

ORDINARY COUNCIL MEETING

**Tuesday 17 March, 2020
6.30pm**

**Council Chamber
Level 1
Maribyrnong Council Offices
Corner Hyde and Napier Streets, Footscray**

AGENDA

Item	Title	Page
1.	Commencement of Meeting and Welcome	
2.	Apologies	
3.	Leave of Absence	
4.	Disclosures of Conflicts of Interest	
5.	Public Question Time	
6.	Confirmation of Minutes of Previous Meeting	3
7.	Reports from Committees	
7.1	Noting of Confirmed Audit and Risk Committee Meeting Minutes of 19 November 2019	13
7.2	Noting of the Confirmed Minutes of Special Committees	19
8.	Petitions	
8.1	Petition Works in Swan Street	32
9.	Officer Reports	
9.1	Proposed Sale of Airspace Above Road Abutting 22-28 Ford Street, Footscray	36
9.2	ALGA National General Assembly and MAV State Council Meeting Motions – Call for Motions	145
9.3	Petition for Changes to the Intersection of Severn & Francis Streets, Yarraville	165
9.4	Councillor Support and Expenses - November 2019 and December 2019	169
9.5	Governance Report - February 2020	174
10.	Notices of Motion	
11.	Urgent Business	

12. Confidential Business
13. Meeting Closure

Agenda Item 6

CONFIRMATION OF THE MINUTES OF THE PREVIOUS COUNCIL MEETING - 18 FEBRUARY 2020

Director: Celia Haddock
Director Corporate Services

Author: Lisa King
Manager Governance and Commercial Services

PURPOSE

To present for confirmation, the minutes of the Ordinary Council Meeting held on 18 February 2020.

ISSUES SUMMARY

- Section 93 of the *Local Government Act 1989* requires Council to keep minutes of each meeting of the Council and Special Committees, and for minutes to be submitted to the next appropriate meeting for confirmation.

ATTACHMENTS

1. Unconfirmed Minutes of the Ordinary Council Meeting held on Tuesday 18 February 2020

OFFICER RECOMMENDATION

That Council confirms the minutes of the Ordinary Council Meeting held on 18 February 2020.

Agenda Item 6**BACKGROUND**

The minutes of meetings remain unconfirmed until the next appropriate meeting of Council.

DISCUSSION/KEY ISSUES**1. Key Issues**

The *Local Government Act 1989* requires Council to confirm its minutes at the next appropriate meeting.

2. Council Policy/Legislation**Council Plan 2017-2021**

This report contributes to Council's strategic objectives contained in the Council Plan 2017-2021 by considering:

- Strong leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration.

Legislation

Local Government Act 1989

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

Not applicable.

4. Resources

Not applicable.

5. Environment

Not applicable.

CONCLUSION

The unconfirmed minutes of the Ordinary Council Meeting held on 18 February 2020.



Maribyrnong City Council

ORDINARY MEETING OF COUNCIL MINUTES

**Tuesday 18 February, 2020
6.30pm**

**Council Chamber
Level 1
Maribyrnong Council Offices
Corner Hyde and Napier Streets, Footscray**

MEMBERSHIP

Mayor Councillor Sarah Carter (Chair)
Councillor Megan Bridger-Darling
Councillor Simon Crawford
Councillor Gina Huynh
Councillor Cuc Lam
Councillor Mia McGregor
Councillor Martin Zakharov

To be confirmed at the Ordinary Council Meeting
to be held on 17 March, 2020

1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.33pm.

The Chair, Cr Sarah Carter made the following acknowledgement statement:

“We acknowledge that we are on traditional lands of the Kulin Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples past and present”.

PRESENT

Councillor Sarah Carter (Chair)
Councillor Simon Crawford
Councillor Gina Huynh
Councillor Cuc Lam
Councillor Mia McGregor
Councillor Martin Zakharov

IN ATTENDANCE

Chief Executive Officer, Stephen Wall
Director Community Services, Clem Gillings
Director Corporate Services, Celia Haddock
Director Infrastructure Services, Steve Hamilton
Director Planning Services, Nigel Higgins
Manager Public Affairs and Community Relations, Deidre Anderson
Manager Governance and Commercial Services, Lisa King
Coordinator Governance, Danny Bilaver
Governance Support Officer, Andrew Scoffern

2. APOLOGIES

An apology for this meeting was received from Cr Megan Bridger-Darling.

3. LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

SUSPENSION OF STANDING ORDERS

A motion was moved by Cr Gina Huynh, seconded by Cr Cuc Lam, that Council suspend standing orders.

CARRIED

Item 1 – Australian Bushfire Crisis

On behalf of Council the Chair, Mayor Cr Sarah Carter acknowledged the humanitarian and environmental impact the bushfire crisis has had on the people of Victoria and in other parts of Australia.

Council observed a one minute silence to acknowledge the devastating effects of the bushfires including the sad loss of so many people as a consequence.

RESUMPTION OF STANDING ORDERS

A motion was moved by Cr Mia McGregor, seconded by Cr Simon Crawford, that Council resume standing orders.

CARRIED

5. PUBLIC QUESTION TIME

Question

Ms Elizabeth Skewes, resident of Footscray, asked:

1. What is Council doing to achieve a minimum of 1.3% offset or higher?
2. Is MCC willing to explore a research and development funding collaboration with partners such as Vic Uni, Melbourne Uni, Western Health to explore local climate change other climate change mitigation strategies in an urban setting
3. What strategies are being explored in business to promote changing to a more sustainable future? Do Council work collaboratively with other Councils facing similar problems?

Response

Cr Mia McGregor discussed her attendance at the National Climate Emergency Summit in Melbourne and noted that there were many Council's present at the summit who were reassessing the urgency of climate change. Cr McGregor advised that Council is passionate about climate change and in recognising a climate emergency, Council has formulated a Climate Emergency Panel which involves community members and a Climate Emergency Draft Policy should be drafted before the end of this financial year.

Director of Infrastructure Services, Steve Hamilton, echoed Cr McGregor's comments and welcomed any further enquiries on the Climate Emergency Panel.

Cr Martin Zakharov noted Council was a leader in this area and that Council is moving in the right direction when it comes to environment and climate change.

Question

Ms Hazel Roberts, resident of Yarraville, asked:

1. I would like to ask about recycling in general

2. I would particularly like to ask about recycling of bottle tops and if education about the requirements and different types recycling can be given to children

Ms Roberts also expressed her gratitude and satisfaction with the outstanding work of the Footscray SES.

Response

Director of Infrastructure Services, Steve Hamilton, noted that our existing recycler Visy indicates that bottle tops should be left on but with Council's existing recycling strategy will be reviewed in Council's Zero Waste Strategy. Mr Hamilton noted that Council's recycling communication should be clearer and that Council is open to exploring any new and emerging recycling strategies.

Question

Ms Di Ferrara, resident of Kingsville, asked:

1. Why have Council's street trees been massacred?
2. Can there be more solar lighting in Beevers Reserve?
3. Replanting nature strips in Wales Street.

Response

Chief Executive Officer Stephen Wall noted himself and the Director of Infrastructure Services, Steve Hamilton, would be happy to undertake a site inspection of the trees in question. Mr Wall advised that Council has qualified arborists on staff but also do contract arborists to undertake some work in particular circumstances, particularly when there is tree trimming under high voltage power lines. It was noted that Council plant in the vicinity of 4000 trees per year in the city and Council have provided very clear direction in relation to tree trimming. Mr Hamilton believed the work in question related to a contract for electrical wiring clearance and may have been trimmed to meet certain legal requirements but noted he would be happy to inspect the site in question.

Mayor Cr Carter noted that some parks are suitable for solar lighting and other parks unsuitable and the specifics of the lighting requirements depend on the park itself. Mr Wall noted a clarification on Beevers Reserve under the Master Plan would be undertaken and agreed that solar lighting is a viable option as it is inexpensive and durable.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The purpose of this report was to present for confirmation, the minutes of the Ordinary Council Meeting held on 10 December 2019.

Council Resolution

That Council confirms the minutes of the Ordinary Council Meeting held on 10 December 2019.

Moved: Cr Cuc Lam
Seconded: Cr Martin Zakharov

CARRIED

7. REPORTS FROM COMMITTEES

7.1. Noting of the Confirmed Minutes of Special Committees

The purpose of this report was to present for noting the confirmed minutes of the Council's Special Committees established under section 86 of the *Local Government Act 1989*.

Council Resolution

That Council notes the confirmed minutes of the Inner Melbourne Action Plan Committee held on 30 August 2019.

Moved: Cr Martin Zakharov
Seconded: Cr Simon Crawford

CARRIED

8. PETITIONS

8.1. Petition: Changes to the Intersection of Severn Street and Francis Street, Yarraville

The purpose of this report was to table a petition received in relation to a request for changes at the intersection of Severn Street and Francis Street, Yarraville.

Council Resolution

That Council:

- 1. Receives and notes the petition requesting "a change to the Intersection of Severn Street and Francis Street, Yarraville".*
- 2. Requests the Chief Executive Officer to consider the petition and determine the appropriate response.*

Moved: Cr Simon Crawford
Seconded: Cr Gina Huynh

CARRIED

9. OFFICER REPORTS

9.1. Zero Carbon Maribyrnong Disclosure Statement 2018/19

The purpose of this report was to present to Council, the Disclosure Statement – Zero Carbon Emissions and the Carbon Neutral Verification Statement for 2018/19.

Council Resolution

That Council note the Disclosure Statement – Zero Carbon Emissions and the Carbon Neutral Verification Statement for 2018/19.

Moved: Cr Mia McGregor
Seconded: Cr Simon Crawford

CARRIED

9.2. Maribyrnong Active Transport Advisory Committee - New members

The purpose of this report was to seek Council endorsement of community representative nominations to the Maribyrnong Active Transport Advisory Committee for the Yarraville and River wards.

Council Resolution

That Council appoints Joyce Watts from Yarraville Ward and James Wilkinson from River Ward as community representatives to the Maribyrnong Active Transport Advisory Committee.

Moved: Cr Cuc Lam
Seconded: Cr Simon Crawford

CARRIED

9.3. Small Business Friendly Council - Charter Agreement

The purpose of this report was to seek Council endorsement to sign the Small Business Friendly Council Charter Agreement for the City of Maribyrnong to be recognised as a Small Business Friendly Council.

Council Resolution

That Council authorise the Chief Executive Officer to sign the Small Business Friendly Council Charter Agreement for the City of Maribyrnong.

Moved: Cr Martin Zakharov
Seconded: Cr Gina Huynh

CARRIED

9.4. Quarterly Performance and Financial Report - December 2019

The purpose of this report was to present the Second Quarter, Performance Report on the Annual Council Action Plan 2019-2020 of the Council Plan 2017-2021 along with Council's financial operations and the Capital and Asset Improvement Program.

Council Resolution

That Council endorse the 2019-2020 Second Quarter Performance and Financial report.

Moved: Cr Martin Zakharov
Seconded: Cr Gina Huynh

CARRIED

9.5. Governance Report December 2019 and January 2020

The purpose of this report was to receive and note the record of Assemblies of Councillors and Councillor delegates' for the period December 2019 and January 2020 as well as other statutory compliance and governance matters as they arise.

Council Resolution

That Council notes the Governance Report containing the record of Assemblies of Councillors and Councillor Delegates' Reports for December 2019 and January 2020 which will be made available on Council's website for the term of the current Council.

Moved: Cr Cuc Lam
Seconded: Cr Mia McGregor

CARRIED

10. NOTICES OF MOTION

Nil.

11. URGENT BUSINESS

Nil.

12. CONFIDENTIAL BUSINESS

Nil.

13. MEETING CLOSURE

The Chair, Cr Sarah Carter, declared the meeting closed at 7.24pm.

To be confirmed at the Ordinary Council Meeting
to be held on 17 March, 2020.

Chair, Cr Sarah Carter

Agenda Item 7.1

NOTING OF CONFIRMED AUDIT AND RISK COMMITTEE MEETING MINUTES OF 19 NOVEMBER 2019

Director: Celia Haddock
Director Corporate Services

Author: Mark Connor
Manager Finance

PURPOSE

To present the confirmed Audit and Risk Committee Meeting Minutes of 19 November 2019.

ISSUES SUMMARY

Section 93 of the *Local Government Act 1989* requires Council to keep minutes of each meeting of the Council and Special Committees, and for minutes to be submitted to the next appropriate meeting for confirmation.

ATTACHMENTS

1. Signed Audit & Risk Committee Minutes 19 November 2019 [↓](#)

OFFICER RECOMMENDATION

That Council note the confirmed Audit and Risk Committee Meeting Minutes of 19 November 2019.

Agenda Item 7.1**BACKGROUND**

The minutes of meetings remain unconfirmed until the next appropriate meeting of Audit and Risk Committee. Once confirmed by the Audit and Risk Committee, the minutes are required to be presented to the next available Meeting of Council.

DISCUSSION/KEY ISSUES**1. Key Issues**

The *Local Government Act 1989* requires Council to confirm its minutes at the next appropriate meeting.

2. Council Policy/Legislation**Council Plan 2017-2021**

This report contributes to Council's strategic objectives contained in the Council Plan 2017-2021 by considering:

- Strong leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration.

Legislation

Local Government Act 1989

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

Not applicable.

4. Resources

Not applicable.

5. Environment

Not applicable.

CONCLUSION

The confirmed minutes of the Audit and Risk Committee Meeting held on 19 November 2019 are presented for noting.

Agenda Item 7.1 - Attachment 1



Maribyrnong City Council

Audit And Risk Committee Minutes

Tuesday 19 November 2019

4.30pm

Committee Room 1 Level 1

Maribyrnong Council Offices

Corner Hyde And Napier Streets, Footscray

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Agenda Item 7.1 - Attachment 1

COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 4.30pm.

PRESENT

Cr. Sarah Carter, Mayor
Cr. Megan Bridger-Darling, Deputy Mayor
Cr. Martin Zakharov
Linda MacRae, Chairperson
Mark Anderson
Steve Hamilton, Acting CEO
Celia Haddock, Director Corporate Services
Clem Gillings, Director Community Services
Nigel Higgins, Director Planning Services
Mark Connor, Finance Manager
Amit Sharma, Coordinator Management Accounting
Pat Scanlon, Internal Auditors NTT

1. APOLOGIES

Stephen Wall, CEO
Martin Oracin, Internal Auditors NTT

2. REVIEW OF PREVIOUS MEETINGS

The minutes of 10 September 2019 were confirmed.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. AUDIT COMMITTEE CHAIR QUESTIONS

- 4.1. The Chairperson asked the Chief Executive Officer and Internal Auditor if there are "any matters such as breaches of legislation or practices that need to be brought to the attention of the Committee?"

- Not any reported.

- 4.2. The Chairperson asked the Internal Auditors if the work of the Internal Auditor had been obstructed in anyway?

- Internal Auditors reported no obstruction experienced.

5. BUSINESS ARISING FROM PREVIOUS MEETING

Report noted

Agenda Item 7.1 - Attachment 1

6. **AUDIT REPORTS**

6.1. Internal Audit Reports

- 6.1.1. Maternal and Child Health
 - NTT provided an overview of the report.
 - Report Noted.
- 6.1.2. Records Management
 - NTT provided an overview of the report.
 - Report Noted.

6.2. Internal Audit Program Status Report 2019-2020

- Report Noted.

6.3. Integrity Agencies Reports

- 6.3.1. 1 April 2019 To 30 June 2019
 - Report Noted.
- 6.3.2. 1 July 2019 to 30 September 2019
 - Report Noted.

7. **GENERAL BUSINESS**

7.1. Sundry Debtors Update

- Report Noted.

7.2. Rate Debtors Update

- Report Noted.

7.3. Council's Road Management Compliance Plan

- Report Noted.

7.4. Status Report - Contamination of Maribyrnong Land and Buildings

- Acting CEO provided an overview.
- Report Noted.

7.5. Rating System Review Submission

- Report Noted.

7.6. Fines Victoria Article (Verbal Update)

- Update provided to committee.

7.7. Policies Listing (referred to in Audit Charter – Verbal Update)

- Update provided to committee.

7.8. Actions Arising from Previous Audit's

- Report Noted.

7.9. Quarterly Performance and Financial Report - September 2019

- Report Noted.

7.10. Emerging Industry Issues (verbal update)

- Local Government Bill
- VAGO Library Report – additional reports to be provided to the Committee.

Agenda Item 7.1 - Attachment 1

8. NEXT MEETING

- 18 February 2020
- 28 April 2020
- 23 June 2020
- 18 August 2020
- 8 September 2020
- 17 November 2020

The Chairperson, Ms. Linda MacRae, declared the meeting closed at 5:49pm.

The Mayor thanked Ms. Linda MacRae for her many years as the Audit Committee Independent Member and Chair and acknowledged her extensive experience and strategic approach to the Audit and Risk Committee.



To be confirmed at the Audit and Risk Committee Meeting to be held on
18 February 2020
Chairperson Mark Anderson

Agenda Item 7.2

NOTING OF THE CONFIRMED MINUTES OF SPECIAL COMMITTEES

Director: Celia Haddock
Director Corporate Services

Author: Lisa King
Manager Governance and Commercial Services

PURPOSE

To present for noting the confirmed minutes of the Council's Special Committees established under section 86 of the *Local Government Act 1989*.

ISSUES SUMMARY

- Council has established Special Committees in accordance with section 86 of the *Local Government Act 1989*.
- The Terms of Reference for each of the Special Committees require the minutes to be presented to Council for noting.
- Minutes of Special Committees are confirmed at the next scheduled meeting of that Special Committee.

ATTACHMENTS

1. City Development Special Committee Minutes - 26 November 2019 [↓](#)

OFFICER RECOMMENDATION

That Council notes the confirmed minutes of the City Development Special Committee held on 26 November 2019.

Agenda Item 7.2**BACKGROUND**

In accordance with section 86 of the *Local Government Act 1989*, Council has established Special Committees. As part of the Terms of Reference for the Special Committees, the confirmed minutes are presented to Council for noting.

DISCUSSION/KEY ISSUES**1. Key Issues**

The *Local Government Act 1989* requires Council to confirm its minutes at the next appropriate meeting.

2 Council Policy/Legislation**Council Plan 2013-2017**

This report contributes to Council's strategic objectives contained in the Council Plan 2013-2017 by considering:

- Strong leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration.

Legislation

- Local Government Act 1989.

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

Not applicable.

4. Resources

Not applicable.

5. Environment

Not applicable.

Agenda Item 7.2

CONCLUSION

The confirmed minutes of the City Development Special Committee held on 26 November 2019, established in accordance with section 86 of the Act are presented to Council for noting.

