed commercial premises, it is generally accepted deliveries to such premises of this scale are delivered by small trucks, vans and the like and can be accommodated at the street frontage. The proposed truck loading area at the basement level on the revised 'without prejudice' plans provides adequate space for 6.4m long Small Rigid Vehicles (SRV) and private waste collection vehicles.

3.5 Does the proposal comply with the requirements of Clause 58?

The proposal generally complies with the Objectives and Standards of Clause 58 as set out in the assessment table (refer to **Appendix D** – separately circulated). An assessment of the areas of non-compliance is included in the table below:

Table 8

Design Standard	Response
Clause 58.03-1 (Standard D6) Energy efficiency	<p>The development has generally been oriented to make appropriate use of solar energy, with residential living areas and balconies predominantly located to the north, east or west with adequate access to daylight and solar energy, where possible (noting 10 of the smaller one to two-bedroom dwellings are located to the south, due to constraints with the orientation of the site). However, 22 dwellings are dual aspect and are therefore provided with improved access to daylight and ventilation to ensure dwellings achieve adequate thermal efficiency and reduce fossil fuel energy use. The remaining dwellings are situated with either, northern, eastern or wester orientations.</p> <p>A revised Sustainability Management Plan is required (conditioned) to address the comments of Council’s ESD Officer in relation to detail within the submitted BESS report and additional notes on the plans.</p> <p>It is acknowledged the layout will have an impact on solar access to dwellings located to the south of the site as a result of the orientation of the subject site. However, the site is within a Commercial 1 Zoning and is a location where this form of development is encouraged. Furthermore, the development has been designed to provide appropriate setbacks from the boundaries, including the southern boundary, to limit impacts where possible and allow for equitable redevelopment in the future.</p>
Clause 58.05-3 (Standard D19) Private Open Space	<p>The ground floor courtyards of Apartments 1, 2 & 6 have private open space areas less than 25 square metres, which do not comply with this Standard. The areas provided to these apartments are considered appropriate in this instance. Applying the table at Standard D19 as a guide (which is based on the number of bedrooms provided), with these private open spaces areas each are provided with an area and dimension that would meet the requirements. Furthermore, the decision guidelines consider the availability of and access to public or communal open space. In this instance, the proposed development provides a communal area of open space of 150sqm at the roof level. On this basis, it is considered the proposal meets the objective of this Standard.</p>

3.6 Objections (Discussion)

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

Table 9

Issue	Officer Response
Traffic and Parking	Refer to Section 3.4 of this report for discussion
Height of the building	Refer to Section 3.3 of this report for discussion
Neighbourhood Character	Refer to Section 3.2 of this report for discussion
Overshadowing	Refer to Section 3.5 of this report for discussion
Non-compliant street setbacks	Refer to Sections 3.3 and 3.5 of this report for discussion
Overlooking	Refer to Section 3.5 of this report for discussion
Visual Bulk	Refer to Sections 3.2 and 3.3 of this report for discussion
Loss of natural light	Refer to Section 3.5 of this report for discussion
Non-compliance with Clause 54 and 55	Clauses 54 and 55 do not apply to the proposed development. Assessment of the layout of the proposal is undertaken against Clause 58 (Apartment Development) of the Moonee Valley Planning Scheme. Refer to Section 3.5 of this report for discussion
Lack of onsite recreational space	The proposal provides appropriate areas for recreation for future residents consistent with this form of development. Further, the site is well located to access surrounding public parks including, Cliff Allison Park and Lincoln Park
Loss of trees	A planning permit is not required for the removal of existing trees. It is noted there are sufficient areas at the rear of the site for replacement planting. Furthermore, a condition requiring the submission of a Landscape Plan has been included to ensure appropriate planting throughout the site
Noise impacts	The noise generated by the proposed development is considered consistent with an urban environment
Construction impacts	A condition requiring a Construction Management Plan is included to appropriately manage all construction impacts

Issue	Officer Response
Demolition impacts and loss of existing property	The removal of the existing building is not considered inappropriate and a planning permit is not required for its demolition
Loss of the existing retirement living facility	This is not a planning matter
Impact of surrounding schools	This is not a planning matter
Depreciation of property prices	This is not a planning matter
Inaccurate plans	There is sufficient detail provided to undertake a full assessment of the development

4. Human Rights

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

5. Council Plan/Policy

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

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

6. Conflict of Interest Declaration

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





7. Conclusion

The application has been assessed against the relevant provisions of the Moonee Valley Planning Scheme.

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

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

Attachments

- A: Objector Location (separately circulated) 
- B: Advertised Plans (separately circulated) 
- C: Without Prejudice Plans (separately circulated) 
- D: Clause 58 Assessment Table (separately circulated) 

10.2 Flemingington Community Hub Renewal Project

Author: Vincent Cammell - General Manager City Development

Business Unit: City Development

1. Purpose

- 1.1 Provides information on previous Council resolutions and makes clear recommendation to progress with the design of the Flemingington Community Hub on Council owned land adjacent to the current Community Hub and the existing sports pavilion (adjoining the current carpark).

2. Background

Department of Health and Human Services (DHHS) and the Flemingington public housing estate redevelopment

- 2.1 On 27 August 2019, Council resolved to engage in discussions with DHHS on exploring the possible delivery of an integrated master planning process, including community infrastructure, within the Debneys Precinct as part of DHHS's Public Housing Renewal Program (PHRP). Flemingington Housing Estate is one of three sites being redeveloped in the PHRP package.
- 2.2 The August 2019 Council resolution is consistent with MV2040 Major Initiative 81 to "support the redevelopment of the Flemingington housing estate at Debneys Park, resulting in a fully integrated and connected community".
- 2.3 Council officers presented to the PHRP's three shortlisted proponents as part of their briefings, sharing previous learnings and listing desirable outcomes that Council values. These focused on; improving transport and connectivity, ensuring a quality built-form and design, maximising high quality public open space, resolving outstanding land tenure matters, retaining significant trees where possible, enhancing planting, and supporting an increase in affordable housing.

Flemington Community Hub project

- 2.4 Council is committed to investing in a new Flemingington Community Hub that will replace the existing Flemingington Community Centre and sports pavilion at Debneys Park. MV2040 Major Initiative 80 is to "deliver a vibrant new community hub at Debneys Park that includes co-working spaces and recreational elements".
- 2.5 Council is committed to finding a solution that results in no net loss of open space in Flemingington.
- 2.6 Council has been working on two parallel delivery options, with an expectation that the preferred way forward will be decided in early 2020, the two delivery options being:
 - Option A – partnership approach with DHHS
 - Option B – Council delivered hub on Council land

- 2.7 Over the past several months, Council officers have completed a review of the existing community infrastructure needs assessment (including a local area demand analysis). A summary of findings from the review is provided as **Attachment A** *Community Infrastructure Needs and Prioritisation Review -Summary* (separately circulated).
- 2.8 The review assisted in determining which components of the community hub are considered the highest priority and has been used to develop a functional design brief to ensure the Hub can be delivered within the \$20 million project construction budget.
- 2.9 Whilst Option A presents a direct partnership approach it is considered that the key benefits of this can be achieved through other means. Option A will also not ensure the provision of the most cost-effective outcome for the community. Issues surrounding timing, complexity of land tenure, building location and operational model also mean that Council would no longer have control of this project or delivery timeframes.
- 2.10 To this end, a Request for Tender process for architectural services was launched. The tenders have closed and are currently being evaluated in the event Council resolves to continue with Option B – Council delivered hub on Council land.
- 2.11 The architectural consultancy services requires the preferred tenderer to prepare a concept plan of the new facility based on the scope outlined in Section 3.7. Stakeholders will be engaged to contribute to the functionality of the proposed concept plan and also how the new facility will be integrated within Debneys Park.

3. Issues

DHHS timing considerations

- 3.1 Option A's partnership approach within the Debneys Precinct presents issues with complexity of land tenure, building location and operational model.
- 3.2 DHHS is not likely to have a public announcement until mid-2020. DHHS's processes are not dependant or reliant on the Flemington Community Hub forming part of the development.

Flemington Community Hub project delivery impacts, options and considerations

- 3.3 The advantage of going forward with the Flemington Community Hub on Council owned and controlled land include influence on design and provision of services, cost effective construction and operational models, ability to integrate with existing carpark and internal pathways and facilities, able to place the facility to maximise support for sports grounds and ensure easy access for all residents. The recommended location also minimises damage to the existing mature trees.
- 3.4 Improved public transport outcomes in the vicinity of Debneys Park.
- 3.5 It is recommended that Council continue to deliver the Flemington Community hub project on Council managed land at Debneys Park

(Option B) as the preferred delivery option due to the reduced risk and high-level confidence to deliver on time and within budget.

Flemington Community Hub budget and scope considerations

- 3.6 The current Long Term Capital Works Plan provides \$500,000 in 2019/20, \$793,100 in 2020/21 for the design and \$20M for the construction in years 2021/22 and 2022/23. The recommendations of this report seek to increase the amount in 2020/21 from \$793,100 to \$1.454M to allow for the appointment of the principal consultant for the design of the new facility. \$20M remains required for construction of the new facility.
- 3.7 Based on the infrastructure demand review (**Attachment A**), the approved project budget, and community consultation, the following core elements will be included in the scope for the new Flemington Community Hub:
- 3.7.1 Community hall and a range of multi-purpose rooms of different sizes
 - 3.7.2 Display, exhibition and foyer space
 - 3.7.3 Kitchen/café/kiosk
 - 3.7.4 Training rooms
 - 3.7.5 Art room (wet/dry space)
 - 3.7.6 Offices
 - 3.7.7 Storage spaces
 - 3.7.8 Licenced children's room
 - 3.7.9 Consultation suites
 - 3.7.10 Sport pavilion spaces to service two outdoor fields
- 3.8 The above scope will allow for a broad range of uses and users to be housed at the new Flemington Community Hub.
- 3.9 Additional elements that are outside the current scope but items considered in earlier project discussions include; indoor sports court(s), and four 33 person kindergarten rooms. These elements could be considered in the design phase (to ensure opportunity to build at later stages) but not be delivered as part of the construction of the Flemington Community Hub.