Agenda Item 7.2 - Attachment 1

Agenda Item 7.2 - Attachment 1



Maribyrnong City Council

CITY DEVELOPMENT SPECIAL COMMITTEE MINUTES

**Tuesday 26 November, 2019
6.30pm**

**Council Chamber
Level 1
Maribyrnong Council Offices
Corner Hyde and Napier Streets, Footscray**

MEMBERSHIP

Councillor Gina Huynh (Chair)
Councillor Megan Bridger-Darling
Councillor Sarah Carter
Councillor Simon Crawford
Councillor Cuc Lam
Councillor Mia McGregor
Councillor Martin Zakharov

To be confirmed at the City Development Special Committee Meeting
to be held on 25 February, 2020

Agenda Item 7.2 - Attachment 1

1. COMMENCEMENT OF SPECIAL MEETING AND WELCOME

The meeting commenced at 6.34pm.

The Chair, Cr Gina Huynh made the following acknowledgement statement:

"We acknowledge that we are on traditional lands of the Kulin Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples past and present".

PRESENT

Councillor Gina Huynh (Chair)
Councillor Megan Bridger-Darling
Councillor Sarah Carter
Councillor Simon Crawford
Councillor Cuc Lam
Councillor Mia McGregor
Councillor Martin Zakharov

IN ATTENDANCE

Chief Executive Officer, Stephen Wall
Director Community Services, Clem Gillings
Director Corporate Services, Celia Haddock
Director Infrastructure Services, Steve Hamilton
Director Planning Services, Nigel Higgins
Manager Public Affairs and Community Relations, Deidre Anderson
Coordinator Governance, Danny Bilaver
Governance Support Officer, Adele Woolcock

2. APOLOGIES

Nil.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

4. PUBLIC QUESTION TIME

Mr Chay Granger, resident of Footscray asked the following questions:

1. In relation to the recent improvements to the sports field area in Footscray Park, how much is being funded by Council and how much by the Laneways festival? Was the Laneways Festival environmental bond utilised for this purpose post February 2019 (we believe it should be)?
2. We believe lighting was a significant proportion of the \$237,000 construction cost for the new Footscray Park sign. We believe the resource allocation to build the new park sign is grandiose and ill advised, and much better used for

Agenda Item 7.2 - Attachment 1

other purposes. Will the new Footscray park sign ever be illuminated? How much did it cost to have this sign illuminated?

3. We are in contact with multiple local sports clubs who utilise the adjacent fields to Footscray Park. None of these clubs support the Melbourne Victory stadium development plan. Why were the positions of these clubs not included in the feasibility report? Is Council aware that the MOU they signed with Melbourne Victory prevents Council and/or clubs discussing the use of the very large Western field area. We strongly recommend that council immediately cancels the MOU with MV, as it continues to significantly reduce the bargaining power of all other community sporting clubs, and has done so for three years.

Response

Mr Nigel Higgins, Director Planning Services noted that all improvements including returfing the dry and dusty areas and minor works including water reticulation on the western lawn are being funded by Laneway Festival. This will benefit Council's New Year's Eve community event. A small amount from the 2019 bond was used for repair works.

Mr Higgins continued by noting that the 2011 Masterplan required Council to deliver a more artful and eye catching entry feature incorporating the parks name to entice people into the park. The sign was delivering on that action requirement. The Footscray Park sign was a project funded by the previous Council and input was sought from the Heritage Advisory Committee and final approval was sought from the Heritage Victoria. The lighting element was part of the total cost which included design, approvals, fabrication and installation. Mr Higgins confirmed that Council was awaiting Jemena who are connecting the lighting in association with another project in the precinct.

Mr Stephen Wall, Chief Executive Officer confirmed that this was an item on the Agenda for the meeting that it would not be appropriate for Councillors to provide responses or opinion regarding this question.

Ms Gemma Cafarella, resident of Seddon asked the following questions:

1. Does Council believe that there is any realistic prospect of Melbourne Victory seeking financial compensation or initiating legal action against Council if the soccer academy proposal is rejected?
2. How much ratepayers' money has Council spent on considering the proposal to have Melbourne Victory at Footscray Park? This includes the 3 to 4 years it was considered behind closed doors before ratepayers and community members were consulted, as well as the time after public consultation was opened.
3. Has council learned any lessons from the process for considering the Melbourne Victory academy? If so, what are they?

Response

Mr Stephen Wall, Chief Executive Officer noted that he cannot speak for Melbourne Victory, but that he doesn't believe there is a prospect for Melbourne Victory to seek financial compensation or initiating legal action. Mr Wall continued

Agenda Item 7.2 - Attachment 1

that the proposal was subject to community engagement and community consultation.

Mr Wall made note of the due diligence that had been put into the project, and reports sourced and officer time involved. Mr Wall continued with an estimate of approximately \$50,000 - \$100,000 that had been invested by Council over the previous couple of years.

Mr Wall confirmed that there had been learnings through the process, and that Council had given a clear direction that it needs to see improvement in regard to community engagement and consultation in the future.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The purpose of this report was to present for confirmation, the minutes of the City Development Special Committee Meeting held on 29 October 2019.

Committee Resolution

That the Special Committee confirms the minutes of the City Development Special Committee Meeting held on 29 October 2019.

Moved: Cr Simon Crawford
Seconded: Cr Cuc Lam

CARRIED

6. OFFICER REPORTS

6.1. Footscray Park Masterplan Update

The purpose of this report was to the conclusion of the Community Advisory Panel on Footscray Park to present the findings of the panel and the future outcomes for Footscray Park.

Jim Lawrence addressed the Committee in relation to this item.

Motion

That the City Development Special Committee defers the decision for the Footscray Park Masterplan Update until the Ordinary Council meeting on the 10 December 2019 to allow for the proper consideration of a range of matters including environmental performance, parking and transport, costings and potential financial assistance, broad community feedback and traditional landowners input.

Moved: Cr Martin Zakharov
Seconded: Cr Megan Bridger-Darling

LOST

Agenda Item 7.2 - Attachment 1

Councillor Carter foreshadowed the officer recommendation.

Committee Resolution

That the City Development Special Committee:

- 1. Note the previous reports and action taken in regard to the 2019 Footscray Park Masterplan update.*
- 2. Thank the Community Advisory Group for its consideration of the options in regard to the Footscray Park Masterplan and note its final report and recommendations.*
- 3. Not proceed any further with the 2019 Footscray Park Masterplan update and continue with implementing the 2011 Footscray Park Masterplan.*
- 4. Actively seek external funding to support improvements to the western playing fields for formal and informal community, sport and recreation uses.*
- 5. Thank Melbourne Victory Football Club for their proposal at Footscray Park and continue discussions for other opportunities within the City of Maribyrnong.*
- 6. Prepare a sports strategy for the City of Maribyrnong with a particular purpose to increase both female and youth participation for all sports.*
- 7. Thank the community for its input into planning for Footscray Park.*
- 8. Work with Blue Light Victoria to establish an enhanced presence within Maribyrnong to support youth engagement through local sport.*

Moved: Cr Sarah Carter
Seconded: Cr Cuc Lam

THE FORESHADOWED MOTION was put and CARRIED

6.2. 33 Wattle Street, West Footscray

The purpose of this report was to present for consideration a planning application for 33 Wattle Street, West Footscray which has received 36 objections.

Melinda Kay addressed the Committee in relation to this item.

Paul Duncan addressed the Committee in relation to this item.

Mike Fitzgerald addressed the Committee in relation to this item.

Andrew Gray addressed the Committee in relation to this item on behalf of the applicant.

Agenda Item 7.2 - Attachment 1

Motion

That the City Development Special Committee issue a Refusal to Grant a Planning Permit for the construction of multiple dwellings on a lot at 33 Wattle Street, West Footscray on the following grounds:

1. The proposal does not appropriately respond to the strategies of incremental change areas contained within Clause 21.07-1 (residential capacity and location) of the Maribyrnong Planning Scheme.
2. The proposal does not respond to the features of the prevailing Neighbourhood Character, failing to satisfy the preferred character statement of the GS4 precinct contained in Clause 22.05-3 and the objectives of Clause 55.02-1 (Neighbourhood Character) of the Maribyrnong Planning Scheme.
3. The proposal fails to retain any significant vegetation failing to meet the objectives of Clause 55.03-8 (Landscaping).
4. The crossovers dominate the Wattle Street frontage failing to comply with Clause 55.03-9 (Access) of the Maribyrnong Planning Scheme.

Moved: Cr Cuc Lam
Seconded: Cr Simon Crawford

LOST

Councillor McGregor foreshadowed an alternative motion.

Committee Resolution

That the City Development Special Committee issue a Notice of Decision to Grant a Permit for the construction of multiple dwellings on a lot at 33 Wattle Street, West Footscray subject to conditions contained in Attachment 1 including the following modifications:

- *Condition 6(i): The planting of four street trees in accordance with the City of Maribyrnong Street Planting Strategy including within the front nature strip (1) and on opposite side of Wattle Street (3) within the Hansen Reserve nature strip.*

Moved: Cr Mia McGregor
Seconded: Cr Megan Bridger-Darling

THE FORESHADOWED MOTION was put and CARRIED

6.3. Amendment C158 and Planning Application 53 Wattle Road and 34 George Street, Maidstone

The purpose of this report was to consider Planning Scheme Amendment C158 and Planning Permit Application (TP160/2018) for 53 Wattle Road and 34 George Street, Maidstone to facilitate a residential outcome.

Agenda Item 7.2 - Attachment 1

Committee Resolution

That the City Development Special Committee:

- 1. Request authorisation from the Minister for Planning to prepare and exhibit a combined Amendment C158 and draft planning permit TP160/2018 to the Maribyrnong Planning Scheme, which was received pursuant to Section 96A of the Planning and Environment Act 1987, in accordance with Attachment 2 and 3.*
- 2. Notes the draft Section 173 agreement (Attachment 5) to be entered into with the owners of 53 Wattle Road and 34 George Street, Maidstone to require the construction of the unmade portion of George Street which will form part of the amendment.*
- 3. Notes the delegation of the Chief Executive Officer to make any necessary minor changes to amendment and planning permit documentation in seeking authorisation to prepare and exhibit Amendment C158 and draft planning permit TP160/2018 to the Maribyrnong Planning Scheme.*
- 4. Subject to authorisation being granted from the Minister for Planning, resolves to place Amendment C158 and draft TP160/2018 to the Maribyrnong Planning Scheme on exhibition, as prescribed under Section 96C of the Planning and Environment Act 1987.*
- 5. Notes the delegation of the Chief Executive Officer to consider any submissions received in relation to Amendment C158 and draft TP160/2018 in accordance with Section 22 of the Planning and Environment Act 1987, and in accordance with Section 23 of the Planning and Environment Act 1987 refer any submissions that cannot be resolved, along with other submissions, to an independent panel appointed by the Minister for Planning.*

Moved: Cr Cuc Lam
Seconded: Cr Simon Crawford

CARRIED

Cr Carter left the meeting at 8.11pm and returned at 8.12 pm.

6.4. Footscray Hospital and Education Precinct Advocacy Plan

The purpose of this report was to seek endorsement of an Advocacy Plan for the new Footscray Hospital Precinct.

Committee Resolution

That the City Development Special Committee:

- 1. Endorses the attached Footscray Hospital and Education Precinct Advocacy Plan (Attachment 1).*
- 2. Writes to relevant Ministers, local Members of Parliament and government departments attaching the endorsed Footscray Hospital and Education Precinct Advocacy Plan.*

Moved: Cr Simon Crawford

Agenda Item 7.2 - Attachment 1

Seconded: Cr Martin Zakharov

CARRIED

6.5. Corrections to Public Park and Recreation Zones (Amendment C159)

The purpose of this report was to consider corrections to the Maribyrnong Planning Scheme in relation to parks and recreation areas, and seek authorisation from the Minister for Planning to prepare and exhibit Amendment C159.

Committee Resolution

That the City Development Special Committee:

- 1. Requests the Minister for Planning to authorise to prepare and exhibit Amendment C159 to the Maribyrnong Planning Scheme in accordance with Attachment 2.*
- 2. Notes the delegation of the Chief Executive Officer to make any necessary changes to the amendment documentation when requesting authorisation from the Minister for Planning to prepare and exhibit Amendment C159 to Maribyrnong Planning Scheme.*
- 3. Subject to authorisation being granted by the Minister for Planning, resolves to place Amendment C159 to the Maribyrnong Planning Scheme on exhibition, as prescribed under Section 19 of the Planning and Environment Act 1987.*
- 4. Notes to delegation of the Chief Executive Officer to consider any submissions received in relation to Amendment C159, in accordance with Section 22 of the Planning and Environment Act 1987, and refer any submissions that cannot be resolved, along with other submissions, to an independent panel appointed by the Minister for Planning, in accordance with Section 23 of the Planning and Environment Act 1987.*

Moved: Cr Martin Zakharov
Seconded: Cr Mia McGregor

CARRIED

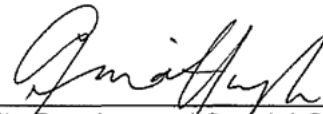
7. URGENT BUSINESS

Nil.

8. SPECIAL MEETING CLOSURE

The Chair, Cr Gina Huynh, declared the meeting closed at 8.27pm.

Agenda Item 7.2 - Attachment 1



To be confirmed at the City Development Special Committee Meeting
to be held on 25 February, 2020.

Chair, Cr Gina Huynh

Agenda Item 8.1

PETITION: WORKS IN SWAN STREET

Director: Celia Haddock
Director Corporate Services

Author: Lisa King
Manager Governance and Commercial Services

PURPOSE

To table a petition received in relation to a works in Swan Street, Footscray.

ISSUES SUMMARY

- A petition has been submitted to Council containing 11 signatures.
- The petition presented to Council included the following text:

“This petition is to Council to reconsider the removal of existing trees and garden beds on Swan Street, Footscray and to remove the proposed installation of the footpaths to the Proposed Road rehabilitation Works, Swan Street, Footscray”.

ATTACHMENTS

1. Petition - Works in Swan Street [↓](#)

OFFICER RECOMMENDATION

That Council:

1. Receives and notes the petition in relation to Swan Street, Footscray.
 2. Requests the Chief Executive Officer to consider the petition and determine the appropriate response.
-

Agenda Item 8.1 - Attachment 1

28 FEB 2020

Attn: Stephan Wall

from: [REDACTED]

mob f

CITY OF MARIBYRNONG
RECEIVED

28 FEB 2020

INFORMATION MANAGEMENT

CITY OF MARIBYRNONG
RECEIVED AT COUNTER
28 FEB 2020
CUSTOMER SERVICES

Dear Stephan,

I started a petition at the end of January
in response to the proposed works on Swan Street.

Personally I have worked on my native strip for years
and the council has already placed a tree in it previous to
the proposed works. I would like it to stay. Along with the flowers I have planted.

I went door to door to ask the opinion of my
neighbors and if they agreed with me to sign the petition.
Even if no one else would have, I would have stood alone
on principle to keep the trees and the green that we do have.

I have not been able to continue with the other homes
where no one was home, and would like you to have it - so
at least if you can read the comments my neighbors wrote
about the works they would like to see.

Thank you for your time

Agenda Item 8.1 - Attachment 1

Petition to the City of Maribyrnong

This petition is to council to reconsider the removal of existing trees and garden beds on Swan Street, Footscray
and to remove the proposed installation of the footpaths to the Proposed Road Rehabilitation Works, Swan Street, Footscray

	Name	Street Address	Signature
1			
2			We are still waiting to see improvements to our side of street and more trees
3			
4			
5			
6			We need a new nature strip - currently no work done on it with wild weeds and no grass
7			
8			Save the paperbarks!
9			
10			Fix the road, no need to rip up new trees.

Agenda Item 8.1 - Attachment 1

Petition to the City of Maribyrnong

This petition is to council to reconsider the removal of existing trees and garden beds on Swan Street, Footscray
and to remove the proposed installation of the footpaths to the Proposed Road Rehabilitation Works, Swan Street, Footscray

	Name	Street Address	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

Agenda Item 9.1**PROPOSED SALE OF AIRSPACE ABOVE ROAD ABUTTING 22-28 FORD STREET, FOOTSCRAY**

Director: Celia Haddock
Director Corporate Services

Author: Lisa King
Manager Governance and Commercial Services

PURPOSE

Following consideration of written and verbal submissions pursuant to section 223 of the *Local Government Act 1989* ("Act"), this report recommends that Council not proceed with its proposal ("Proposal") to discontinue part of a road, being the airspace at a height beyond 4 metres above the road between the two sites at 22-28 Ford Street, Footscray ("Airspace"), and to sell the Airspace to the owner of 22-28 Ford Street ("ASL") under clause 3 of Schedule 10 to the Act.

ISSUES SUMMARY

- On 11 June 2019, Council resolved to commence the statutory procedures in relation to the Proposal.
- Public notice was given on 31 July 2019 under section 223 of the Act.
- Council received three written submissions within the period specified in the public notice. Two submitters do not support the Proposal and one submitter supports the Proposal.
- On 8 October 2019, pursuant to section 223 of the Act, one of the two submitters not supporting the Proposal and the submitter supporting the Proposal were heard in support of their submissions by a special committee of Council.
- Following consideration and analysis of all written and verbal submissions, it is recommended that Council does not proceed with its Proposal (i.e. does not discontinue part of a road, being the Airspace, and sell it to ASL).

ATTACHMENTS

1. Attachment 1 - Submission 1 - 16 Droop Street - received 28 August 2019 [↓](#)
2. Attachment 2 - Submission 2 - 22-28 Ford Street - received 29 August 2019 [↓](#)
3. Attachment 3 - Submission 3 - 18 Droop Street - received 30 August 2019 [↓](#)
4. Attachment 4 - Further Submission 1 - 22-28 Ford Street - Response to Objections - received 2 October 2019 [↓](#)
5. Attachment 5 - Further Submission 2 - 22-28 Ford Street - Summary of Verbal Submission - received 8 October 2019 [↓](#)
6. Attachment 6 - Further Submission 3 - 18 Droop Street - received 1 November 2019 [↓](#)
7. Attachment 7 - Further Submission 4 - 22-28 Ford Street - Response to email from 18 Droop Street - received 27 November 2019 [↓](#)

Agenda Item 9.1

8. Attachment 8 - Section 223 Special Committee Minutes and Report - 8 October 2019 [↓](#)
9. Attachment 9 - Summary of all Submissions [↓](#)
10. Attachment 10 - Draft statement of reasons [↓](#)

OFFICER RECOMMENDATION

That:

1. Council consider:

- a. Attachments 1 – 7 to this Report, being copies of all written submissions; and
- b. Attachment 8 to this Report, being a Report from and the minutes of the section 223 special committee of Council,

in relation to a proposal (“Proposal”) to discontinue part of a road, being the airspace at a height beyond 4 metres above the road between the two sites at 22-28 Ford Street, Footscray (“Airspace”), and to sell the Airspace to the owner of 22-28 Ford Street (“ASL”) under clause 3 of Schedule 10 to the *Local Government Act 1989* (“Act”).

2. Council notes Attachment 9 to this Report, which is a summary of all submissions received.
 3. Following consideration of all written submissions and verbal presentations in support, Council resolves to not proceed with the Proposal for the reasons set out in Attachment 10 to this Report.
 4. Council resolves to notify the three persons who made submissions on the Proposal of the Council’s decision and the reasons for it.
-

Agenda Item 9.1**BACKGROUND**

The Council has previously proposed to discontinue part of a road, being the Airspace, and to sell it to ASL under clause 3 of Schedule 10 to the Act. At an Ordinary Council Meeting on 20 November 2018, Council resolved not to proceed with that proposal.

ASL sought judicial review of Council's decision in the Supreme Court. The matter was listed for hearing on 5 June 2019 and was referred to mediation by the judge on the same day.

At the Ordinary Council Meeting on 11 June 2019, without any admission that its decision of 20 November 2018 was affected by legal error, but desiring to avoid the cost and inconvenience of litigation, Council resolved to commence a new statutory process in order to consider a fresh proposal by it to discontinue the part of a road, being the Airspace, and to sell it to ASL under clause 3 of Schedule 10 to the Act (i.e., the Proposal).

On 11 June 2019, Council resolved to commence the statutory procedures in relation to the Proposal. Public notice was given on 31 July 2019 under section 223 of the Act.

The Supreme Court proceeding brought against Council has been discontinued.

Three people have made submissions in relation to the Proposal. Two submitters do not support the Proposal and one submitter (ASL) supports the Proposal. On 8 October 2019, pursuant to section 223 of the Act, one of the two submitters not supporting the Proposal and the submitter supporting the Proposal (ASL) were heard by a special committee of Council in support of their submissions.

The Council has proposed to exercise its power under clause 3 of Schedule 10 of the Act. The Council has a discretion whether or not to proceed with the Proposal, after considering all relevant written and verbal submissions.

DISCUSSION/KEY ISSUES**1. Key Issues****Valuation**

On 18 June 2019, an independent valuer was instructed to complete a valuation relating to the airspace which is proposed to be sold. The valuation was received on 24 July 2019 and identified the value of the airspace as \$135,000 plus GST.

Initial submissions

Public notice of the Proposal was given on 31 July 2019. The notice specified the date by which the submissions were to be submitted as 30 August 2019.

Council received three written submissions by that date.

Agenda Item 9.1

- The owner of 16 Droop Street opposed the Proposal (Attachment 1 to this Report).
- ASL supported the Proposal (Attachment 2 to this Report).
- The owner of 18 Droop Street opposed the Proposal (Attachment 3 to this Report).

The owner of 18 Droop Street, and ASL, each requested to be heard in support of their written submissions. On 13 September 2019, the Council sent correspondence to those two submitters. The submitters were provided with copies of the other written submissions received in relation to the Proposal, with personal information redacted.

On 8 October 2019, pursuant to section 223 of the Act, the two submitters who requested to be heard in support of their submission were heard by a special committee of Council.

Further Submissions

After 30 August 2019, four further written submissions were received relating to the Proposal which are Attachments 4, 5, 6 and 7 of this Report.

- On 2 October 2019, ASL sent to Council a further written submission, responding to matters addressed in the written submissions of the two submitters who opposed the Proposal (Attachment 4 to this Report).
- On 8 October 2019, Council provided ASL's further written submission of 2 October 2019 (Attachment 4) to the owner of 18 Droop Street.
- At the special committee meeting on 8 October 2019, ASL tabled its further written submission of 2 October 2019 (Attachment 4). ASL also tabled a further written submission dated 8 October 2019 (Attachment 5 to this Report).
- On 28 October 2019, Council wrote to the owner of 18 Droop Street stating that Council would need to decide whether the further written submissions provided by ASL would be considered but that, in the interest of fairness, it should have an opportunity to respond.
- On 1 November 2019, the owner of 18 Droop Street provided a written response (Attachment 6).
- On 20 November 2019, Council wrote to ASL providing it with an opportunity to respond to the further submission received from the owner of 18 Droop Street dated 1 November 2016.
- On 27 November 2019, ASL provided a written response (Attachment 7).

To ensure Council takes into consideration all relevant submissions and information relating to the Proposal, all four further submissions received have been addressed in this Report. It is recommended that all be taken into account.

Summary of written submissions

The written submissions received have been summarised in Attachment 9.

Agenda Item 9.1**Some possible issues for consideration**

In accordance with section 3C(1) of the Act, in making its decision, the Council should “endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions”. In making this decision, the Council has focussed on this primary objective and should have regard to the facilitating objectives in section 3C(2).

Facilitation of a more efficient development

ASL submits that, if ASL was to purchase the Airspace, that would facilitate the development of the property in the manner foreshadowed by ASL, and that such a development would be more “efficient” than would otherwise be possible. For example, ASL refer to the possibility of sharing of building services and amenities. Conversely, ASL refer to a potential reduction in apartment numbers due to smaller floor plates, if it is unable to purchase and develop the Airspace. Other members of the local community (e.g., occupiers of such apartments) may realise related benefits.

Existing and future use of Airspace as a road

One key issue raised by the submissions is the existing and future use of the relevant part of Ford Street as a road. In particular, the owners of both 16 and 18 Droop Street submit that access to their properties from the rear may be important for any future development of their properties.

The properties are located in the Footscray Activity Centre, which is expected to undergo significant change in coming years. The height of new buildings may be up to 10 storeys. Council officers consider that it is readily foreseeable that it would be necessary or desirable, in the event of such redevelopment, for construction vehicles requiring more than 4 metres clearance to use Ford Street rather than (or in addition to) Droop Street to access the site. Discontinuation and sale of the Airspace would prevent or impair such access.

Impact of development on Council as owner and manager of the road

Another issue that Council may wish to consider is the impact of the discontinuation and sale of the Airspace on it (and by extension the local community) as manager and owner of the road. Council officers consider that any development of the Airspace is likely to impose burdens on the Council in ensuring that the remaining part of the road is safe for road users. For example, Council officers are concerned that Council may need to establish lighting, signage and/or surveillance measures in this respect.

Concerns with respect to loss of natural light, and possible effects on security

Council officers consider that development of the Airspace in the manner contemplated will inevitably result in a loss of natural light, and will result in diminished visibility and surveillance of the area. And Council officers are concerned that such development of the Airspace will accord with principles of orderly planning for Core Precinct 1 as outlined in the Footscray Structure Plan.

Agenda Item 9.1

ASL submit that these are matters that can or would be considered in deciding its application for a planning permit. ASL also submit that these matters are irrelevant to whether or not the Council should discontinue and sell the Airspace.

Council officers do not agree that the Council is precluded from considering concerns about the proposed development of the Airspace in making a decision on the Proposal. Especially given that the discontinuation and sale of the Airspace would result in an immediate loss of part of a road and divestiture of a property interest to ASL, Council officer's position is that it is reasonable for the Council to have regard to these concerns, in connection with deciding, on the material before it, whether proceeding with the Proposal would be conducive to achieving the best outcomes for the local community having regard to the long term and cumulative impact effect of decisions.

Recommendation

Overall, Council officers recommend that the Council not proceed with the Proposal. Council officers have prepared a draft statement of reasons (Attachment 10) for Council consideration.

2. Council Policy/Legislation**Council Plan 2017-2021**

This report contributes to Council's strategic objectives contained in the Council Plan 2017-2021, by considering:

- Strategic Objective:
 - Quality places and spaces - lead the development of integrated built and natural environments that are well maintained, accessible and respectful of the community and neighbourhoods.

*Footscray Structure Plan**Crime Prevention Through Environment Design and Urban Design Guidelines (Victoria)***Legislation***Local Government Act 1989***Conflicts of Interest**

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Agenda Item 9.1**3. Engagement**

In addition to the public notice being published in a local newspaper and on Council's website, the public notice was sent to owners and occupiers of surrounding properties who would reasonably be expected to use the road for access purposes.

4. Resources

If the proposed sale was to proceed, ASL would be required to acquire the airspace at its current valuation price (plus GST).

It would also be required to pay Council's professional costs associated with considering the fresh proposal, including valuation fees, survey costs, advertising costs, legal costs and Land Use Victoria lodgement fees.

5. Environment

Not Applicable.

CONCLUSION

Following consideration of all submissions pursuant to section 223 of the *Local Government Act 1989*, it is recommended that Council not proceed with the Proposal.

Agenda Item 9.1 - Attachment 1

16 Droop Street,
FOOTSCRAY VIC 3011

28 August 2019

Co-ordinator Property Management,
Maribyrnong City Council.
Cnr Napier and Hyde Streets,
FOOTSCRAY VIC 3011

By Hand

Dear Sir,

Attention: [REDACTED]

Re: Proposed sale of airspace above Council Road between the two
sites at 22-28 Ford Street Footscray

I write on behalf of the owners of 16 Droop Street Footscray, namely [REDACTED] and as a director and secretary of Sydney Enterprises Pty Ltd who are affected by the proposed sale of airspace above council road between the two sites at 22-28 Ford Street Footscray, to object to the proposed sale of the airspace as outlined in your letter of 29 July 2019. Please note that [REDACTED] no longer has any interest in the property 16 Droop Street and has not had since 2001 and this fact has been advised to the council in the past however the council still persists in addressing correspondence to [REDACTED]

We refer to our additional comments to Council dated 9 November 2016, when Council earlier proposed a sale of airspace between 22 and 28 Ford Street and these comments and submissions and objections are as relevant now as they were when made to council when the owners of 16 and 1/16 Droop Street Footscray (rated as 1/16 & 2/16 Droop Street Footscray and also known as 16 Droop Street Footscray) object to any sale of air space above the laneway between 22 and 28 Ford Street Footscray.

- Any sale of airspace above the laneway would seriously impact on the use of the laneway by the owners and occupiers of 16 Droop Street Footscray by means of vehicular traffic. The occupiers of 16 Droop Street use the laneway for deliveries by vehicles and the height of such vehicular traffic should not be impinged by any sale of airspace.
- Any sale of airspace above the laneway would impinge significantly on access to 16 Droop Street from the rear for any future development of 16 Droop Street Footscray. Redevelopment of the property situate at 16 Droop Street should not be restricted by a sale of airspace over the laneway over which 16 Droop Street has an easement.

Agenda Item 9.1 - Attachment 1

- The property collectively known as 16 Droop Street has a right of way over this laneway over which Council is proposing a sale of airspace, and at the time the current development of 16 Droop Street was undertaken there was an obligation to provide car parking spaces on the property which was done to the satisfaction of Council. The Council required vehicular access to the rear of 16 Droop Street. This is now effectively being negated by a sale of airspace over the carriageway. If council, notwithstanding objections, decides to go ahead with the sale of airspace, the Council is put on notice that a splay at the end of the laneway at the rear 28 Ford Street should be a condition of any sale of airspace between 22-28 Ford Street as was provided by Council in Condition 1(l) and 1(m) re-establishing the right of way to the site survey plan and the splay made permanent in favour of 16 Droop Street by way of an easement over the title to 28 Ford Street as was provided in Condition 2 of the Planning and Development recommendation of 29 March 2004 (pages 51-54 inclusive attached). Please see the attached recommendations in regard to previous planning permit application for the redevelopment of the properties to the rear of 16 Droop Street at that time. These recommendations as regards the splay and the laneway re-positioning remain as valid today as they were when made. Reference is made to our previous objections dated 29 July 2003, 15 September 2010, and 22 November 2011 to previous proposals in regard to development of the property at the rear of 16 Droop Street and street and laneway closure and sales. Again these objections as regards the laneway remain as valid today as they were when made. (Copies of these earlier objections can be provided to Council upon request but are on file at Council).
- Council made an appropriate decision in not proceeding with the earlier proposal of a sale of airspace over the laneway. The adjoining owners should not be attempting to force a sale by council to them by means of legal action and at the expense of other adjoining owners by reducing the value of their land for redevelopment purposes in the future.

Yours sincerely,



Agenda Item 9.1 - Attachment 1

URBAN PLANNING 29 MARCH 2004

██████████ PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS**

PAGE 33

File No. TP03/0141

Minute No.

PURPOSE OF REPORT

An application has been made at 9 Ford Street, Footscray to construct two multilevel buildings comprising cafe and carparking for 26 car spaces at ground level, with apartments above. Building 1 is to comprise 4 levels and contain 18 residential apartments, while building 2 is to comprise 5 levels and contain 30 student apartments.

The application was advertised and two submissions and one objection haven been received to the proposal. On the basis of the submission of revised plans, the objection has subsequently been withdrawn. The matters of concern raised by the submitters generally relate to maintenance of existing access arrangements to the rear of sites fronting Droop Street.

The key issues for consideration are the design and built form of the proposal and the provision of carparking for the proposed uses on site.

The application for review has been lodged by the applicant for this application under Section 79 of the Planning and Environment Act 1987 against a failure to grant a permit within the prescribed time.

This report recommends that the application be approved subject to conditions.

1. TOWN PLANNING OFFICER ██████████

URBAN PLANNING 29 MARCH 2004

██████████ PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 34

APPLICANT: ██████████ Town Planning Pty Ltd

SITE ADDRESS: 9 Ford Street, Footscray (Corner of Donald
and Ford Streets)

ADVERTISING: Yes

OBJECTIONS: 1

ZONING: Business 2

OVERLAYS: Development Contribution Plan (DCP06)

COST OF DEVELOPMENT: \$2,000,000

WARD: Saltwater

Agenda Item 9.1 - Attachment 1

SITE

The site as described in the applicant's submission is detailed below:

The subject site comprises a number of smaller parcels of land which occupy the south western corner of Donald and Ford Streets, Footscray.

The site's main street frontages are to Donald and Ford Streets. The lengths of frontages to these streets are as follows:

Building 1 Building 2

Donald Street: 25.3m Ford Street 13.5m

Ford Street: 25.1m R.O.W. 14.9m

The total site area is 992 m². Site 1 is 620 m². Site 2 is 372 m². The site is essentially flat. There is no vegetation on the site owing to its long-standing use as an informal car park. There are no buildings located on the site.

It is noted that while the opportunity for redevelopment of this site has presented itself as a result of the accumulation of a number of smaller parcels of land, the parcel of land fronting Donald Street (Vol 2232 Fol.392) is owned by Council.

The site is located within a commercial area undergoing transition and comprises residential, commercial and retail uses. The site is one of the larger single ownership landholdings within the locality.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 35

SURROUNDING ENVIRONS

The surrounding environs as described in the applicant's submission follows:

The environs are strongly influenced by the presence of the Nicholson Street shopping strip to the east, Droop Street to the west and Donald Street on which the site is located.

Donald Street forms part of the "Ring Road" around the Footscray Activity Centre and as such is the boundary between the commercial area to the south and the residential precinct to the north.

The commercial area in which the site is located is characterised by a concentration of restaurants, grocery stores and some small commercial/office type uses. The restaurants serve both a local and regional catchment within Western Melbourne. In terms of its built form, the Footscray Activity Centre is typified by predominantly twostorey and some three-storey attached shop buildings which form a strong built-form generally along the main streets such as Nicholson Street and Barkly Street. The centre also demonstrates examples of free standing buildings with heights ranging between 2 and 5 stories.

Land to the east of the subject site, on the opposite side of Ford Street, is located within a Business 2 Zone. Whilst this land is zoned business, these sites are occupied by Residential buildings with non residential uses, hence the notion of transition for the area. These buildings are generally in fair or poor condition. Their interface with Ford Street is characterised by high wire fences and garages built to the street frontage.

Land to the south, abutting the subject site is the former RACV building which is currently occupied by a variety of smaller commercial uses. At present this site is subject of a multi-level planning application that it yet to be determined by Council.

To the east of the site are a mixture of one and two storey commercial buildings which

Agenda Item 9.1 - Attachment 1

front Droop Street. At the rear of these sites are car parking and hardstand areas that abut the subject site.

Land to the north, opposite the site on Donald Street is characterised by single and double storey residential dwellings. By virtue of their alignment, these dwellings generally present high timber paling fences to Donald Street.

Donald Street's role as a Ring Road around the Footscray Activity Centre influences the street network and traffic movement in the precinct. It is an important street within the

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 36

inner suburban area, providing a connection to Hopkins Street and Droop Street. Its generous road reserve width and curved alignment ensure that sites with frontage to Donald Street are prominent features in the streetscape with exposure to high levels of traffic.

In summary the neighbourhood character is defined by the following elements:

- the strong presence of the commercial buildings abutting the subject site
- residential properties to the north
- a well defined shopping precinct including the Nicholson Street strip
- many vacant sites, often used for informal car parking
- relatively flat topography
- generally limited existence of vegetation
- a mixed residential, commercial/retail and industrial use character.
- diversity in building typology resulting from a range of uses proximate to each other.
- a sense of 'decay' in some of the building forms
- poor public realm
- use of residential dwellings within Business 2 Zone for business type purposes
- vacant sites awaiting redevelopment
- unoccupied commercial buildings (available for lease).

The area is well serviced by public transport with access to bus, tram and train services all within a short walk from the subject site. Buses operate along Barkly Street, Victoria Street and Paisley Street and a bus shelter is situated approximately 100 metres to the west of the site, the tram in Droop Street is approximately 450 metres to the east and Footscray Station is approximately 400 metres south of the subject site.

PROPOSAL

An application has been made for the construction of two buildings on the site. The proposal, as originally submitted to Council, comprises the following features:
Building 1

At ground level, café with frontage to both Donald and Ford Street including an outdoor landscape area. Lobby entrance from Ford Street to apartments above. Garage for 16 cars including associated storage facilities.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND

Agenda Item 9.1 - Attachment 1

**FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 37

Residential accommodation

Apartments are proposed to be located in Building 1 over 4 levels. Each apartment comprises an open plan living and kitchen area, connected to balconies that range from 12 to 20 square metres. Apartments are a combination of 2 and 3 bedrooms, with varying layouts and configurations. Each apartment is provided with at least 1 car parking space. Provision is also made for storage, waste and bicycle storage for the apartments.

Building 2

At ground level, foyer for accommodation above, bicycle storage and a garage for 10 cars. Above ground level, 30 student accommodation apartments over 5 levels, each comprising 1 bedroom, open plan living kitchen area and bathroom.