Flemington Community Hub timing and community engagement

- 3.10 If Council proceeds with Option B, it is proposed to develop a communication plan to engage the community as concepts are progressed towards construction ready designs and technical detail.
- 3.11 Timeframes in the below table are typical to complete a project of this scope:

Ref	Stage	Indicative Timeframe
1	Site investigation and schematic concepts	By 1 July 2020
2	Design development	By 1 November 2020
3	Contract documentation	By May 2021
4	Procurement, award of building contract	By 1 September 2021
5	Construction to commence	From October 2021

Notes:

- The new hub will require planning approval, which will occur through stages 1 and 2.

Recommendation

That Council resolves to:

- a. **Proceed with delivering a new Flemington Community Hub at Debneys Park on Council owned land (Option B).**
- b. **Endorse the design for the Flemington Community Hub being based on the following broad inclusions as summarised in 3.7 above and further outlined in Attachment A. These include:**
 - i. **Community hall and a range of multi-purpose rooms of different sizes**
 - ii. **Display, exhibition and foyer space**
 - iii. **Kitchen/café/kiosk**
 - iv. **Training rooms**
 - v. **Art room (wet/dry space)**
 - vi. **Offices**
 - vii. **Storage spaces**
 - viii. **Licensed children's room**
 - ix. **Consultation suites**
 - x. **Sport pavilion spaces to service two outdoor fields.**
- c. **Provide \$1.454M in the 2020/21 Capital Works Program to allow awarding of Architectural Services Tender.**
- d. **Authorise the Chief Executive Officer to award the contract for the provision of Architectural consultancy Services for the Flemington Community Hub.**

Attachments

A: Community Infrastructure Needs and Prioritisation Review (separately circulated)



Impact Assessment

1. Relationship to Council commitment MV2040 or Council Plan

- 1.1 MV2040 Strategic Direction 2: A city with a dynamic network of services and facilities.
 - 1.1.1 Action 2.2.1 – Develop a network of integrated community hub co-located with other service in activity centres, close to public transport, physically accessible and convenient for local access.
 - 1.1.2 Action 2.2.2 – Seek opportunities to leverage community facilities as catalysts for urban and economic renewal.
 - 1.1.3 Action 2.2.3 – Provide flexibly designed public facilities and associated infrastructure appropriate for multi-uses and users, and adaptive to population and demographic changes.
 - 1.1.4 Action 2.2.4 – Explore alternative financial and procurement options, including partnership arrangements with local providers and surrounding local councils to maximise funding opportunities to deliver high-quality facilities and services.
- 1.2 MV2040 Strategic Direction 4: A city where residents can engage, participate and influence change.
 - 1.2.1 Action 4.1.1 – Develop processes for our community to have input into the design and delivery of community services and encourage community-led initiatives, including co-designing of community programs, spaces and facilities.
 - 1.2.2 Action 4.3.2 – Develop a neighbourhood planning and delivery approach that coordinates service and infrastructure provision.
- 1.3 MV2040 Strategic Direction 5: A city with housing for all.
 - 1.3.1 Action 5.3.1 – Advocate for improvements to existing public housing stock, including the mixed tenure redevelopment of public housing estates.
- 1.4 MV2040 Strategic Direction 6: A city with opportunities to learn and work.
- 1.5 MV2040 Strategic Direction 8: A city with things to see and do.
- 1.6 MV2040 Strategic Direction 11: A city with streets and spaces for people.
- 1.7 MV2040: A city that is green and water-sensitive.
- 1.8 MV2040 Strategic Direction 17: A city that foster local identity.
- 1.9 MV2040 Strategic Direction 18: A city of high-quality design.
- 1.10 MV2040 Strategic Direction 19: A city with vibrant and safe public spaces.
- 1.11 MV2040 Major Initiative 81: Support the redevelopment of the Flemington housing estate at Debneys Park, resulting in a fully integrated and connected community.
- 1.12 MV2040 Major Initiative 80: Deliver a vibrant new community hub at Debneys Park that includes co-working spaces and recreational elements.

2. Legislative obligations

- 2.1 Council has legislative responsibilities under provisions of the Local Government Act 1889 (Vic):
 - 2.1.1 (1) (a) to promote the social, economic and environmental viability and sustainability of the municipal district;
 - 2.1.2 (1) (e) to ensure that services and facilities provided by the Council are accessible and equitable.

3. Legal implications

- 3.1 The issues and risks identified for this report do not have legal implications.

4. Risks

- 4.1 Project scope: Varying from the proposed project scope (section 3.10) is likely to have a negative impact on time and budget. This is addressed by ensuring robust project governance, maintaining a clearly defined scope, and a thorough review at key decision points.

5. Social impact assessment

- 5.1 The project objective is to ensure that the scope responds to the revised comprehensive needs analysis, delivering improved access to essential services, opportunities for social engagement and improved opportunities for sport and recreation.

6. Economic impact assessment

- 6.1 The project will explore opportunities to include spaces for the creation of new social enterprises and micro-businesses to boost the local economy. Services delivered at the community hub will create lasting alternative employment pathways, particularly for young people, this is in line with the vision set in MV2040.
- 6.2 The new community hub and enhanced Debnays Park will be a catalyst for urban renewal and public realm improvements to the neighbourhood and provide the people of Moonee Valley greater access to job opportunities, this is in line with the vision set in MV2040.