Student accommodation

Each student apartment is similar in layout with north facing balconies, open plan living and kitchen area, bed alcove and bathroom facilities. Pedestrian entry to these apartment is via a foyer in the south east corner of the site that provides links into the adjacent development at the former RACV site. A secure bicycle storage is located at ground level. No car spaces are allocated to the student accommodation apartments.

Car parking

Vehicle access, including delivery vehicles is proposed via Ford Street and the right of way that separates the buildings. A total of 26 car parking spaces are proposed, in addition to the construction of 4 spaces on street.

Modified proposal

Subsequent to notification of the proposal and consultation with Council officers, revised plans were submitted which showed the following modifications:

- Deletion of one level from each building. As such, building 1 would comprise 4 levels while building 2 would comprise 5 levels.
- Modification to the student apartments within building 2 to provide 7 apartments per level, repeated over 4 levels. This results in a reduction in the total number of student apartments contained within building 2, from 30 to 28.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 38

- Modification to the apartment configuration within building 1 to provide 6 apartments per level, repeated over 3 levels. This is achieved by a 10% reduction in the size of the apartments and balcony areas. The 3 bedroom apartments have been reduced to 2 bedrooms, however the total number of

Agenda Item 9.1 - Attachment 1

18 apartments is to remain unchanged.

- The wall of the ground floor eastern elevation 'broken' into segments created by the introduction of storage aisles rather than rooms.
- A minor reduction in the floor area of the ground level café.
- The bicycle storage area deleted from building 1 and consolidated within building 2.
- The south eastern elevation treated with coloured vitrepanel articulated sheeting which features 'pressed' rectangles.
- A cleaner's storeroom and toilet within the ground level of building 2, as required under Building regulations.
- Modified entry to building 2, to improve visibility from Ford Street and connections to the south.

These modified plans form the basis of the following assessment.

ATTACHMENTS 1-2

RESTRICTIVE COVENANTS

A full copy of the titles which form the subject site have been provided and reviewed.

No covenant or restrictions have been registered on the title to these properties.

PLANNING CONTROLS

Zone

The site is located within a Business 2 Zone under the provisions of the Maribyrnong Planning Scheme.

Pursuant to Clause 34.02-1 of the Maribyrnong Planning Scheme, a planning permit is required for use of the land for the purpose of a food and drink premises (café) and a dwelling (apartments and student accommodation)

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 39

A planning permit is also required to construct a building or construct or carry out works pursuant to Clause 34.02-4.

Overlay

The site is affected by a Development Contributions Plan Overlay, Schedule 6 (DDO6). Pursuant to Clause 45.06, Schedule 6 any permit or agreement facilitating residential development "must contain a requirement for a development contribution in accordance with the provisions of the Maribyrnong City (south of Ballarat Road) Community Infrastructure Development Contributions Plan." Contributions to 'community activity centres' under this overlay equate to \$450 per net new dwelling. For a total of 46 net new dwellings, a contribution of \$20,700 is required to be paid.

Car parking

The table at Clause 52.06-5 sets out the car parking rates for uses not covered by a parking precinct plan or another clause. A permit may be granted to reduce or waive the number of spaces required by the table, having regard to the matters at Clause 52.06-1. Clause 52.06 also includes requirements for the design and construction of car parking facilities.

POLICY FRAMEWORK

The application has also been assessed against the following strategies which are relevant to the application.

Agenda Item 9.1 - Attachment 1

- State Planning Policy Framework
- Local Planning Policy Framework including Council's Municipal Strategic Statement

- Maribyrnong Planning Scheme and other relevant policies.

Before deciding on an application the Responsible Authority must consider:

STATE PLANNING POLICY FRAMEWORK (SPPF):

Relevant to the assessment of the current application are:

- Metropolitan Development (Metropolitan Strategy Melbourne 2030) (Draft) Clause 12

- Planning for urban settlement - Clause 14.01

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 40

- Metropolitan development - Clause 14.02
- Energy efficiency - Clause 15.12
- Activity centres - Clause 17.01
- Business - Clause 17.02
- Car parking & public transport access to development - Clause 18.02
- Design and built form - Clause 19.03

Assessments of the application against the above requirements are detailed in the attachments accompanying this report.

LOCAL PLANNING POLICY FRAMEWORK

Relevant to the assessment of the current application are:

- The Municipal Strategic Statement
- Footscray Business Centre at Clause 22.04-3
- Reference Documents as follows:
 - Retail Development and Activity Centre Policy 1998.
 - Footscray Central - Urban Design Framework
 - Principles for the Planning of New Residential Developments, Revised October 1998
 - Council Plan 2002-2005
 - Housing Strategy 2000
 - Residential Development Principles

ADVERTISING

Notification of the application has been sent by mail to owners and occupiers of abutting and surrounding properties. Notices were also required to be displayed on the property.

Two submissions and one objection have been received to the proposal. Details of submitters are as follows:

Objections

- Loft and Associates on behalf of the owners of 16 and 16A Droop Street, Footscray

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

Agenda Item 9.1 - Attachment 1

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 41

The submissions raised the following issues which are summarised below:

- Clarification is required regarding the use of the right-of-way (ROW) behind 18 Droop Street (ie will the ROW be shared between the public and cars, who will maintain the ROW, will there be 24 hour access to the ROW?)
- The minimum splay needed to achieve vehicular access to the car park to the rear of 16 and 16A Droop Street would be at least 1.5 metres by 1.5 metres cut across the north-west corner of the land contained in Vol 2970 Folio 879 (28 Ford Street).
- Appropriate traffic management of vehicles entering the right of way from the car parks of the developments (including mirrors and signage alerting vehicles exiting the car parks of the development to the potential of other vehicles traveling along the right of way would be required to avoid collision.
- The right of way as concreted does not accord with the survey of the actual location of the right of way. The correct location of the southern boundary of the right of way is approximately 0.5 metre south of its current concreted southern boundary at its western end. The right of way should be reestablished according to survey on its southern boundary especially at the western end. The correct dimensions of the right of way on the plan of subdivision lodged with the Title Office is 10 foot in width, however the concrete right of way measure approximately 9' 6" in width at its western end.

It is noted that the applicant has submitted that the right of way will remain open to the general public and provide access to the rear of Droop Street properties abutting the right of way. As part of any approval granted for the proposed development, a detailed traffic management plan would be required to address amongst a range of issues, the safety of vehicles entering and exiting the site.

These issues were considered by the Traffic Group with the following advice provided: *Our assessment of the plans indicates that a splay of 1.425m by 1.500m from the property boundary should be provided on the ground floor as shown on the attached plan. As the existing accessway does not utilise the full width of the ROW, the actual setback from the edge of the existing concrete accessway will be 1.771m.*

The proposed splay (as indicated on the attached plan) will be suitable for access to and from 16 and 16A Droop Street via the ROW for the 85th percentile design vehicle as specified under the relevant Australian Standard (AS2890.0 (1993) Parking Facilities: Part 1: Off-street car parking). The 85th percentile design

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK**

Agenda Item 9.1 - Attachment 1

**PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 42

vehicle is effectively represented by a Ford Falcon Sedan. It is noted that access to 18 Droop Street will not be affected by the proposal.

As indicated in our Traffic Report, dated March 2003, the ROW will remain open to the general public and provide access to the rear of the Droop Street properties abutting the ROW. No vertical obstructions across the ROW are proposed, which would limit the height of vehicles using the ROW at its legal width of 3.05m. A headroom clearance within the setback area of at least 2.2 m is proposed, which accords with the general requirements for car access under the Planning Scheme and AS2890.1.

In a practical sense, the proposed development will effectively provide for a 4.5m wide accessway along most of its length, which will cater for vehicle manoeuvres to and from the proposed development.

Following a review of this advice, a letter was forwarded to Council by Loft & Associates acting on behalf of the owners of 16 and 16A Droop Street, Footscray. The letter advised as follows:

If that advice is followed and incorporated by the developers in the development it would appear to address our concerns as regards the dimensions of the splay required provided that the full width of the right of way were also utilised as mentioned in the Traffix Group letter.

██████████ and I also discussed the means by which the right of way splay would remain a permanent fixture (ie by the developers either transferring the splay to the Council to become and vest in the Council as part of the roadway or by means of an easement in favour of the title to 16 Droop Street Footscray over the title to the Ford Street property Volume 2970 Folio 879. The former would allow all users of the right of way access over that splay whereas the latter would only allow 16 Droop Street right of way over the splay. ██████████ would prefer an easement situation and so long as the easement were to be created as part of the approval of the development and simultaneous with the approval this should have the desired effect.

██████████ also advised that there is only one column directly adjacent to car space 17 and there are no columns envisaged in the plans that would affect right of way over the splay and over the correct width of the right of way. If this is the case with the plans submitted for building permit (assuming planning permit is granted) our concerns would appear to have been addressed.

URBAN PLANNING 29 MARCH 2004

██████████ PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 43

One letter of objection was received to the proposal. Details of the objector are as follows:

- Fulcrum Town Planners on behalf of the owners of 62 Nicholson Street, Footscray.

Agenda Item 9.1 - Attachment 1

In summary, the grounds of objection are as follows:

- The proposal will cause unreasonable detriment to our client's property by way of visual bulk.
- The proposal is an overdevelopment and fails to appropriately respond to constraints of the site.
- The proposal fails to provide adequate on-site car parking to meeting the expected requirements of the future occupants (i.e. students).
- The proposal fails to properly take into account the land at 62 Nicholson Street, Footscray and will unreasonably fetter our client's redevelopment opportunities

Based on the submission of revised plans, the above objection was subsequently withdrawn.

MEDIATION

The matters raised by the objectors and Council officers have been discussed in detail with the applicant. This has resulted in the prepared of revised plans and additional supporting documentation.

REFERRALS

The application was referred to Council's Building, Urban Design, Infrastructure Planning, Transport Development, Waste Management, Heritage and Social Planning sections. The following comments were provided:

Urban Design

- *The proposed scale and form of the development is appropriate to this location within the Footscray Principle Activity Centre and is consistent with the Footscray Central Urban Design Framework. The proposal 'fronts'*

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 44

Donald Street with a four level building which is consistent with the emerging urban wall of the ring road.

- *A five level building is proposed to the south fronting Ford Street and providing an opportunity for a link through the RACV site to Dennis Street. This building mass and proposed connection is considered appropriate.*
- *The building massings are well resolved through building articulation and implied materials selection. A detailed materials board including finishes and colours should be prepared and submitted to RA for approval.*
- *Consideration needs to be given to lighting of this building, specifically at ground level. A detailed lighting plan for public interfaces should be submitted.*
- *Overall, I believe the proposal is well resolved, will make a positive contribution to Footscray PAC and is worth of support.*

Infrastructure Planning (Design Engineer)

The application was reviewed by Council's Design Engineer who advised that should a permit issue, a number of 'standard' conditions relating to drainage, vehicle crossings and works on road reserves should be imposed. In addition, the following comments were provided:

1. *Proposed changes to road layout are not clear enough to assess at this*

Agenda Item 9.1 - Attachment 1

stage.

2. Provide existing and proposed detail of the road and on street car parks with dimensions.

3. Show adequate accessibility (6.4 m truck is bit small)

4. Alternatively development may proceed based on existing road layout & road changes be a condition on permit subject to Council agreement.

5. A consultation process with adjoining owners will be required.

6. A condition should be added that says **all Councils costs incurred in facilitating road changes will be recovered from the developer.**

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 45

7. Proposed streetscape requires further review. (eg, Planting on east side of Ford St.)

8. We recommend increasing the lengths of the parking bays 9, 11, 13, 15 & 17 to 26 from 4.9 metres to 5.5 metres if they are parked against a wall/fence.

9. Proposed bins location is too far from student accommodation block. It is preferable a collection bin is located near lifts/staircase of the both blocks.

10. Consider providing protection to the columns abutting to the R.O.W. between the blocks as they closer to the road which has limited accessibility to the large trucks.

Transport and Development

The application was reviewed by Council's Traffic Engineer who provided the following comments:

- Traffic report did not consider safety in relation to parking in a bend in their effort to find some parking in the vicinity of the site and recommended parallel parking in Donald Street. This is not feasible.

- Droop Street and Donald Street intersection had sufficient warrants to qualify funding under Federal Government accident BLACK SPOT program in 2003/4 financial years.

- The works involves the creation of a fully controlled right turn movement and associated short lane between Droop Street and Ford Street. As such any future parking opportunity between Droop Street and Nicholson Street on Donald Street shall not be considered viable.

- Access to the site, both vehicular and pedestrian is via Ford and Donald Streets. With adjacent property agreement pedestrian access via 62 Nicholson Street may be possible.

- Donald Street/Ford Street development site had unauthorised parking of 25-30 vehicles. As this site is now fenced off these vehicles have been relocated to elsewhere within Footscray. Post development scenario assumes parking spaces are not required for 30 student accommodations. Statutory parking deficiency including student accommodation is 38 spaces. However, allowing for reduced parking demand, though we do not

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

Agenda Item 9.1 - Attachment 1

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 46

agree, attributed to students and proposed shop, parking concession for at least 15 spaces are required.

• In considering all the above the development should consider revising the design layout of Ford Street including the adjacent open space to maximize parking on both sides of Ford Street.

• Parking allocation shown on table 6 on the traffic report have to be formalised so that a parking is attached to a dwelling by means of a title or other suitable management documentation.

It is noted that these referral comments were based on the plans originally submitted to Council. The modified plans which include a reduction in overall number and size of apartments, results in a reduction in the statutory parking requirement to 56 spaces. With the provision of 26 spaces, this results in an overall shortfall of 30 spaces.

Waste Management

The application was reviewed by Council's Waste Management unit who made the following recommendations follows:

- 1. If a private contractor is to be used, enough storage space for waste and recycling should be provided so that no more than two weekly waste and recycling collections are necessary in order to minimise late night noise.*
- 2. The waste storage area should be designed in such a way that the storage area can be extended to contain council skips if the body corporate decides in future to use the council based service. The three closest car parks to the waste storage area should not be connected to an apartment title deed but be part of a shared body corporate area so that this possibility is not closed off to the body corporate in future. (5 – 1100 litre Waste and 5 – 660 litre Recycling skips would be required.) Entrances to the waste storage area should be wide enough to accommodate light weight skips.*
- 3. Adequate waste and recycling storage space must also be provided for the café's waste. This should be separate from residential waste storage.*

Social Planning

The developer engaged Maxine Cooper and Associates Pty Ltd, Social Research and Management, to undertake the Social Impact Assessment (SIA) for the proposed

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 47

development. This assessment was reviewed by Council's Social Planner who provided the following comments:

Agenda Item 9.1 - Attachment 1

General Issues

In general, the development will be an asset to the Footscray CBD. It offers a mix of housing and is accessible to public transport, shops, community facilities, open space and educational institutions.

Conclusion

The proposed development offers a range of housing choice and will contribute to the revitalization of the Footscray CBD. The recommendations made in the SIA report around safer design principles, disability access and integration should be reflected in the final design proposal.

A contribution of \$2000 towards the post occupancy survey should be made by the developer – included as a permit condition. This will provide critical information for Council in understanding the make up on the new residents and identify relevant issues/needs faced by the community.

PLANNING OFFICER ASSESSMENT

Design & Built Form

The proposed design has been developed with a good understanding of the potential amenity impacts which may arise as a result of the design.

Shadow

The proposed development will not significantly impact on the existing levels of amenity enjoyed by neighbouring residents in terms of overlooking and overshadowing. The shadow diagrams indicate that the proposed buildings will not result in any increase to the extent of existing overshadowing of neighbouring private open spaces.

Daylight

The relationship between the bed alcove and the living area and balcony of the student dwellings has been addressed to ensure it receives adequate daylight. To achieve the required standard, the bed alcove is an unenclosed area with an open style desk and bookcase to separate the area from the kitchen/meals/living area of the apartment.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 48

Visual bulk

With regard to the visual impact of the proposal when viewed from surrounding vantage points, the applicant has responded to concerns raised by Council officers in regard to the building massing and articulation of external walls. The revised plans show a building form reduced in scale and appropriately treated to provide a well resolved interface.

Overlooking

With regard to overlooking, the separation distance from surrounding sensitive uses, ensures that direct views are not possible. However, internal views between the proposed buildings may be possible. It is considered this issue can be addressed through the introduction of appropriate balcony screens (constructed to a minimum height of 1700mm above floor level).

Car Parking/Traffic

The proposed development will provide for a total of 26 car spaces. No parking is proposed to be available for occupants of the student accommodation, save for 1 space allocated for a manager of the premises. One car space is proposed to be used

Agenda Item 9.1 - Attachment 1

for staff of the food and drink premises. As such, 24 car spaces are proposed to be available for the residents of building 1.

Food and Drink premises (café)

A food and drink premises is 'nested' within the definition of a retail premises. Given the application does not include details regarding the nature of the tenancy (such as the number of seats), the applicant and Council's Traffic Engineer have conservatively used the Planning Scheme parking requirement for a 'shop' use, being 8 spaces to each 100 m² of leaseable floor area.

- 1 x food and drink premises (café) with a leaseable floor area of 85m².

Based on the parking rate for a 'shop' use, the planning scheme requirement is for 6.8 car spaces.

Residential

It should be noted that for purpose of this application, the parking provisions of Clause 55 are used as a parking rate guide. The parking rates for multi unit developments as nominated by Clause 55 are as follows:

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 49

- One space for each one or two bedroom dwelling.
- Two spaces for each three or more bedroom dwelling, with one space under cover.
- Developments of five or more dwellings should provide visitor car parking of one space for every five dwellings.

Clause 52.06-5 specifies a rate for a residential building, which includes a residential college or residential hotel as follows:

- 1 space to each lodging room

In relation to the residential component of the development the scheme requirement is as follows:

- 18 x 2 bedroom apartments (building 1) = 18 spaces
- 28 x 1 bedroom student apartments (building 2) = 28 spaces
- Visitor spaces for apartments in building 1 = 3.6 spaces

Total = 46 residential units Total = 49.6 spaces

The proposed development provides for a total of 26 car spaces for the development. Incorporating both the food and drink premises and residential uses, the scheme requirement is 56.4, say 56 spaces. As such, a dispensation of 30 car parking spaces is sought.

A Traffic Report prepared by the TraffixGroup – March 2003 was submitted with the application. Having reviewed the justification provided in this report and the comments provided by Council's Traffic Engineer it is considered that the proposed dispensation of car parking can be supported on the basis of the following:

- The ground level food and drink premises (café) is likely to attract patronage from residents of the residential and student accommodation. As such, the premises is likely to attract a significantly lower car parking rate than applied by the 'shop' rate.
- The long-term staff parking demand for the food and drink premises is expected to be 1 car space.