7. Environmental impact assessment

- 7.1 The project seeks to deliver optimal environmental performance through:
 - 7.1.1 enhancing the provision of open space.
 - 7.1.2 integrating with the Moonee Ponds Creek (consistent with the Chain of Ponds: Moonee Ponds Creek Plan, Draft 2019).
 - 7.1.3 aiming for a 5-star Green Star Environmental Sustainable Design performance (Council's minimum acceptable Green Star rating for the new Flemington Community Hub is 5 star).
 - 7.1.4 addressing soil contamination issues.

7.1.5 achieving a 30 per cent canopy coverage and protecting significant trees in the longer term.

7.1.6 harvesting stormwater for sports field and option space irrigation in the longer term.

8. Reputational impact assessment

8.1 The need to deliver within approved timeframes is paramount.

9. Financial implications

9.1 The project is anticipated to deliver financial benefits to the local economy by providing spaces for the creation of new social enterprises and micro-businesses, employment and education services.

9.2 The Flemington Community Centre and Debneys Park sports pavilion both have substantial building condition and functionality issues. Their ongoing operational and maintenance costs will be reduced in a well-designed and efficiently operated community hub.

9.3 In order to achieve the objectives of the project within the required timeframes, officers have identified that the design budget also needs to be modified to reflect industry standards (10 per cent of construction value).

10. Sensitivity / scenario analysis

10.1 A range of future scenarios have been considered in the project planning, including:

10.1.1 DHHS' plan for Flemington may provide additional opportunities for collaboration and co-location of identified program, service and infrastructure needs.

10.1.2 DHHS' development of the Flemington Housing Estate.

10.2 Each scenario is addressed in the project risk register, project budget, and consultation and advocacy programs.

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 project involves many key supporters and stakeholders including facility users, community groups, Councillors and council officers, Government departments and agencies.

12.2 A substantial community engagement program has been undertaken as part of this project. Over the past 18 months, consultation has focused on development of a concept design for the project. The consultation to date has been completed over three phases:

12.2.1 Phase 1 – Context Analysis (June - October 2018)

12.2.2 Phase 2 – Project vision, Issues & Opportunities paper and design principles (October – December 2018)

12.2.3 Phase 3 – Three draft concept options (April - May 2019)

12.3 Key consultation findings from the phase 3 engagement related to the themes of:

12.3.1 Community hub

12.3.2 Environment and natural experience

12.3.3 Priorities for a revitalised park

12.3.4 Access movement and parking

A report on the consultation findings has been made available on Council's website.

10.3 Moonee Valley Flood Study, 2020 - Resolution to proceed to informal community consultation

Author: Colin Harris - Senior Project Manager Infrastructure and Land Use Developments

Business Unit: Planning

1. Purpose

1.1 The purpose of this report is to:

- Present Council with draft flood modelling outputs of the Moonee Valley Flood Study, 2020 (the Study), identifying potential flood prone areas across the municipality. This flood modelling is intended to inform updated flood planning controls and future drainage infrastructure planning and flood mitigation works.
- Seek a Council resolution to commence informal community consultation on the flood modelling extents and proposed expansion of flood planning controls (Special Building Overlay) identified through the Study.

2. Background

2.1 The population increase in Moonee Valley and metropolitan Melbourne more broadly includes the following consequences:

- a reduction in permeable groundcover
- an increase in stormwater run-off
- an increase in building structures in overland flow paths, and
- increasing pressure on the capacity of the existing local drainage network.

2.2 Increased overland flooding is also likely a consequence of climate change, a result of increased volumes and frequency of significant rain events. Heavy rainfall events often result in stormwater volumes exceeding the capacity of local drains.

2.3 In addition to the above, Moonee Valley contends with topography and existing infrastructure constraints that have resulted in the management of overland flooding having been an ongoing issue for many years.

Flood studies and planning controls

2.4 Since 2005 Council has undertaken a series of local flood studies aimed at identifying localised areas and sites that may be potentially vulnerable to flooding. The previous studies have been used to inform Council capital works spending in relation to drainage maintenance and improvements to date.

- 2.5 Melbourne Water (MW) main drains, floodplains and waterways are managed by a planning scheme overlay, introduced through Amendment C151 to the Moonee Valley Planning Scheme, applying a Special Building Overlay (SBO) in 2016.
- 2.6 In March 2019 Council officers engaged specialist hydrology consultants, Engeny Water Management Pty Ltd, to undertake a similar assessment of flood issues for the local drainage network across the municipality, in order to identify issues and mitigate the flood risk to persons and properties when heavy rainfall exceeds the capacity of local drains. Importantly, this study incorporates the likely impacts of climate change on overland drainage capacity.
- 2.7 The outcomes of this municipal wide flood study are to identify flood prone areas in Moonee Valley which will be used to inform Council's future drainage infrastructure planning and expenditure, along with the introduction of expanded planning controls in the form of a SBO, related to potential flooding of Council's drainage network.
- 2.8 The necessity to apply planning controls over local flood prone areas is recognised through the Victorian Planning system as a key approach in addressing and minimising future flood risk to life and properties and for providing direction for infrastructure expenditure.

MV2040 and climate change

- 2.9 MV2040 includes an action to improve flood risk information, and manage development in flood prone areas through overlays and other planning measures. MV2040 acknowledges climate change is the biggest threat to our community and accordingly it is expected to become the highest priority. A business-as-usual-approach to problem solving will not be sufficient to solve the challenges brought forward by climate change.
- 2.10 A climate emergency was declared at the Ordinary Council Meeting of 8 October 2019. MV2040 highlights climate change results will include more severe and regular storms, heatwaves, droughts, floods and fires.
- 2.11 Council officers are open to innovative and agile operational practices, reviewing and adapting Council's approaches in line with developments in scientific understanding and new approaches to dealing with climate change risks and opportunities.
- 2.12 Through MV2040 and the declaration of a climate emergency, Council has committed to collaboratively work with our community, industry and other levels of government to address climate change.

3. Issues

Moonee Valley Flood Study, 2020

- 3.1 The Study has produced both flood modelling, in the form of maps of different flood extents, along with draft SBO planning controls.
- 3.2 The flood modelling and draft SBO flood extents will help Council officers better identify and understand the precise nature of local flood risks and aspects of flooding behaviour when heavy rainfalls result in stormwater that exceeds the capacity of local drains.

- 3.3 Council's project steering group for the Study includes MW and the State Emergency Service (SES), to ensure the most up to date flood modelling approaches are utilised.
- 3.4 The Study includes identification of five high priority flooding hot spots for which infrastructure solutions have been developed and costed.
- 3.5 El Reno Crescent, Airport West and Laluma Street, Essendon are two of the five hot spots and their implementation is funded in the 2019/2020 capital works program (\$900,000 combined).
- 3.6 The remaining three flooding hot spots highlighted in the Study are currently identified to be delivered as part of future capital works programs:
 - Houston Ave, Strathmore
 - Taylor St/Mt Alexander Road Moonee Ponds
 - Warrick Court, Avondale Heights.
- 3.7 Additional remaining flood prone areas and other local flood solutions will require review and funding through future capital works budgets.

Flood overlays

- 3.8 Approximately 4,000 properties have been identified as being within the areas of identified flooding, where an SBO would be applied. At present, there are 1,963 properties in Moonee Valley within flood overlays. Of this number 1,538 are within the SBO and an additional 425 in the Land Subject to Inundation Overlay (LSIO), a separate flood overlay focusing on riverine flooding.
- 3.9 The implications for properties to which an SBO applies is that a planning permit is required to construct a building, or to construct or carry out certain works. An SBO does not negate the ability for owners to undertake future works, rather the works must be designed to acknowledge the relevant conditions applicable to the site, such as ensuring appropriate access points and development levels, ensuring flood conditions will not be worsened or redirected elsewhere.
- 3.10 Any planning permit application under the SBO is exempt from the notice and review requirements of the *Planning and Environment Act, 1987*, with applications for buildings and works able to be processed under the VicSmart provisions. The SBO also includes provisions to allow for exemptions for some buildings and works, those not considered to contribute to the exacerbation of any flooding situation (certain building extensions and alterations).

Informal community consultation

- 3.11 With a key project milestone now reached and the draft flood modelling and SBO flood extents prepared, it is proposed to undertake informal community consultation. This informal consultation would occur ahead of an intended future planning scheme amendment and formal public exhibition process.

- 3.12 The purpose of the informal consultation is to begin a conversation with our community about local urban flood management and to seek feedback on how well the draft flood modelling and SBO reflects community experiences of flooding around Council's local drainage network.
- 3.13 Community engagement will inform Council's understanding of flooding and will assist in future planning and prioritisation of infrastructure improvements, flood mitigation and flood emergency management.

Future Planning Scheme Amendment process


- 3.14 Information from informal community consultation will be used to refine the modelling where necessary and any required changes to the draft SBO, to ultimately inform a Planning Scheme Amendment. The Amendment would expand the existing application of the SBO and improve flood planning and management across Moonee Valley.
- 3.15 A Planning Scheme Amendment would need to be undertaken as a future separate formal process with further reports to be received by Council for consideration, most likely in mid-late 2020.

Recommendation

That Council resolves to:

- a. Note the proposed flood planning controls identified in the Moonee Valley Flood Study, 2020.**
- b. Undertake informal community consultation, including with property owners and occupiers, to seek feedback on the draft flood extents and proposed flood planning controls identified as subject to flooding within the Moonee Valley Flood Study, 2020.**
- c. Receive a future report following informal community consultation on the Moonee Valley Flood Study, 2020, in relation to a potential future planning scheme amendment process to introduce additional application of the Special Building Overlay in the Moonee Valley Planning Scheme.**

Attachments

A: Draft Special Building Overlay extent (separately circulated) 

Impact assessment – Moonee Valley Flood Study

1. Relationship to Council commitment to MV2040 or Council Plan

- 1.1 In presenting this report, Council is working to achieve MV2040 **Objective 16.1**: *Plan and build a climate resilient city* and more specifically **Action 16.1.3**: *Improve flood risk information, and manage development in flood prone areas through overlays and other planning measures*. This strategic objective relates to Theme WUNWARREN which means 'green' in Woi wurrung language.
- 1.2 Moonee Valley Flood Study achieves Council Plan **Objective 2.2**: *Moonee Valley has high quality places and spaces* in particular **Key Priority 2.2.1.1.11** *Manage flood risks to waterways, private property and Council's natural and built assets*.
- 1.3 Moonee Valley Flood Study also achieves Council Plan **Objective 2.3**: *Our infrastructure meets the needs of today and can respond to future demand* in particular **Key Priority 2.3.1.1.4** *Update flood modelling of Council's drainage assets to inform any need for flood overlays* and **Key Priority 2.3.1.1.5** *Undertake work to introduce appropriate overlays to acknowledge flood risks*.