Agenda Item 9.1 - Attachment 1

- The Principles and Planning policy for the Footscray Business Centre support waiving of car parking for small, new developments of less than 100 m².

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 50

- Given the location and scale of the nature of the food and drink premises, it is unlikely to attract single destination trips (ie will rely on existing patronage of the business centre).
- The applicant has suggested that to promote low car ownership by students, that on-street 'resident parking permits' are restricted by way a Section 173 Agreement.
- A management plan for the student accommodation facility outlines the facilities available to occupants of the building, including the provision for secure storage of 30 bicycles.
- Visitors to the apartments can use the proposed on-street car parking spaces adjacent to the site frontage to Ford Street.
- There is good strategic justification for provision of student accommodation without specific provision for on-site car parking, given the site is proximate to both a range of public transport services in the surrounding area and educational facilities.
- ABS data shows that apartments within the City of Maribyrnong are typically characterised by low car ownership.
- The provision for parking for the residential apartments (in building 1), generally complies with the rates applied for medium-density housing, being 1 space per 2 bedroom dwelling, plus provision for visitor parking.

CONCLUSION:

Council should support the proposal as it will provide greater choice of housing, including student accommodation, makes use of an under-utilised building site, promotes economic activity and enhances the safety and image of the Footscray Centre. The form of development aligns with the *Footscray Central Urban Design Framework*.

The reduction of car parking spaces is justified on the basis of the nature of the proposed uses, the locational qualities of the site with excellent access to public transport, entertainment, recreation and educational facilities and to assist in the strategic objectives of revitalising the Footscray centre.

OFFICER RECOMMENDATION TO COUNCIL

That:

A The application be considered by Council in accordance with the provisions of Section 84(1), (an application may be determined after an appeal has been

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT

Agenda Item 9.1 - Attachment 1

**ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 51

lodged but the Responsible Authority must not issue the decision) of the *Planning and Environment Act 1987*.

B The VCAT Registrar be advised in accordance with Section 84(3) that the application has been approved subject to conditions, and if Council were in a position to issue a decision a Notice of Decision to Grant a Planning Permit with conditions would be issued

C 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. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three (3) copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) Deletion of one level from each building. As such, building 1 would comprise 4 levels while building 2 would comprise 5 levels;
- (b) Modification to the student apartments within building 2 to provide 7 apartments per level, repeated over 4 levels. This results in a reduction in the total number of student apartments contained within building 2, from 30 to 28;
- (c) Modification to the apartment configuration within building 1 to provide 6 apartments per level, repeated over 3 levels. This is achieved by a 10% reduction in the size of the apartments and balcony areas. The 3 bedroom apartments have been reduced to 2 bedrooms, however the total number of 18 apartments is to remain unchanged;
- (d) The wall of the ground floor eastern elevation 'broken' into segments created by the introduction of storage aisles rather than rooms;
- (e) A minor reduction in the floor area of the ground level café;
- (f) The bicycle storage area deleted from building 1 and consolidated within building 2;

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 52

- (g) The south eastern elevation treated with coloured vitrepanel articulated sheeting which features 'pressed' rectangles;
- (h) A cleaner's storeroom and toilet within the ground level of building 2, as required under Building regulations;
- (i) Modified entry to building 2, to improve visibility from Ford Street and connections to the south;

Agenda Item 9.1 - Attachment 1

- (j) A detailed materials board including finishes and a colour schedule of all external building finishes, including the finish of all external walls, fascias, trims, window frames, glazing types, entry doors and architectural features;
- (k) The designation of car spaces 15-18 as disabled car spaces;
- (l) A splay of 1.425m by 1.500m from the north-west corner of the land contained in Volume 2970 Folio 879 (28 Ford Street) provided on the ground floor as shown in the attached Drawing No. 5202-01, prepared by the TraffixGroup, dated 1 September 2003;
- (m) The right of way between proposed building 1 and building 2, reestablished according to the site survey plan;
- (n) Details of screening devices for balconies to prevent internal overlooking between the north-facing balconies of building 1 and the south-facing balconies of building 2;
- (o) A detailed lighting plan for public interfaces developed in consultation with Council's Urban Designer;
- (p) Deletion of proposed parallel parking in Donald Street;
- (q) Existing and proposed details of the road and on-street car parks with dimensions, developed in consultation with Council's Traffic Engineer;
- (r) Details demonstrating adequate accessibility for truck movements, developed in consultation with Council's Traffic Engineer;
- (s) The lengths of the parking bays 9,11,13,15 and 17 to 26 increased from 4.9 metres to 5.5 metres;

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 53

- (t) Provision for a collection bin for building 2 contained within the ground floor level of the building, preferably adjacent to the lifts/staircase;
- (u) Details of protection measures provided to the columns abutting the right of way between building 1 and building 2;
- (v) Sufficient storage space for waste and recycling so that no more than two weekly waste and recycling collections are necessary (if a private contractor is used for waste collection) in order to minimise late night noise and developed in consultation with Council's Environmental Officer;
- (w) The waste storage area designed to enable the area to be extended to contain council skips if the body corporate uses a council based service (5 – 1100 litre waste and 5 – 660 litre recycling skips would be required and entrances to the waste storage area must be of sufficient width to accommodate light weight skips) and developed in consultation with Council's Environmental Officer;
- (x) Adequate waste and recycling storage space provided for the food and drink premises (café) separated from residential waste storage and developed in consultation with Council's Environmental Officer;
- (y) Implementation of the recommendations made in the Social Impact

Agenda Item 9.1 - Attachment 1

Assessment report prepared by Maxine Cooper and Associates, May 2003 relating to safer design principles, disability access and integration developed in consultation with Council's Social Planner;
(z) Adequate light and ventilation provided to the dwellings in accordance with condition 7.

(aa) Proposed wind-break planting/screening as detailed in the environmental wind assessment prepared by Mel Consultants Pty Ltd, dated 13 June 2003.

(bb) Notation regarding energy efficiency in accordance with condition 9.

All of the above, to the satisfaction of the Responsible Authority.

2. Before the development commences, an easement created over the title to 28 Ford Street (Volume 2970 Folio 879) in favour of the title to 16 Droop

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 54

Street Footscray, to allow the owner of 16 Droop Street right of way over a splay of 1.425m by 1.500m from north-west corner of the land contained in Volume 2970, Folio 879.

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

4. Once the development permitted by this permit has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.

5. Prior to the commencement of the development and prior to the certification of any plan of subdivision the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority (Note: A dealing number must be issued by the Land Titles Office as a result of registration of the agreement, prior to any subdivision certification). The matters covered by the Agreement must include (but will not be limited to):

(a) Prior to the issue of a building permit for the development hereby permitted the owner must provide a monetary contribution towards the following:

- \$2000 towards a post occupancy Social Impact Assessment survey;

(b) Prior to the commencement of the development a waste storage, recycling and collection management plan must be prepared and implemented for the commercial and residential uses to the satisfaction of the Responsible Authority and in accordance with Condition 20 of this permit.

The implementation of the waste management plan must be the responsibility of the body corporate and incorporated into the body corporate rules;

(c) That all owners and occupiers of the residential units acknowledge that the surrounding streets have limited on street parking, that residential parking permits will not be issued by the Responsible Authority, that parking restrictions may change from time to time and

Agenda Item 9.1 - Attachment 1

any parking management plan must be acknowledged.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 55

- This provision must be incorporated into the body corporate rules;

(d) Prior to the commencement of the use, a management plan for the student accommodation which includes details of the operation of the facility as outlined in Attachment 2 of the application submission prepared by Daniel Bowden Town Planning Pty Ltd, March 2003 must be prepared and implemented to the satisfaction of the Responsible Authority. Such plan must make provision for a suitably qualified full time manager to be permanently resident on the site and for the maintenance, landscaping, cleaning, garbage collection, supervision and security of the site as well as for the limitation of noise to prevent disturbance to neighbours;

(e) The student housing component to be for the exclusive accommodation of students enrolled full time at a secondary or tertiary level educational institution and to be vacated within three months of completion of full time studies

(f) Clotheslines or any form must not be erected on the balcony areas or on any structure visible from the street. In addition, the balcony areas must not be used as storage areas or contain any structures not normally associated with the use of these areas. This provision must also be incorporated into the body corporate rules

(g) Upon undertaking a lease, all potential tenants are required to sign an acknowledgement of the above;

The owner must pay the costs incurred by the Responsible Authority in respect of the preparation and registration of the agreement. The agreement must be registered on all current and future titles applying to this land, to the lot or lots comprising the student housing complex.

6. The full time resident manager must make him or herself known to nearby residents on a six monthly basis to the satisfaction of the Responsible Authority in order that nearby residents may know who to contact in the event of incidents of concern to them.

7. A directory providing information of the layout of the multi-unit site shall be provided at the foyer entrance to facilitate identification of each of the units to visitors, service authorities, and emergency vehicles to the satisfaction of the Responsible Authority.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK**

Agenda Item 9.1 - Attachment 1

**PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 56

8. Each dwelling must be provided with adequate light and ventilation to all rooms (excluding the bathroom) in accordance with the Building Code of Australia.

9. Prior to the issue of the Building Permit, the owner of the property must pay the following Development Contributions to the Maribyrnong City Council: Plan 6 Maribyrnong City (South of Ballarat Road) Community Infrastructure, Development Contributions Plan (\$450 per net new dwelling/unit – total of \$20,700)

9. The dwelling units must satisfy either the specified thermal insulation criteria or a house energy rating of at least four stars under the Building Code of Australia Vic Part 6.

10. Associated mechanical plant or equipment (air conditioning etc.) must be located or screened so as to not be visible from the street, or project above the roof, and not affect the amenity by operation, and any screening must be to the satisfaction of the Responsible Authority.

11. Exterior security lighting must be provided with suitable baffles and/or located, directed, so as to minimise any detriment by emission of light, to neighbouring properties, or traffic, to the satisfaction of the Responsible Authority.

12. Before the use commences, the areas set aside for the parking of vehicles, together with the associated access ways/driveways as delineated on the endorsed plans must be:

- Allocated for the use of the dwellings only.
- Be provided and completed to the satisfaction of the Responsible Authority prior to the commencement of the use.
- Thereafter be maintained to the satisfaction of the Responsible Authority.
- Be made available for such use at all times and not used for any other purpose.
- Be properly formed to such levels that it can be used in accordance with the endorsed plan.
- Be drained and sealed with an all weather seal coat to the satisfaction of the Responsible Authority.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 57

• Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.

13. Prior to the issue of a certificate of occupancy under the Building Act 1993 a parking and public transport management plan/green travel plan, must be prepared to the satisfaction and approval of the Responsible Authority. The

Agenda Item 9.1 - Attachment 1

management plan must indicate the allocation of parking to each unit, the car parking bays allocated to the commercial use, disabled, visitors, the use of any non-allocated car parking spaces, provision for commercial vehicles to load and unload, the proximity of public transport (train, tram & bus stops, taxi bays), cycle paths, convenient pedestrian path direction to the facility and the internal traffic management system and safety.

The management plan must be displayed in the foyer of the building and used in any marketing material. The plan must be implemented to the satisfaction of the Responsible Authority.

14. All pipes, fixtures, equipment and service vents servicing but external to the building on the site must be concealed in service ducts or otherwise hidden from street view, to the satisfaction of the Responsible Authority.

15. Immediately prior to the occupancy of the building, written notice must be given to the Responsible Authority that the development is complete and that the conditions of this permit have been satisfied.

16. Any exposed brickwork or surfaces must be cleaned, struck and finished in a manner to the satisfaction of the Responsible Authority.

17. Gas and electricity meters must be located in an acceptable position enabling easy access to meter readers to the satisfaction of the relevant service authority and the Responsible Authority.

18. A single point master antennae television system must be installed on the building to the satisfaction of the Responsible Authority and such system shall be designed and installed in accordance with Australian Standard 1367-1976, Multiple outlet television systems, and where appropriate, with Australian Standard 1417 part 1-1973, Receiving antennae for radio and television construction and installation.

19. A reflectivity assessment of all external glazing and any other visibly reflective material must be provided to the satisfaction of the Responsible Authority.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 58

The glazing material used on all external walls must be of a type that generally should not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface, unless the Responsible Authority is satisfied otherwise. Details of the glazing reflective percentage must be provided.

20. Prior to the commencement of the development a waste storage and collection management, recycling plan for the commercial and residential units must be prepared to the satisfaction of the Responsible Authority.

The management plan must have regard to the following matters:

- Bin storage for the shops at ground level.
- Bin storage areas for the proposed dwellings.
- Body corporate waste management plan.
- Odour control from bin storage areas.
- Access for removal of waste bins.

Agenda Item 9.1 - Attachment 1

- Storage of packaging material/cardboard, bottles and recycling bins.
- Delivery of bins to waste collection points and retrieval of bins to nominated storage area within the building.
- Commercial waste collection vehicle access having regard to; entry and exit in a forward motion, width/height clearance and turning circles.
- Legal carriageway access for garbage vehicles

21. No garbage bin or surplus materials generated by the permitted uses may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection to the satisfaction of the Responsible Authority.

22. Prior to any works commencing on the land a "Construction Management Plan" (CMP) must be prepared to the satisfaction and approval of the Responsible Authority, detailing how the owner will manage the environmental and construction issues associated with the development. The CMP must address; any demolition, bulk excavation, management of the construction site, land disturbance, hours of construction, noise, control of dust, public safety, traffic management, construction vehicle road routes, soiling and cleaning of roadways, discharge of any polluted water, security fencing, disposal of site waste and any potentially contaminated materials,

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 59

crane locations during construction, location of site offices, redirection of any above or underground services, and site lighting during any night works.

The "Construction Management Plan" (CMP) must be implemented to the satisfaction of the Responsible Authority and a contact name and phone numbers for the site manager must be provided.

Before any development commences a landscape plan prepared by a qualified Landscape Architect or a person of approved professional competence must be submitted to and approved by the Responsible Authority. The plan must show the following:

- A schedule of all proposed trees, shrubs and ground cover in the courtyard areas, which will include the location and size of maturity of all plants, the botanical names of such plants.
- Paving details, fence design details including heights and other landscape works.

- An endorsed copy of the landscape plan will form part of the permit.

Drainage Conditions

23. The whole site must be drained to the satisfaction of Council's Infrastructure Planning & Construction branch.

24. Prior to development of the site, a stormwater discharge permit is required from the Manager of Infrastructure Planning & Construction or his representative. A fee is payable to Council upon application for this permit: \$100 for Mixed Use Commercial/multi-unit development.

Agenda Item 9.1 - Attachment 1

Note: Detailed drainage investigations will be required to determine if the existing site has a suitable outfall drain connecting to a Council underground drain or pit. Otherwise storm water is to be discharged into a Council pit in the road reserve nominated by the Manager of Infrastructure Planning & Construction or his representative. That cost of the construction of the pipeline up to the nominated pit will be borne by the developer. The engineering plans and specifications for the above drainage works should be submitted to the Infrastructure Planning & Construction Section for approval and plan checking fees may be charged.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 60

25. Stormwater run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Storm water from all paved areas must be drained to an underground storm water system.

26. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.

27. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.

External Works & Services

28. All existing service Authorities and Council's infrastructure, including poles, pits, pipes, etc located external to and directly abutting the subject land including services in the neighbouring vicinity and effected and or required by the Developer's proposed works, must be adjusted, reconstructed, modified, relocated, upgraded, etc to the satisfaction of Council's Infrastructure Planning and Construction branch and the relevant Service Authorities and entirely at the Developer's expense.

29. A Vehicle Crossing Permit is required from Council's Infrastructure Planning & Construction Branch for any new crossing prior to the commencement of works. Vehicle crossing(s) shall be constructed in accordance with Council's Standard Drawings, Specification and Vehicle Crossing Policy.

Note: An application fee of **\$50** (currently) for each vehicle crossings is payable to the Council prior to a vehicle crossing permit being granted. If the applicant wishes to have vehicle crossings which are more than 3.3 metres wide (if approved), an additional fee of **\$250** is required. Otherwise a standard crossing width of 3.3 metres (or less) will not incur this additional fee.

30. The existing redundant vehicle crossing, external to, and directly abutting the subject land must be removed and reinstated as standard footpath and kerb and channel to the satisfaction of Council's Infrastructure Planning & Construction branch and all at the developer's expense.

31. All Council's costs incurred in facilitating road changes will be recovered from the developer.

URBAN PLANNING 29 MARCH 2004

Agenda Item 9.1 - Attachment 1

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 61

32. Any work within the road reservation must be carried out to standards set by Council's Infrastructure Planning & Construction or other standards agreed by them.

33. Materials are not to be stored on the road reserve without Council's Infrastructure Planning & Construction written approval.

34. Protection of Council's street trees shall be in accordance with Council's Street Tree Policy and Protocol.

35. A road opening permit from Council is required for any work(s) and road openings within the road reserve, including the naturestrip.

36. Council may recover costs for approving and supervising works in public areas as part of this development.

37. The owner has to obtain permission from the appropriate authority, for any asset relocation.

38. A construction zone permit will be required from Council to allow parking of construction vehicles for longer than the permitted times.

39. Analytical, discussions, etc costs incurred by Council in making comments, approving and or supervising development concepts, works in public areas and or as part of this Project, including tentative infrastructure concepts, ideas, proposals, etc, even though actual construction works do not eventuate onsite, may be recovered by Council from the Developer.

40. All proposed infrastructure construction plans & works are to be designed and constructed to the Responsible Authority's standards, specifications, policies, requirements, etc, including but not limited to MCC Road & Drainage Design Guidelines.

Street Asset Protection

41. The owner shall be responsible for the loss of value or damage to Council's assets as a result of the development. Reinstatement or modification of the asset to Council's satisfaction will be required or compensation to the value of Council's loss paid by the Developer.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 62

42. A Council Asset Protection officer will contact the owner/builder to arrange the relevant Street Asset Protection Permit and advise of the associated bond required to be lodged to Council's Infrastructure Planning &

Agenda Item 9.1 - Attachment 1

Construction prior to commencement of work, in pursuant to Local Law No. 2 and Council's Street Asset Protection Policy 1998.

Note: If using a private building surveyor, a Section 80 form, ie notification of the private building surveyor of their appointment to consider a building permit is to be supplied to Council's Building Surveyor, is required to initiate the above process.

43. This permit will expire if one of the following circumstances applies:

- The use and development is not commenced within two years of the date of this permit;
- The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

NOTATION:

- This permit is issued pursuant to the provisions of the relevant Planning Scheme and does not relieve the permit holder of the necessity to obtain a building permit pursuant to the Building Act 1993 prior to the commencement of any construction or works on any part of the site.
- Pursuant to Local Law No.2, if vehicles enter or leave the carriageway adjacent to the allotment in the course of building works on the allotment, the owner or occupier of the allotment must advise the Council in writing at least seven (7) days prior to the commencement of the building work.
- A construction zone permit will be required from Council to allow parking of construction vehicles for longer than the permitted times.
- Materials are not to be stored on the road reserve without Council approval.
- A road opening permit must be obtained from Council prior to any excavation within the road reserve.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 63

PART B DETAILED ASSESSMENT

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY**

Agenda Item 9.1 - Attachment 1

**APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 64

DETAILED ASSESSMENT

Clause 55 (ResCode) Assessment:

Having regard to the decision guidelines of the Business 2 Zone, the development should be assessed against Clause 55 (ResCode). It is noted however that the provisions of Clause 55 do not apply to an application to construct or extend a development of four or more storeys, excluding a basement.

The relevant provision of the Maribyrnong Planning Scheme for consideration of development greater than four storeys is Clause 19.03 Design and Built Form. However, a brief assessment as a comparative has been undertaken against the relevant objectives of Clause 55 to establish how the development responds to the primary design standards to use the land for apartments. Several of the standards are not applicable to a multi level development of this type and relate to development in a residential neighbourhood.

Clause 55.02-1 – Neighbourhood

Character Objectives

*"To ensure that the design respects the
existing neighbourhood character or
contributes to a preferred
neighbourhood character;*

*To ensure the development responds to
the features of the site and surrounding
area"*

Summary of Standard B1

Makes neighbourhood character the mandatory starting point for the assessment of planning permit applications for housing. It is the first standard to be assessed.

Assessment Comments

It is considered that the proposal responds to the features of the site and the surrounding area.

- The proposal addresses Donald Street with a four level building which is consistent with the emerging urban wall of the ring road.
- The building massings are well resolved through building articulation and indicative material selection.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 65

- The 5 level building has responded to the proposed development of the RACV site by providing the opportunity for linkage to this site and to Dennis Street.
- The introduction of a commercial use at ground level, will enhances street

Agenda Item 9.1 - Attachment 1

activity and together with the proposed apartments will attract pedestrian activity to this section of Donald and Ford Street.

Clause 55.02-2 – Residential Policy

Objectives

"To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies;

To support medium densities in areas where development can take advantage of public transport and community infrastructure and services"

Summary of Standard B2

Ensures decisions about individual applications for a multi-unit development accord with State and local planning policies.

Assessment Comments

The proposed development generally accords with State Planning Policy Framework, Local Planning Policy Framework and general policies. It is considered that the proposal is consistent with the relevant State and Local Planning Policies by encouraging residential development in an area that can adequately support this form of development. The proposal also reinforces the policy statements of the Footscray Central Urban Design Framework encouraging the development of higher densities, mixed use developments and active street frontages within the Footscray Business Centre.

Clause 55.02-3 – Dwelling Diversity

Objective

"To encourage a range of dwelling sizes and types in development of ten or more dwellings"

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 66

Summary of Standard B3

Ensures that larger developments cater for a range of households, including households containing elderly or disabled people. By providing a specific measure of diversity, it simplifies designing and assessing multi-unit development.

Assessment Comments

The proposal provides for the following dwelling types:-

- 18 x 2 bedroom apartments
- 28 x 1 bedroom student apartments

It is considered that the proposal provides for a range of dwelling types (including student accommodation) which is not generally catered for in the standard residential market.

Clause 55.02-4 – Infrastructure

Agenda Item 9.1 - Attachment 1

Objectives

"To ensure development is provided with appropriate utility services and infrastructure;

To ensure development does not unreasonably overload the capacity of utility services and infrastructure"

Summary of Standard B4

Ensures that new multi-unit development does not overload existing infrastructure and is adequately provided with infrastructure.

Assessment Comments

The site is provided with infrastructure services including reticulated sewerage, drainage, electricity and gas. It is considered that the proposed development will not overload the existing infrastructure, and is able to be connected to all appropriate utility services.

Clause 55.02-5 – Integration with the Street Objective

"To integrate the layout of development with the street"

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 67

Summary of Standard B5

Ensures that the layout of the new development integrates with the street.

Assessment Comments

The layout of the development has been designed to ensure the two buildings are orientated towards the street frontages of both Donald and Ford Streets. Building 1 which fronts Donald Street, includes a café which 'wraps' around the building at ground floor level and includes an outdoor landscaped area.

Given the site is currently vacant and adjoining land comprises a mixture of small scale commercial buildings (one and two storey) and residential, the proposal provides an opportunity to integrate with the street in a way which currently does not exist within the surrounding precinct.

Clause 55.03-1 – Street Setback Objective

"To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site"

Summary of Standard B6

Setback of buildings from the street is a key determinant of neighbourhood character. This standard relates the front setback to neighbouring setbacks so all new buildings maintain the street's character. It removes opportunities for 'dual occupancy by stealth' by preventing single dwelling being built well to the rear of lots.

Assessment Comments

Building 1 is proposed to be constructed to the property frontage to Donald Street and

Agenda Item 9.1 - Attachment 1

has been designed in this way, to 'promote' the commercial component of the building. In addition, the construction of Building 1 to the site frontage will create a curvilinear form which re-inforces the configuration of the 'ring' road.

Building 2 is also built to the site frontage

It is noted that an important principle of the Footscray Central Urban Design Framework, is the requirement for provision of car parking behind the building or at a basement or upper level and not between the building and the street. Essentially, the principle requires the presentation of a hard, urban edge to the street frontage.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 68

Clause 55.03-2 – Building Height

Objective

*"To ensure that the height of buildings
respects the existing or preferred
neighbourhood character"*

Summary of Standard B7

Building height is an important aspect of both character and amenity in residential areas. This standard protects the amenity of properties near new development and ensures that excessive building height does not diminish the character of neighbourhoods.

Assessment Comments

This standard is not applicable given the multi-level form of the development. The general assessment of development and therefore height is to be considered under clause 19.03 Design and Built Form.

However, the proposed height is considered appropriate within the context of the Footscray Central Urban Design Framework which suggests a 4 storey built form to the Donald Street frontage.

Clause 55.03-3 – Site Coverage

Objective

*"To ensure that the site coverage
respects the existing or preferred
neighbourhood character and
responds to the features of the site"*

Summary of Standard B8

Limits the proportion of any lot that can be built on, to provide outdoor space for residents, and to protect the amenity and character of neighbourhoods.

Assessment Comments

The subject site does not meet the standard for requiring a maximum of 60% site coverage. It is considered that this standard is more applicable to a site in a residential zone.

The proposal would result in a site coverage of 93% which is appropriate given the commercial context of the site within the Footscray Business Centre. The proposed

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND

Agenda Item 9.1 - Attachment 1

**FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 69

site coverage responds to the preferred neighbourhood character as portrayed in the Footscray Central Urban Design Framework.

Clause 55.03-4 – Permeability

Objectives

*“To reduce the impact of increased
stormwater run-off on the drainage
system;*

*To facilitate on-site stormwater
infiltration”*

Summary of Standard B9

Limits the amount of hard surfaces that can surround a new development. Limiting hard surfaces reduces the volume of stormwater runoff, which reduces pressure on urban drainage systems and helps protect water quality in downstream waterways.

Assessment Comments

The subject site does not meet the standard for requiring a minimum 20% of the site to be permeable. Given the commercial context of the site, the proposed hard surface area is considered appropriate. It is noted that the design incorporates landscaping areas adjacent to the café on Donald Street, which will provide for permeable areas.

Clause 55.03-5 – Energy Efficiency

Objectives

*“To achieve and protect energy efficient
dwellings and residential buildings;*

*To ensure the orientation and layout of
development reduce fossil fuel energy
use and make appropriate use of
daylight and solar energy”*

Summary of Standard B10

Provides for new energy efficient dwellings and the protection of energy efficient dwellings in the planning permit process. It provides a specific, measurable energy efficiency standard for multi unit development (ie. effective from 1 March 2002 is the achievement of a 4 star energy rating).

Assessment Comments

A preliminary energy efficiency assessment was provided as part of the application documentation. The report prepared by Ark Resources demonstrated that the sample

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 70

dwellings achieved a minimum 4 star rating. A significant number of dwellings also

Agenda Item 9.1 - Attachment 1

achieved 4.5 and 5 star ratings.

It is considered that the proposed dwellings achieve the requirements of this standard.

Clause 55.03-6 – Open Space Objective *"To integrate the layout of the development with any public or communal open space provided in or adjacent to the development"*

Summary of Standard B11

Ensures that open spaces provided with multi unit development are well designed and benefit residents and the community.

Assessment Comments

Adjacent to the site is a road reserve provided for Ford Street. The development proposal envisages the creation of 4 car parking spaces within this road reserve, with the balance of the area landscaped. The car parking spaces would be available to the public, visitors to the apartments or café.

As a Council owned road reserve, the proposed development which incorporates a landscaping and car parking concept, provides benefits to the community and future residents of the proposed apartments.

Clause 55.03-7 – Safety Objective *"To ensure the layout of development provides for the safety and security of residents and property"*

Summary of Standard B12

Encourages good visibility and design of entrances and accessways in multi unit development to protect residents and property.

Assessment Comments

The proposed pedestrian entry to both dwellings is via Ford Street. The entrance to building 1 is orientated towards the Ford and Donald Street corner of the site. As such, it has excellent streetscape presentation and is clearly visible for pedestrians.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 71

The entrance to building 2, while accessed via Ford Street, is orientated toward Nicholson Street. This design element deliberately provides opportunity for connections between the subject site and the proposed development to the south. As such, the proposed entry progresses the urban design principle for direct links from the site to central Footscray.

An integral component of the design is the provision of security doors and lighting for the car parking areas to ensure safety for residents and property. Pedestrian entrances will also feature security doors.

It is considered this standard has been achieved

Clause 55.03-8 – Landscaping Objectives

"To encourage development that respects the landscape character of the neighbourhood;

To encourage development that maintains and enhances habitat for plants and animals in locations of

Agenda Item 9.1 - Attachment 1

*habitat importance;
To provide appropriate landscaping;
To encourage the retention of mature
vegetation on the site"*

Summary of Standard B13

Emphasises the contribution that landscaping makes to neighbourhood character. It also discourages the removal of trees before a planning permit application has been assessed.

Assessment Comments

The proposed development envisages limited areas of vegetation. This responds directly to the Footscray Central Urban Design Framework which directs that buildings address the street frontage with construction to the boundary. Within the context of Donald Street, this will result in the creation of an 'urban wall'. Landscaping will be introduced to the precinct in the form of street trees which line both sides of the 'Ring Road'. This is the emerging landscape character of the area.

The Ford Street road reserve, which is to incorporate landscaping together with car parking spaces, will provide an additional 'softening' to the 'urban wall'.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 72

A Landscape Concept plan has been prepared by Gillespies Australia.

Clause 55.03-9 – Access Objectives *"To ensure vehicle access to and from a development is safe, manageable and convenient;*

To ensure the number and design of vehicle crossovers respects the neighbourhood character"

Summary of Standard B14

Provides adequate vehicle access to lots but limits the intrusion that vehicle crossovers make into the streetscape and on-street parking.

Assessment Comments

Vehicle access to the site will be provided from an existing right-of-way which separates the two proposed buildings. The right-of-way is to be accessed via Ford Street.

As part of the application documentation, a traffic report was submitted by the Traffix Group. The application and traffic report has been reviewed by Council's Traffic Engineer who offered no objection to the proposed crossover and vehicular access arrangements. It is noted that safety concerns were raised with regard to the proposed parallel parking within Donald Street.

Given the scale of the proposed development, it is considered that the proposed introduction of a safely designed, discreetly located crossover from Ford Street is appropriate.

Clause 55.03-10 – Parking Location Objectives

*"To provide for convenient parking for residents and visitor vehicles;
To avoid parking and traffic difficulties*

Agenda Item 9.1 - Attachment 1

*in the development and the
neighbourhood;
To protect residents from vehicular noise
within developments"*

URBAN PLANNING 29 MARCH 2004

██████████ PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 73

Summary of Standard B15

Ensures that on-site car parking is convenient but does not dominate new development and intrude on the amenity of residents.

Assessment Comments

The location of on-site car parking is generally considered to be convenient for residents and visitor vehicles. The proposed design essentially conceals the car parking at-grade. As such, it does not dominate the new development or affect the amenity of residents.

The safety concerns raised by Council's Traffic Engineer in relation to the proposed parallel parking within Donald Street has been noted.

Negotiations with the neighbouring properties at Nos. 16, 16A & 18 Droop Street have resulted in a minor modification to the proposed car parking layout to provide a splay to allow for suitable access to and from 16 and 16A Droop Street via the right-of-way.

Should a permit issue, it is recommended that these modifications be required via a permit condition.

Clause 55.03-11 – Parking Provision

Objectives

*"To ensure that car and bicycle parking
for residents and visitors is appropriate
to the needs of residents;*

*To ensure that the design of parking and
access areas is practical and attractive
and that these areas can be easily
maintained"*

Summary of Standard B16

Ensures that all new development has appropriate on-site car parking, to contain demand for street parking, and that parking spaces are accessible and adequate in size.

Assessment Comments

Refer to the Car Parking Section of this report.

URBAN PLANNING 29 MARCH 2004

██████████ PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING**

Agenda Item 9.1 - Attachment 1

REQUIREMENTS (continued)

PAGE 74

Clause 55.04-1 – Side and Rear

Setbacks Objective

"To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings"

Summary of Standard B17

Ensures adequate separation between dwellings on adjacent lots, particularly above ground floor level.

Assessment Comments

The proposed building envelope generally involves construction to the site boundaries. This design concept responds to the direction provided by the Footscray Central Urban Design Framework which envisages the creation of an 'urban wall' which extends along the 'ring road' of Donald Street. As such, the building envelope responds to a preferred neighbourhood character for the Footscray Business Centre.

The proposed development has been design to limit impact on the amenity of neighbouring properties.

Clause 55.04-2 – Walls on Boundaries

Objective

"To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings"

Summary of Standard B18

Limits the height and length of walls on lot boundaries, to reduce the impact of housing on neighbouring properties.

Assessment Comments

Refer to assessment above.

Clause 55.04-3 – Daylight to Existing Windows Objective

"To allow adequate daylight into existing habitable room windows"

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 75

Summary of Standard B19

Ensures that all new dwellings provide adequate daylight to existing windows.

Assessment Comments

Existing habitable room windows that are adjacent to the site will continue to have access to adequate daylight.

Clause 55.04-4 – North-facing Windows

Objective

"To allow adequate solar access to

Agenda Item 9.1 - Attachment 1

existing north-facing habitable room windows"

Summary of Standard B20

Protects the energy efficiency of existing dwellings which use north facing windows for passive solar heating.

Assessment Comments

Not applicable, as there are no existing north facing habitable room windows within 3 metres of a boundary abutting the site.

Clause 55.04-5 – Overshadowing Open Space Objective

"To ensure buildings do not significantly overshadow existing secluded private open space"

Summary of Standard B21

This standard has been extended to all single dwellings and upgraded for dwellings requiring a planning permit. The standard protects existing private open space from overshadowing from new developments.

Assessment Comments

Shadow diagrams submitted with the application demonstrate that the proposed development has been designed to ensure that private open spaces areas are protected from overshadowing.

During the morning period, the shadow cast by the proposed development generally falls on the rear car parking areas of the commercial properties which front Droop

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 76

Street. During the afternoon period, the shadow generally falls on the road and car parking area to the south.

Clause 55.04-6 – Overlooking Objective "To limit views into existing secluded private open space and habitable room windows"

Summary of Standard B22

Extends overlooking provisions to all single dwellings and has been upgraded for dwellings requiring a planning permit. The standard protects existing windows and private open space from overlooking.

Assessment Comments

The proposal complies with this standard as there are no direct views within a horizontal distance of 9 metres from a habitable room window or balcony into a habitable room window of an existing dwelling, terrace or private open space area. The balconies for all dwellings have been designed to face toward the street frontages of Donald and Ford Street. As such, the balconies will provide for distant views of surrounding properties and beyond from the upper levels of the proposed building. Views in and around the Footscray business centre will further enhance surveillance in the area.

Clause 55.04-7 – Internal Views Objective

Agenda Item 9.1 - Attachment 1

"To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings with a development"

Summary of Standard B23

Protects residents in multi-unit developments from overlooking from other houses in the same development.

Assessment Comments

The proposed plans indicate that views may be possible between the south facing balconies of building 1 to the north facing balconies of building 2. The applicant has submitted that views at first floor level will be screened by the landscaping treatment of

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 77

the site. At the upper levels, the applicant has indicated screening can be applied to prevent 'internal' overlooking. The applicant has not provided details of information on screening between apartments.

It is recommended that should a permit issue, a condition require details of screening measures to prevent 'internal' overlooking, to achieve the requirements of this standards.

Clause 55.04-8 – Noise Impacts

Objectives

"To contain noise sources in developments that may affect existing dwellings;

To protect residents from external noise"

Summary of Standard B24

Limits the intrusion of external noise into dwellings to protect the amenity of residents.

Assessment Comments

The site is not located within a noise affected area. As such, the requirements of this standard are not applicable to the proposal.

Clause 55.05-1 - Accessibility Objective *"To encourage the consideration of the needs of people with limited mobility in the design of developments"*

Summary of Standard B25

Ensures multi unit development are designed for people with limited mobility.

Assessment Comments

The proposed development incorporates design features to ensure accessibility for people with limited mobility. The apartment buildings feature a lift service for access to upper levels and car parking is provided at ground level. The ground level café is designed to provide access for people with limited mobility.

The applicant has indicated that car spaces 15 -18 are designated parking bays for disabled access for residents.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

Agenda Item 9.1 - Attachment 1

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 78

Clause 55.05-2 – Dwelling Entry

Objective

"To provide each dwelling or residential building with its own sense of identity"

Summary of Standard B26

Ensures that the entrances to houses address the street and are designed for shelter and visibility from the street.

Assessment Comments

The pedestrian entry to both buildings is via a central foyer area and entry to individual apartments is via accessible corridors at each floor level. The design of the entrance areas, incorporate security measures with the provision for remote surveillance at ground and upper levels. It is considered that the proposed foyer areas provide a secure and covered transitional area.

The entrance of building 1, being orientated towards the corner of Donald and Ford street is clearly visible from these streetscape views. The entrance to building 2 is less visible, given the design intent is to provide a strategic connection towards the property to the south and a direct link to Footscray central.