2. Legislative obligations

- 2.1 The *Victorian Floodplain Management Strategy* sets the direction for floodplain management in Victoria. Part 2, "avoiding or minimising future risks," endorses the use of planning controls to manage the potential growth in risk. This report also responds to Objective 3 in the strategy: "not making things worse."
- 2.2 The Moonee Valley Flood Study responds to several planning objectives set out in the *Planning and Environment Act 1987*:
 - to provide for the fair, orderly, economic and sustainable use and development of land
 - to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
 - to facilitate development in accordance with the objectives in the *Planning and Environment Act, 1987*.
- 2.3 There are no human rights implications as a result of this report.

3. Legal implications

- 3.1 Municipal councils regulate development through their planning schemes, co-fund flood studies and often manage flood mitigation infrastructure. Landholders are accountable for flood management on their own properties.

- 3.2 The Moonee Valley Flood Study and associated informal community consultation is unlikely to result in legal implications. There are no expected legal exposures in deciding to proceed with this work.

4. Risks

- 4.1 The risk rating for the Moonee Valley Flood Study is Medium (8). The measure of consequence is assessed as major should a flood event occur but the measure of likelihood is considered unlikely over a one-year timeframe.
- 4.2 The risk of community concerns with regards to the introduction of flood planning overlay controls should be balanced against the risk of identified likely flood events and the consequences of not appropriately identifying the likely impacts on life and property.

5. Social impact assessment

- 5.1 The project will have a positive impact by expanding the local community knowledge about potential flood risks and protecting public health and safety. Local community knowledge and experience plays a key role in preparing for floods and reducing damage caused by floods.

6. Economic impact assessment

- 6.1 Implementing flood controls based on identified flood extents will ensure Council is working to minimise risks of flood damage.
- 6.2 The decision to proceed with community consultation is not considered to have negative impacts on business, economic development in the municipality, or on economic opportunities. It is anticipated the Moonee Valley Flood Study will mitigate flood damage to person and property and therefore protect economic interests.

7. Environmental impact assessment

- 7.1 The Moonee Valley Flood Study is expected to deliver positive environmental outcomes through identifying land affected by flooding and enabling future development to consider and respond to potential flood risks.
- 7.2 Inappropriate development in flood affected areas can contribute to and exacerbate the impact of flooding.

8. Reputational impact assessment

- 8.1 Engagement with the community around potential flood risks and developing solutions to mitigate against damage to person or property shows Councils commitment to protecting and supporting the health and resilience of our city.

9. Financial implications

- 9.1 The Moonee Valley Flood Study has been granted funding in the 2019/20 financial year through the Strategic Planning and Technical Services operational budgets.

10. Sensitivity / scenario analysis

- 10.1 Concern may arise from community members identified within the draft flood extents, in terms of identifying their properties as flood prone.
- 10.2 Feedback received during informal community consultation will be used to verify the flood modelling and make changes where required. It is not the intention of the Study to apply flood controls on land with no significant flood risk. Properties will be removed from the flood extent where it is deemed there is a minimal flood risk.

11. Conflict of interest declaration

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

12. Consultation undertaken or planned

- 12.1 There has been no engagement as yet with the wider community in relation to the attached report.
- 12.2 Council officers will directly notify the owners and occupiers of land identified in draft flood modelling, providing them with the opportunity to provide feedback during the informal community consultation process.
- 12.3 Informal community consultation will include:
- Mail out to properties identified in the draft flood model
 - YourSay webpage with document library, key dates and Frequently Asked Questions (FAQ's)
 - Community Online Feedback Survey & Interactive Map
 - Drop-in sessions
 - Information displayed at Council's Civic Centre.

10.4 Response to Petition - Newsom Street, Ascot Vale

Author: Russell Beer - Coordinator Horticulture and Public Spaces

Business Unit: City Development

1. Purpose

- 1.1 To provide a response to a petition tabled at Council's Ordinary Meeting 26 November 2019 regarding a request for Council to maintain the nature strip in front of properties in Newsom and Stanford Streets, Ascot Vale (**Attachment A**).

2. Background

- 2.1 The petition, signed by 25 petitioners, suggested that it is unfair for property owners to maintain the nature strip because there is no convenient access and requested that Council undertake the maintenance of nature strips on Newsom and Stanford Streets, Ascot Vale (**Attachment B**).
- 2.2 The properties on Newsom and Stanford Streets have rear access to garages with front access via pedestrian gates and are raised above ground level with a number of steps from the frontage to the footpath.