Clause 55.05-3 – Daylight to New

Windows Objective

"To allow adequate daylight into new habitable room windows"

Summary of Standard B27

This standard is a fundamental amenity standard that ensures that all new windows of habitable rooms receive adequate daylight.

Assessment Comments

The habitable room windows of the apartments proposed within building 1 will receive adequate daylight to comply with this standard.

However, the proposed plans indicate that the 'bedrooms' of the student apartments in building 2 are reliant on natural borrowed light. These rooms must comply with the Building Code of Australia 1996 or the applicant will be required to seek dispensation through the Building Control Commission. Part F4.3 of the BCA states that natural lighting to a room may come through a glazed panel or opening from an adjoining room (including a verandah)

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 79

Agenda Item 9.1 - Attachment 1

- If both rooms are in the same sole occupancy unit or the enclosed verandah is on common property; and
- The glazed panel or opening has an area of not less than 10% of the floor area of the room to which it provides light; and
- The adjoining room has windows with an aggregate light transmitting area of not less than 10% of the combined floor areas of both rooms.

It is noted that the bedroom is designed as a 'bed alcove' which is not an enclosed room. A perspective drawing submitted with the application demonstrates the relationship between the bed alcove and the living area which features full width, northfacing windows. An open-style desk and bookshelf separate the areas.

Clause 55.05-4 – Private Open Space

Objective

"To provide for adequate private open space for the reasonable recreation and service needs of residents"

Summary of Standard B28

Ensures that all residents of new dwellings have useable and secluded private open space accessible from living areas. It also contributes to the character of residential areas.

Assessment Comments

The development has been designed to provide open space in the form of balconies for each apartment. The student apartments contained within building 2 are provided with a balcony with an area of 4.5 m². The balconies are north facing and are accessed via an open plan kitchen/meals/living area.

The apartments contained within building 1 are provided with balconies which range in size from 6 m² to 15 m². A significant number of these apartments feature north and east facing balconies and all balconies are accessed via living areas. The individual balcony areas are detailed in the table below:

Apartment No. Open Space m²

01 10m²

02 6m²

03 9m²

04 14m²

05 13m²

06 15m²

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 80

07 10m²

08 6m²

09 9m²

10 14m²

11 13m²

12 15m²

13 10m²

14 6m²

Agenda Item 9.1 - Attachment 1

15 9m²
16 14m²
17 13m²
18 15m²

While the balcony areas of the student apartments and a number of apartments within building 1 are less than required by this standard, a variation is considered appropriate based on the following:

- The student apartments include 1 'bed alcove'. As such, they are designed for sole occupancy.
- The central location of the building and deliberate connection to sites to the south and Footscray central will allow for convenient access for residents to the restaurants, entertainment and recreational facilities available within the Footscray central precinct.
- The site is proximate to the Maribyrnong River and surrounding river environs which provides an excellent opportunity for the recreation needs of residents.
- The balconies have been designed to provide excellent access to daylight, with the majority enjoying a northerly orientation.
- The development includes a ground level café which will be easily accessible to residents of both buildings.

Clause 55.05-5 – Solar Access to Open Space Objective

"To allow solar access into the secluded private open space of new dwellings and residential buildings"

Summary of Standard B29

Ensures that sunlight to the private open space of new dwellings is provided for in planning permit applications.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 81

Assessment Comments

While this standard applies to developments with ground level open space for residential developments, it is noted that the balconies of the proposed apartments have been designed to allow for good levels of solar access. The balconies of building 2 have a northerly orientation and a significant number of apartments within building 1 are designed with northerly and easterly orientated balconies. No ground level private open space areas are proposed.

Clause 55.05-6 – Storage Objective "To provide adequate storage facilities for each dwelling"

Summary of Standard B30

Requires each new house in a multi unit development to have accessible external storage. External storage provision enables garages to be used for parking instead of for storage and reduces pressure on on-street parking from multi unit development.

Assessment Comments

The design of the ground level car park for building 1 incorporates storage facilities

Agenda Item 9.1 - Attachment 1

adjacent to the foyer area. In addition, an area has been designated for the provision of bicycle storage adjacent to the foyer area of building 2. The bicycle storage area has capacity for approximately 30 bicycles.

Clause 55.06-1 – Design Detail

Objective

"To encourage design detail that respects the existing or preferred neighbourhood character"

Summary of Standard B31

Ensures that the detailed design of new dwellings is considered, including the impact of the detailed design of dwellings on neighbourhood character.

Assessment Comments

The design of the proposed apartments buildings has been developed in consultation with Council officers to achieve an appropriate form within the context of the strategic direction of the Footscray central precinct. The modified form, is considered an appropriate scale which conforms to the preferred neighbourhood character. The building is well articulated with varying elements, including balcony protrusions and

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 82

window openings. Side elevations have been articulated through the use of coloured vitripanel sheeting which creates a shadow line, 'tiled' effect.

Should a permit issue, it is recommended that a detailed material schedules should be submitted to the satisfaction of the Responsible Authority.

Clause 55.06-2- Front Fences

Objective

"To encourage front fence design that respects the existing or preferred neighbourhood character"

Summary of Standard B32

Provides for front fences to be lower than other fences, so that houses and vegetation can be seen from the street and contribute to the streetscape.

Assessment Comments

There is no fencing proposed.

Clause 55.06-3 – Common Property

Objectives

"To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained;

To avoid future management difficulties in areas of common ownership"

Summary of Standard B33

Aims to avoid problems with management and use of shared areas in multi unit development.

Assessment Comments

The proposed development clearly delineates public, communal and private areas

Agenda Item 9.1 - Attachment 1

within the development. The communal areas are designed to be functional and capable of efficient management.

Multi level development requires common property and the successful management of these spaces will be dependant on the body corporate to administer.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 83

Clause 55.06-4 – Site Services

Objectives

*"To ensure that site services can be
installed and easily maintained;*

*To ensure that site facilities are
accessible, adequate and attractive"*

Summary of Standard B34

Provides for site facilities to be well designed and accessible.

Assessment Comments

The design of the development and layout of units provide sufficient space for site facilities to be maintained in an efficient manner.

A waste storage and collection management plan for the commercial and residential units will be required to be prepared and will be required to be incorporated into the body corporate rules.

**Clause 12 - Metropolitan Development (Metropolitan Strategy Melbourne 2030)
(Draft)** states that is policy to

- Build up activity centres as a focus for high-quality development, activity and living for the whole community (Policy 1.1).
- Broaden the base activity in centres that are currently dominated by shopping to include a wider range of services over longer hours and resist out-of-centre development (Policy 1.2).
- Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport (Policy 1.3).
- Promote good urban design to make the environment more liveable and attractive (Policy 5.1).
- Protect heritage places and values (Policy 5.4).
- Ensure that water sources are managed in a sustainable way (Policy 7.1).
- Contribute to national and international efforts to reduce energy usage and greenhouse gas emissions (Policy 7.3).

Footscray Central and Highpoint Shopping Centre are nominated as Principle Activity Centres in the Metropolitan Strategy 2030. The highest order activity centre is the Central Activities District, followed by the Principle Activity Centre.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT**

Agenda Item 9.1 - Attachment 1

**ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 84

Officer Comment

Considering the Melbourne Metropolitan Strategy 2030, it is evident that providing higher density living in the Footscray Principle Activity Centre, public transport and a range of commercial/business premises are the key criteria of achieving the policy vision of a successful, vibrant and attractive Activity Centre. Footscray central contains the framework and infrastructure to successfully achieve the policy objective of a "more compact city". The proposed use and development aims to advance this policy vision.

Clause 14.02 - Metropolitan Development objective is to assist achievement of a metropolis which has a business environment conducive to sustainable long term economic growth, enhanced environmental quality and liveability for the metropolitan population, improved functioning through best practice management of its infrastructure and urban development. In general, higher land use densities and mixed use developments should be encouraged near railway stations, major bus terminals, transport interchanges and tram and principle bus routes.

Officer Comment

The high-density residential and commercial development of this site will assist in revitalising the Footscray Business Centre.

Clause 15.12 - Energy Efficiency objective is to encourage land use and development that is consistent with the efficient use of energy and the minimisation of green house gas emissions.

Clause 16.02 - Medium Density Housing objective is to encourage the development of well-designed medium-density housing which:

- Respects the character of the neighbourhood.
- Improves housing choice
- Makes better use of existing infrastructure.
- Improves energy efficiency of housing.

Clause 17.01 - Activity Centres objective is to encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community.

With relevance to this proposal Activity Centres should be planned to:

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 85

- Incorporate and integrate a variety of land uses, including retail, office, education, human services, community facilities, recreation, entertainment and residential uses where appropriate.

Clause 18.02 - Car Parking and Public Transport Access to Development objective is to ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing

Agenda Item 9.1 - Attachment 1

transport networks and the amenity of the surrounding areas.

Officer Comment

To ensure this objective was respected the applicant conducted a traffic and parking assessment to establish adequate parking within the development and have regard to traffic management.

Clause 19.03 - Design and Built Form objective is to achieve high quality urban design and architecture that:

- Reflects the particular characteristics, aspirations and cultural identity of the community.
- Enhances liveability, diversity, amenity and safety of the public realm.
- Promotes attractiveness of towns and cities within broader strategic contexts.

For development proposals for residential development not covered by Clause 54, Clause 55 or Clause 56, planning and Responsible Authorities must have regard to the specified design principles.

Design Principles

Planning and Responsible Authorities must have regard to the following design principles:

Context

- Development must take into account the natural, cultural and strategic context of its location.
- A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 86

The Public Realm

- The public realm, which includes main pedestrian spaces, streets, squares, parks and walkways, should be protected and enhanced.

Landmarks, Views and Vistas

- Landmark views and vistas should be protected and enhanced or where appropriate, created by new additions to the built environment.

Pedestrian Spaces

- Design of the relationship between buildings and footpaths and other pedestrian spaces, including the arrangement of adjoining activities, entrances, windows and architectural decoration, should enhance the visual and social experience of the observer

Heritage

- New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.

Consolidation of Sites and Empty Sites

- New development should contribute to the complexity and diversity of the built environment.
- Site consolidation should not result in street frontages which are out of keeping with the complexity and rhythm of existing streetscapes.

Agenda Item 9.1 - Attachment 1

- The development process should be managed so that sites are not in an unattractive neglected state for excessive periods and the impacts from vacant sites are minimised.

Light and Shade

- Enjoyment of the public realm should be enhanced by a desirable balance of sunlight and shade.
- This balance should not be compromised by undesirable overshadowing or exposure to the sun.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 87

Energy and Resource Efficiency

- All building, subdivision and engineering works should promote more efficient use of resources and energy efficiency.

Architectural Quality

- New development should aspire to the high standards in architecture and urban design.
- Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.

Landscape Architecture

- Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.

Officer Comment:

The proposal generally supports the intent of the above policy direction. Having regard to the above matters to be considered the development respects the public realm and creates visual interest to this site through the introduction of a well resolved building with an appropriate scale and form for the locality.

The development adds to a variety in land use, provides greater housing choice, capitalises on public transport and has the ability to incorporate energy efficient principles.

Any overshadowing from the development will not significantly compromise the public realm, as the shadows generally fall across the existing commercial buildings and right of ways.

Overall the proposal will add diversity to the streetscape and public realm, given that the existing site is undeveloped.

Further consideration and assessment against "Clause 19.03 Design and Built Form", is provided by Council's Urban Design Officer in the "Internal Referral - Urban Design" section of this report.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK**

Agenda Item 9.1 - Attachment 1

**PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 88

Clause 21.04-6 - Activity Centres and Retailing has four objectives which address the key issues of activity centres and retailing. In summary, the objectives applicable to this are:-

- Ensure all residents are within reasonable walking or cycling distance of centres with a mix of local convenience shopping and services, leisure and entertainment opportunities, and community services and facilities.
- Revitalise the Footscray Centre as the civic heart of the city.
- Place an emphasis on the future development of shared parking, not individually provided parking.
- Create centres which are physically attractive, well maintained and clean, and which minimise the impact of litter on the environment.
- Create centres which provide friendly and safe access pathways, good lighting, quality landscaping, street furniture, conveniences and activity spaces for people to meet.

Officer Comment

It is policy to encourage the development of higher density housing in and around activity centres that is supported by the development of this site for residential housing.

Clause 22.04-3 - Footscray Business Centre objective is to revitalize the Footscray Business Centre, encourage the development of new dwellings in and around the Footscray Business Centre and to preserve existing period buildings of a commercial nature in Barkly Street.

It is policy to:-

- Facilitate changes of use and new development in these precincts.
- Encourage residential use and development above or to the rear of commercial premises.
- Encourage new high density housing to replace or supplement once exclusive office use, particularly in Paisley, Donald, Ryan and Byron Streets and the western end of Irving Street.
- Encourage live and cinema entertainment particularly the restoration of the Barkly Theatre.
- Encourage the provision of at least one third of new floor space to residential activity.
- Waive requirements for contributions towards the provision or development of open space.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 89

- Waive car parking for dwellings provided adequate daytime parking is provided for non-residential activity and is available for use of residents at night.
- Generally require new developments to respect prevailing building heights, streetscape patterns and periods ambience.

Agenda Item 9.1 - Attachment 1

- Generally require new developments to provide their share of the development of a safe, well lit and presented sheltered pedestrian pathway system linking all parts of the centre with car parking and public transport, or a contribution towards infrastructure development.

- Generally require new developments to provide sufficient space for the storage of waste and the off-street loading/unloading of vehicles.

Officer Comment

The Footscray Business Centre policy further encourages residential living in the centre and also provides for parking concessions.

OTHER POLICIES

Council Plan 2002-2005

Council's Plan 2002-2005 identifies the following commitments:

"Caring for our Environment"

We will be responsible for encouraging and promoting an environmentally sustainable community to lead to a cleaner, greener and safer city.

"Leadership"

We will achieve our shared vision by providing strong leadership and engaging with our Diverse Community.

"People and Opportunity"

We will provide responsive, value for money services that strive to enhance the health, well being and sense of safety of our community. These services will endeavour to meet our diverse community's needs equitably.

"Assets"

We will work with all stakeholders to improve and protect our valued assets.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 90

"Pride and Sense of Community"

In partnership with our diverse community, we will actively work to further develop a sense of pride and belonging in the City.

Officer Comment

The proposed use and development is consistent with the general intent of these commitments of Council's Plan and provides a new direction for accommodation and living in Footscray central.

Housing Strategy (Adopted by Council 13/11/2000)

Council's Housing Strategy includes the following objectives:

Council will support housing developments which will:

- Promote diversity of age, income or ethnic groups, or family or household types.
- Offer quality housing.
- Offer open space which is well-planned and constructed.
- Offer mixed housing type (variety in housing choice) to meet the needs of, and be accessible to single persons, pair, family and extended households, low income and higher income households, students, the young and the elderly and persons with disabilities.
- Integrate well with the neighbouring areas, by complementing the strengths

Agenda Item 9.1 - Attachment 1

of surrounding areas.

- Be efficient in resource and energy use.
- Offer accessible services.
- Promote employment opportunities
- Express the cultural identity of Maribyrnong.
- Enhance the image of the Municipality.
- Offer accessible services (eg. within walking distance of public transport)
- Embrace good urban design principles.
- Offer innovative, environmentally sustainable design.
- Consider safety imperatives of design, safety and access.
- Encourage shop top housing throughout the City.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 91

The strategy also recommends the following actions within Activity Centres.

- Encourage and facilitate the development of housing in shopping centres, mixed use zones and within walking distance of public transport.
- The Footscray Central Urban Design Framework supports multi-storey mixed use developments as a means of improving the viability of the Centre and providing a vibrant and interesting environment; and proposes a number of sites in the Centre and environs which may accommodate commercial activity on the ground floor and high density residential development above.

Officer Comment

It is considered that the subject application complies with the objectives of the housing strategy.

Footscray Central Urban Design Framework

The Footscray Central Urban Design Framework supports multi-storey mixed use developments as a means of improving the viability of the Centre and providing a vibrant and interesting environment and proposes a number of sites in the Centre and environs which may accommodate commercial activity on the ground floor and high density residential development above. Although the subject site is not specifically nominated, the strategic objective of introducing high density residential development applies.

The Footscray Central Urban Design Framework outlines the following strategies:

Livability

"Most of the remaining strengths – low land values and rents, availability of land for development, attractive old buildings and characterful housing, provision of parkland, the presence of tertiary education and opportunity for boat moorings – further reinforce the outstanding opportunity for the development of new residential and business accommodation. This is particularly so along the riverside, around the ring road and adjacent to the Station. The significance of these opportunities has finally been recognized by the residential property market over the last year or so". (Pg 14)

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

Agenda Item 9.1 - Attachment 1

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 92

Built environment

The development of exemplary new land mark buildings and structures should be promoted in selected locations, to create a memorable skyline and enhance the Business Centre's image at the regional level."

In order to promote a high quality built environment in Footscray Central in the future, Good quality design should be required of planning applications for new development". (Pg 22)

Increasing Footscray's Intensity

"Greater intensity should be encouraged in Footscray Central, particularly in the business centre, along the riverfront and around major public open spaces such as Footscray Park.

Intensity means the level of activity in an area, whether inside or outside buildings. It is a product of the amount of built floor space, the mix of land uses, and the support provided for outdoor activities.

- Increases employment levels, through the provision of more employment opportunities.
- Increases the catchment for businesses, thus improving their viability.
- Increases the outward impression of vitality – underutilised sites and vacant spaces detract from the 'feel good' factor and present a downmarket image.
- Increase the internal perception of safety.
- Increases the opportunity for the exchange of products, information, knowledge, money and anecdotes – the essence of urban life.
- Increases the potential for choice of accommodation – whether for commercial or residential uses.
- Increases the rate income, thus providing more funds for Council to implement public works.

Intensity is thus a key factor in economic growth and livability, and fundamental to the realisation of the vision.

Land use

"The Business Centre suffers from a lack of active night time uses and the riverside area has few active uses by day or night. Specific uses that are missing from these areas and would make a significant contribution to intensity include: residential accommodation, entertainment uses restaurants and river related activities."

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 93

Agenda Item 9.1 - Attachment 1

An analysis of the current supply of and demand for different land uses has concluded that demand is likely to outstretch supply for additional floorspace of the following uses:

- Apartments in the business centre.
- Townhouses and apartments along the river.
- A small convenience and specialist retail centre in the riverside area – once the proposed residential developments are complete.
- Student accommodation and associated facilities in accessible locations.
- Asian goods outlets.

Apartments in the Business Centre are likely to be attractive to students provided rentals are at reasonable levels. Multiple bedrooms are attractive to enable students to share.