3. Issues

- 3.1 Council has been advised that the developer of the Ascot Chase estate, Mirvac, maintained these nature strips during their period of responsibility. Council accepted complete responsibility of this stage of the estate on 14 November, 2019.
- 3.2 Council does not maintain grassed areas of nature strips as a routine practice, however ensures that street trees are maintained and responds to requests for service when nature strips are unlevel. This is consistent across the municipality.
- 3.3 Council does however maintain rear nature strips in the Ascot Chase development along Doncaster and Stanford Street, where properties in Dalgety Drive back onto these streets. These areas are maintained as property owners (2 – 22 Dalgety Drive) are maintaining the front nature strip (**Attachment C**).
- 3.4 There are a number of other examples of nature strips throughout the municipality where properties have street frontage with rear access and Council does not maintain these areas. These matters are considered on a case by case basis. A further example is Valley Lake Boulevard, Niddrie where 36 townhouses front this Boulevard and Council has received numerous requests to maintain this area. This area is currently maintained by property owners.
- 3.5 Property owners impacted in Stanford Street and Newsom Street have a small front nature strip and no rear nature strip. Whilst it is acknowledged that level changes and property design do create some challenges for the maintenance of these nature strips, it is not planned to take on

responsibility for the maintenance of these naturestrips. This provides for consistency across the estate itself and municipality more broadly.


Recommendation

That Council resolves to:

- a. Maintain its current position and approach in relation to the maintenance of the naturestrips.**
- b. Notify the lead petitioner of Council's decision not to take on additional responsibilities for the maintenance of naturestrips in Newsom and Stanford Streets, Ascot Vale.**

Attachments

A: Petition - Newsom Street, Ascot Vale (separately circulated) 

Location of Petition (separately circulated) 

C: Area of current maintenance - Stanford Street (separately circulated) 

Impact Assessment

1. Relationship to Council commitment MV2040 or Council Plan

1.1 In presenting this report, Council is seeking to achieve its strategic objective 'A beautiful city that celebrates its identity, heritage and open spaces' in accordance with Council Plan 2017 – 21 Theme 5: Beautiful (Nga – Ango Gunga, which means beautiful organisation in Woi wurrung language).

2. Legislative obligations

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

3. Legal implications

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

4. Risks

4.1 No significant risks have been identified.

5. Social impact assessment

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

6. Economic impact assessment

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

7. Environmental impact assessment

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

8. Reputational impact assessment

8.1 The reputation of Council is not expected to be impacted due to this decision, however the decision could be seen negatively due to the recommendation of not maintaining the nature strips.

9. Financial implications

9.1 The nature of the recommendation does not have any financial implications.

10. Sensitivity / scenario analysis

10.1 No significant variables relating to the report have been identified

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 There has been no consultation undertaken as a result of the petition being tabled to Council.

10.5 Council Plan 2017-21 - Quarter 2 progress report for 2019-20

Author: Sarah Carles - Corporate Planning Officer

Business Unit: Operations

1. Purpose

- 1.1 To report to Council and the community on progress towards delivering the Council Plan 2017-21 (Council Plan) through the 2019/20 annual work plan for quarter two.

2. Background

- 2.1 An annual work plan is prepared each financial year to deliver the Council Plan. Officers then monitor and report on the progress through three quarterly reports and an end of year report. This report (Attachment A) provides an update on our progress for the period 1 July 2019 to 31 December 2019.

2.1.1 Due to the implementation of a new Corporate Planning and Reporting system, no progress report was produced for quarter one 2019/20.

- 2.2 A snapshot of our progress towards delivering the Council Plan is provided and indicates we are making good progress. (Attachment B). We still have more to deliver in 2020/21, the fourth and final year of the Council Plan. This includes delivering actions that support the key strategies and priorities yet to be addressed. (Attachment C)

3. Issues

- 3.1 Of the 168 total actions scheduled for completion in 2019/20, three (two per cent) are complete, 117 (84 per cent) are on track, five (three per cent) are not yet started, and 19 (11 per cent) are off track.
- 3.2 Of the 22 major initiatives adopted as part of the 2019/20 budget, none have been completed, 21 (96 per cent) are on track, and one (4 per cent) is off track due to slight changes to project scope.
- 3.3 Of the 28 MV2040 implementation initiatives in progress in 2019/20, one (four per cent) has been completed, 24 (86 per cent) are on track, and three (11 per cent) are off track. Of those that are off track, one action is running behind schedule but is expected to be delivered prior to the end of the financial year, one action is waiting for input from external stakeholders to progress, and one action has had funding removed due to a change of Council priorities.
- 3.4 Of the 117 Council Plan initiatives for 2019/20, five (four per cent) have not yet been started, two (two per cent) have been completed, 95 (81 per cent) are on track, and 15 (13 per cent) are off track. Of those initiatives that have not been started, two are related to the new Local Government Act, one is awaiting a decision from an external stakeholder, one has been put on hold to allow for stakeholder engagement, and one action has shifted departments because of the organisational restructure. Of those

that are off track, four actions are behind due to delays in the procurement and contracting process, three actions are waiting for decisions from external bodies, and the others are delayed due to changes in project scope or timing.

3.5 Key achievements for the second quarter of 2019/20 included:




- 3.5.1 The Lab Program operated in Niddrie, Moonee Ponds and Avondale Heights with 36 people with disabilities attending throughout the three locations. Additional funding received this quarter allowed the program to provide a support worker so the program is now a respite opportunity for parents and guardians.
- 3.5.2 The Christmas is Here campaign was completed, with more than 30 events that aimed to attract local communities to buy local. Highlights of the program included an outdoor film event in Lincoln Park, promotion of major shopping events in Niddrie and Moonee Ponds and a series of Christmas decorations in Racecourse Road in Flemington, Rose Street in Essendon, and Centreway in East Keilor.
- 3.5.3 Renewal works at Strathmore Sports Pavilion, building repairs at the Milleara Integrated Learning Centre, and minor renewal works at Montgomery Park Kindergarten, Niddrie Hub Youth Centre and halls, Ormond Soccer Pavilion, Ratcliff Hall and Neil Heinz Pavilion and Disability Discrimination Act compliance works at Ratcliff Hall and Burley Griffin Community Hall have been completed.
- 3.5.4 Over the past six months more than 40 business workshops and events have attracted close to 700 attendees. These events included the weekly Acorn coworking space in Sam Merrifield Library, Small Business Victoria workshops, small business mentoring, Australian Tax Office workshops, and several neighbourhood business networking events.
- 3.5.5 Three Green Living and My Smart Garden workshops were delivered along with the quarterly Schools Environment Network meeting, and the celebration for the five school that participated in the 2019 Schools Wipe Out Waste. The quarterly School Environment Network newsletter and the monthly Green Living newsletters were circulated to over 2000 contacts and residents.
- 3.5.6 The beautification works around the Union Road Activity Centre were completed.
- 3.5.7 Council's new corporate website went live on Friday 22 November 2019. The new website has improved navigation and functionality, and a chat bot called 'Kelly' which has been programmed to answer more than 200 customer questions. The next stage of the website will include 3D models of houses so residents can more easily comprehend which permits they require.

Recommendation

That Council resolves to:

- a. Receive and note the quarter two progress report on the implementation of the Council Plan 2017-21 work plan for 2019/20.
- b. Receive and note the Council Plan 2017-21 Year Three delivery update.
- c. Receive and note the list of outstanding Council Plan 2017-21 key strategies and key priorities.

Attachments

- A: Council Plan 2017-21 Quarter 2 progress report for 2019/20 (separately circulated) 
- B: Council Plan 2017-21 Year three delivery update (separately circulated) 
- C: Council Plan 2017-21 outstanding key strategies and priorities (separately circulated) 

10.6 Financial Performance Report December 2019

Author: Colleen Seymour - Acting Manager Finance

Business Unit: Operations

At its meeting on 11 February 2020 Council resolved that the matter be deferred to the meeting to be held on 25 February 2020.

1. Purpose

- 1.1 To receive a report on Council's financial performance for the financial year to date ending 31 December 2019.

2. Background

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

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

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

3. Issues




- 3.1 Council's overall financial position as at 31 December 2019 is a forecast annual surplus of \$15.7 million which is \$1.5 million favourable to 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 \$59.6 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 10 December to amend the capital budget to \$64.8m. The revised budget will be reflected in the January 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 & Q2, Council has been successful in receiving \$3.2 million 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 31 December 2019.
- b. Receive and note the 2019/20 Capital Works Program – quarterly report to 31 December 2019.
- c. Receive and note the Grants Register Status report for December 2019.

Attachments

- A: Quarterly Financial Report - December 2019 (separately circulated) 
- B: 2019-20 Capital Works Program- Quarterly Report- Q2 (separately circulated) 
- C: Grant Register Status as at 31 December 2019 (separately circulated) 

10.7 Notices of Motion Quarterly Report

Author: Rosie Ferreira – Governance and FOI Advisor

Business Unit: Operations

1. Purpose

- 1.1 This report provides an update on the status of Notices of Motion that have been endorsed by Council since 13 August 2019.
- 1.2 This report also presents correspondence sent to Members of Parliament and Federal and State Government agencies that has resulted from a Notice of Motion for the same period.

2. Background

- 2.1 Notices of Motion can be used by Councillors to request action in relation to a specific matter or issue. Notices of Motion must be moved, seconded and adopted in the same manner as other motions that are presented to Council for resolution.
- 2.2 Pursuant to Council's Meeting Procedure Protocol, it is a requirement for Notices of Motion to be lodged with the Chief Executive Officer at least five days prior to the meeting at which they are intended to be moved. In the event that a Councillor who has raised a particular Notice of Motion is absent from the meeting, it can be moved by any other Councillor.
- 2.3 From 13 August 2019 to 10 December 2019, there have not been any Notices of Motion requesting Council write to a Member of Parliament or government agency.

3. Issues

- 3.1 Between 10 November 2016 and 10 December 2019, Council endorsed 77 Notices of Motion presented by Councillors. Of these 77 Notices of Motion, 67 have now been successfully completed (87 per cent), while 10 are in progress. **Attachment A** provides details of Notices of Motion for the current council term which are either in progress or require ongoing action.
- 3.2 For the period 13 August 2019 to 10 December 2019 there have not been any Notices of Motion requesting that Council write to a Member of Parliament or Government agency.

Recommendation

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

Attachments

A: Notices of Motion - actions report (separately circulated) 

NOTICES OF MOTION

11.1 **Notice Of Motion No. 2020/06 – Replacement of trees along Buckley Street Essendon following the level crossing removal project**

File No: FOL/19/3935
From: Councillor Andrea Surace

Take notice that at the Ordinary Meeting of Council to be held on 25 February 2020 it is my intention to move:

That Council writes to the Major Transport Infrastructure Authority (formerly known as the Level Crossing Removal Authority, or LXRA) requesting mature trees be planted along Buckley Street, Essendon , replacing the 100+ year old trees that were removed through the level crossing project.