Demand for owner-occupier apartments, particularly those pitched up-market, is likely to emerge when the Centre repositions itself and the demographics of the area move towards higher income households.

As has occurred in other inner suburbs, redevelopment of residential areas gives rise to new demands for retail, business and personal services. Initially, there will be significant 'escape expenditure' as the new residents continue to shop elsewhere, but the opportunity will exist to recapture this.

- Apartments, entertainment uses, restaurants, high standard offices and affordable community meeting spaces should be promoted in the Business Centre.

- Townhouses and apartments, a small retail centre, entertainment uses, restaurants and high standard offices should be promoted in the riverside area.

- Students' accommodation should be promoted near to the university or TAFE college campuses.

- The reuse and redevelopment of existing retail floorspace should be encouraged, rather than further floorspace expansion.

Pg 61-63 (Urban Design framework)

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 94

Retail and Development Activity Centre Policy

The objective of this policy is to provide a framework for the facilitation of retail and activity centre development and promotion as an important element of economic development strategy and policy.

The policy provides future visions for activity centres and also emphasizes, that the development of new higher density housing in and around the Footscray Centre will be encouraged. (Pg8)

Officer Comment

The objective to encourage residential living in the business centre is a consistent theme through the various policy documents

Residential Development Principles:

Under this *Principles* document, Council acknowledges the desirability of medium density housing developments in inner city locations. The policy requires careful integration of new housing with old, the achievement of a range of housing styles and

Agenda Item 9.1 - Attachment 1

sizes, and the careful design of streetscapes and public spaces. It lists five fundamental ideals to which the City subscribes: quality, affordability, equity, diversity, and integration.

The *Principles* document states, which kinds of developments the City will support.

Council will facilitate and encourage those developments which:

- Promote diversity and flexibility;
- Offer quality housing and quality public open space;
- Offer mixed housing types (variety in housing choice);
- Integrate well with the neighbouring areas;
- Enhance the image of the street and the City;
- Express the cultural identity of Maribyrnong;
- Promote employment opportunities;
- Have ready non-car access to services (eg are within walking distance of a range of services and activity and close to public transport); and
- Embrace good urban design principles.
- Innovative, environmentally sustainable design.

Medium Density Housing will be generally encouraged and facilitated provided it meets policy objectives and diversity of housing and design standards, fits in well with

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 95

neighbourhood buildings and has minimum adverse effects on the amenity of adjoining residents.

The preferred location for new medium density housing developments is within 400-500 metres of:

- existing shopping and service centres
- existing parks and open space,
- public transport

All medium density developments should enhance neighbourhood character and ensure diversity of housing type within the immediate area.

Higher land use densities will be encouraged in locations identified by Council's Housing Strategy.

Officer Comment

The proposal is in keeping with the above principles document particularly the development of housing in shopping centres within walking distance of public transport, and mixed housing types.

Footscray Activity Centre - Transit City Program

The Footscray Activity Centre is one of nine centres nominated in the Metropolitan Strategy to participate in the Transit City Program. The Program aims to restructure parts of metropolitan Melbourne and the regional centres serviced by fast rail by focusing higher-density mixed-use development around key transport nodes. Projects at Transit Cities will be focused on strategic transport interchanges and associated facilities and may involve upgrading or redevelopment of railway stations (Footscray Station), bus interchanges, and other infrastructure, in order to encourage nearby commercial investment in mixed-use and high-density residential development. Master planning and identification of development opportunities may be complemented by land

Agenda Item 9.1 - Attachment 1

assembly, development facilitation and demonstration projects.

The Transit Cities program aims to:

- Improve public transport usage and the integration of transport services.
- Provide opportunities for increased private investment and business innovation.
- Improve the overall quality of places and encourage sustainable city development.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 96

- Develop high-density housing at strategic locations near transit centres.
- Build communities that offer fair access for all to services and employment opportunities.

A starting point for the Transit City Program is the Footscray Central Urban Design Framework (FUDF) – as this Plan provides the key strategic land use and development vision for Footscray. The Program will also be informed by a number of other strategic studies such as the Metropolitan Strategy, the Footscray Station Redevelopment Project, the Footscray Skyline Modelling Study, and by significant mid rise developments such as 242 Barkly Street and the RACV site in Nicholson Street. It is anticipated that the outcomes of the Transit City Program will be incorporated into the Municipal Strategic Statement and the Local Planning Policy Framework.

Street Life Strategy,

The "Street Life in Maribyrnong Strategy, September 1997" looks at practical ways of increasing community life and pedestrian activity in Maribyrnong's public places in strip shopping centres and commercial precincts to nurture a stronger community focus for the area.

The key principle of this document is:

"To encourage the development of commercial and community activity in public places in strip shopping centres and commercial precincts that adds to the cultural, social and economic strength of the community". Barkly Street and the Footscray Business Centre are identified as priority areas for encouraging further street life activity.

Officer Comment

There are several methods to increase street life, and with the project proposing an active element to Donald Street by way of a café at ground level and residential above is in keeping with the street life principles.

SUPPORTING DOCUMENTATION SUBMITTED BY THE APPLICANT:

The applicant has submitted the following documents to further support their application. A summary of these documents is detailed below:-

Traffic Report - prepared by the TraffixGroup, March 2003.

The report concluded the following:

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT**

Agenda Item 9.1 - Attachment 1

**ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 97

- *The long-term and majority of short-term parking demands generated by the development will be satisfied by the proposed on-site parking for 26 spaces.*
- *The proposal will generate minimal on-street parking demands, which will largely be associated with the proposed retail use.*
- *There are adequate grounds to justify a dispensation of the statutory parking requirements on the basis of access to public transport, empirical assessments of parking demand, the sharing of parking resources and the introduction of appropriate management and planning controls on the proposed student accommodation use.*
- *Dispensation for overflow parking is justified on the grounds:*
 - *The expected off-site impacts primarily relate to short-term customer parking which may best be accommodated within nearby public parking resources.*
 - *These expected off-site impacts are likely to be in the order of 2 car spaces at the peak times, and*
 - *There is an opportunity to increase the supply of public parking in Donald Street between Droop Street and Nicholson Street, which is in accordance with Council's strategy for the area.*
- *The parking layout is adequate and accords with the relevant standards and current practice*
- *The level of additional traffic generated as a result of this proposal will be relatively low which primarily results from the bulk of the development being residential.*
- *Traffic generated by the development will be spread throughout the day, and is unlikely to have a detrimental impact on the surrounding road network, and*
- *There are no traffic engineering reasons why a planning permit for the proposed development should be refused, subject to appropriate conditions.*

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 98

Social Impact Assessment

Report prepared by Maxine Cooper & Associates Pty Ltd, May 2003

It is considered that the subject site is ideally located for a development comprising residential apartments and student accommodation. Overall, the development will have positive social effects for the area. It will:

- *Generate a population of around 62 people is an average household occupancy level of 1.80 is applied.*

Agenda Item 9.1 - Attachment 1

- *Slow down the population loss that has been occurring in Footscray over the last two decades*
- *Offer a range of apartment styles living – student housing and range of apartments of two and three bedrooms accessed via a central lift.*
- *Offer greater choice at the middle end of the market and affordable rental accommodation for students and others wanted to live in an inner-urban environment close to the Footscray District Centre*
- *Not generate the population and in turn critical mass for a range of additional neighbourhood or essential services, for example, medical, children's services, schools, medical and shopping facilities.*
- *Be easily accessible to public transport, public open space and a range of shopping, community facilities and services within the District Centre.*
- *Be a positive catalyst for change as it attempts to enhance the image of the area by:*
 - *targeting to a broad cross-section of the market*
 - *incorporating a mix of uses – residential and retail – on the site*
 - *increasing the potential for social identity and cohesion through the development of a more sustainable neighbourhood and community focus*
 - *designing a safe environment with a good image so that undesirable behaviour is less attracted to or manufactured within the area.*
- *Incorporate Safer Design Principles, for example:*
 - *natural surveillance will be maximized*
 - *there will be an active interface*
 - *buildings will be accessible for people with mobility problems*
- *Incorporate the SEPA principles developed by the Heart Foundation, principles*
- *that encourage the creation of environments that facilitate physical activity, choice and opportunities:*

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 99

- *is close to wide range of shops and other facilities within walking distance;*
- *is easily accessible to public transport;*
- *contributes to a feeling of security and sense of community*
- *includes residential space and a café; and*
- *contributes to the revitalization of the area*

Any potential negative social effects can be overcome by:

- *Implementation of the findings from Council's audit of the existing community infrastructure for assessing the cumulative effects of the numerous residential development proposals on infrastructure.*
- *Council monitoring the service and cultural needs of the incoming population – while many of the services are provided in the District Centre and environs will be adequate to meet their needs.*
- *Implementation of the future strategies outlined in Council's 'Footscray*

Agenda Item 9.1 - Attachment 1

Central Urban Design Framework' relating to safety issues.

- *Installing lighting along with careful consideration of the vegetation type and landscaping to further enhance security.*
- *Inclusion of dedicated disabled car spaces.*

Above all, the application of sensible design principles that focus on sustainability and achieving a safe and accessible environment will be of paramount importance. The building must meet the basic requirements for physical access, Australian Standard 1428 (Parts 1-4) Design for Access Mobility. It is also recommended that the development proposal be checked carefully against Council's Disabled Access Guidelines for Proposed New or Refurbished Buildings.

Environmental Wind Assessment

Report prepared by Mel Consultants Pty Ltd – March 2003

1. The site is well protected at low level for all wind directions, but the majority of the proposed buildings would be exposed to direct wind flows from the westerly and northerly strong wind directions. To the immediate west and north the buildings are mostly single storey houses with some 2 and 3 level buildings and significant street trees. To the south generally there is better protection from predominantly 3 and 4 level buildings and with more buildings proposed.

2. The Donald Street side is the one most exposed to the strong wind directions. The proposed planting of trees along Donald Street and around

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 100

the north-west corner would ensure that wind conditions there would meet the criterion for walking comfort. At the north corner wind conditions would be expected to meet the walking criterion around the footpath area, but close in to the corner, around the café and terrace window conditions would be above the walking criterion. To achieve acceptable wind conditions for the use of seating and café activities it would be necessary to provide extensive wind-break treatment along the north side of the Terrace and closing onto the café. This could be done with landscaping or wind-break screens at least 3m high.

3. *The entrance foyer is well set-back from the corner and faces east. As such it is well sited and would have acceptable wind conditions, and similarly down to the south-east corner.*

4. *The gap between the two buildings would attract strong wind conditions on the west side. These could be ameliorated by using wind-break planting in front of and into the gap, much as is proposed at the north-west corner. With this wind break treatment, wind conditions in the gap between the two buildings could be kept within the criterion for walking comfort.*

5. *The entrance foyer of the southern building is also well sited and protected from all the strong wind conditions. Wind conditions here would be expected to meet the criterion for short term stationary activities. The remainder of this southern building is, or will be, well protected. The ground floor car park will help to reduce wind speeds at the corners by*

Agenda Item 9.1 - Attachment 1

bleeding flow through the car park.

In summary, it is concluded that with the proposed and suggested wind-break planting/screening, wind conditions in surrounding public access-ways would be expected to be within the criterion for walking comfort, and closer to the building along the terrace and at the main entrances wind conditions could achieve the criterion for short term stationary activities.

DETAILED INTERNAL REFERRAL COMMENTS:

Waste Management

Space and Amenity:

The waste storage area is well located and screened from view. However, the amount of space provided for waste and recycling is inadequate for 48 apartments. Given that central Footscray is being developed with a number of

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 101

high density residential developments, minimising unnecessary noise is a priority. Having inadequate waste storage space in the development with the need to collect waste more frequently will impact adversely on the amenity of residents, by creating unnecessary late night noise. nb: Waste and recycling must be collected in central Footscray late at night or in the early hours of the morning as it is impractical to collect waste in the area during the day.

Employing private contractors for each new development means that a large number of trucks for each of the different contractors will be moving through the area late at night. When given the choice, in our experience, bodies corporate prefer to use a council based service rather than paying an additional amount for a private contractor. This also minimises the number of trucks in the area and reduces the noise from waste collection. We encourage the developer to design a waste storage area that allows a council based service.

The following are indicative rates for waste and recycling produced by cafes.

Waste - 10 Litres for each 1.5 square metres of floor area per day.

Recycling - 2 Litres for each 1.5 square metres of floor area per day.

Adequate space needs to be given to storage of café waste.

Access

Proposed collection point for waste seems suitable.

Management

Appears adequate.

SOCIAL PLANNING

Student housing

Council supports student housing accommodation, as outlined in its Housing Strategy. The report fails to address the following:

- *What management structure will be in place to ensure student accommodation is occupied by students only.....*
- *and what happens if someone changes their student status? Does it still qualify them to remain housed in that type of accommodation?*

29 MARCH 2004

ANDREA CARR PLANNING AND DEVELOPMENT

Agenda Item 9.1 - Attachment 1

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 102

The developer needs to demonstrate ways that student accommodation will be strictly used by students only, particularly as there is no provision for car spaces within the 30 student units.

Community facilities

The SIA report demonstrates that the proposed development is close to necessary community services and facilities such as child care centre, M&CH service, library, park, shops and medical facilities. The location of the development is ideally located near public transport.

Safer Design Issues

Mix of public and private space

While it is appreciated the use of natural surveillance and open area availability, it needs to be ensured that this space is genuinely accessible to the diverse communities of this City who frequent the CBD – including older people, young people, people from culturally and linguistically diverse communities, and people from a range of socio-economic backgrounds.

The report states

It will be very important that the design of the development proposal mitigates undesirable behaviour and contributes to a safe, accessible and participatory environment (page 5)

The design will need to demonstrate how it will achieve this.

Disability Access

The provision of a central lift linking the two buildings is fully supported and will enable access for disabled students but could also appeal to potential buyers who do not wish to always use the stairs.

As recommended in the SIA report a number of apartments should be designed so that they are fully accessible for the disabled and / or older person. The internal fitout of these apartments will need to also be well designed taking into account heights of bench tops, door width, floor surfaces, type of taps, layout of bathroom with overall flat floor surface, large shower recess and no bath etc.

As the report states, the development will need to provide wider disabled car spaces as part of the parking provision.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 103

Integrating the two sites

The likely population within the two sites (Donald/Ford St & the former RACV

Agenda Item 9.1 - Attachment 1

site) can be around 200 persons. 48 apartments (combining the two proposals) will solely offer accommodation for single students.

There should be strong connectivity with the proposed development for the former RACV site, in particular access to public/private open space.

There needs to be a clear visual demonstration of how the two sites will be integrated both physically and socially (community).

INFRASTRUCTURE PLANNING

A. Permit Conditions:

GENERAL

DRAINAGE

1. The site must be drained to the satisfaction of the Council's Infrastructure Planning & Construction Branch.

Note: Storm water to be discharged into the Council pit in the road reserve nominated by the Manager of Infrastructure Planning & Construction or his representative that cost of the construction of the pipeline up to the nominated pit will be borne by the developer.

2. Prior to development of the site, a Storm Water Discharge Permit is required from the Manager of Infrastructure Planning & Construction or his representative.

Note: A fee is payable upon application for this permit: - **\$75 (currently) for Multi Unit Development.**

3. Storm water run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Storm water from all paved area has to be drained to underground storm water system. Any cut, fill or structure must not adversely affect the natural storm water runoff from and to adjoining properties.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 104

4. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.

VEHICLE CROSSING

5. A Vehicle Crossing Permit is required from Council's Infrastructure Planning & Construction Branch for any new crossing prior to the commencement of works. Vehicle crossing(s) shall be constructed in accordance with Council's Standard Drawings, Specification and Vehicle Crossing Policy.

Note: An application fee of **\$50** (currently) for each vehicle crossings is payable to the Council prior to a vehicle crossing permit being granted.

If the applicant wishes to have vehicle crossings which are more than 3.3 metres wide (if approved), an additional fee of **\$250** is required. Otherwise a standard crossing width of 3.3 metres (or less) will not incur this additional fee.

6. The existing redundant vehicle crossing, external to, and directly abutting the subject land must be removed and reinstated as standard footpath and kerb and channel to the satisfaction of Council's Infrastructure Planning &

Agenda Item 9.1 - Attachment 1

Construction branch and all at the developer's expense.

WORKS ON ROAD RESERVE

7. A road-opening permit from Council is required for any work and road openings within the road reserve, including the nature strip.

8. Protection of Council's street trees shall be in accordance with Council's Street Tree Policy and Protocol.

9. Any work within the road reservation must be carried out to standards set by Council's Assets and Open Space Branch or other standards agreed by them.

10. Council may recover costs for approving and supervising works in public areas as part of this development.

11. Materials are not to be stored on the road reserve without Council's approval.

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY APARTMENT BUILDING (INCL STUDENT ACCOMMODATION) WITH GROUND LVL FOOD & DRINK PREMISES (CAFE) & ASSOCIATED CARPARKING FACILITIES & REDUCTION IN CARPARKING REQUIREMENTS (continued)

PAGE 105

12. The owner has to obtain permission from the appropriate authority, for any asset relocation.

Street Asset Protection:

13. The owner shall be responsible for the loss of value or damage to Council's assets as a result of the development. Reinstatement or modification of the asset to Council's satisfaction will be required or compensation to the value of Council's loss paid by the Developer.

14. A Council Asset Protection officer will contact the owner/builder to arrange the relevant **Street Asset Protection Permit** and advise of the associated **bond** required to be lodged to Council's Infrastructure Planning & Construction prior to commencement of work, in pursuant to Local Law No. 2 and Council's Street Asset Protection Policy 1998.

Note: If using a private building surveyor, a **Section 80 form**, ie notification of the private building surveyor of their appointment to consider a building permit is to be supplied to **Council's Building Surveyor**, is required to initiate the above process.

B. Further Information required / Variations required to Construction Plans content:

15. Proposed changes to road layout are not clear enough to assess at this stage.

16. Provide existing and proposed detail of the road and on street car parks with dimensions.

17. Show adequate accessibility (6.4 m truck is bit small)

18. Alternatively development may proceed based on existing road layout & road changes be a condition on permit subject to Council agreement.

19. A consultation process with adjoining owners will be required.

20. A condition should be added that says **all Councils costs incurred in facilitating road changes will be recovered from the developer.**

URBAN PLANNING 29 MARCH 2004

PLANNING AND DEVELOPMENT

Agenda Item 9.1 - Attachment 1

**3. 9 FORD STREET, FOOTSCRAY - USE & DEVELOP LAND
FOR THE PURPOSE OF A 4 STOREY & A 5 STOREY
APARTMENT BUILDING (INCL STUDENT
ACCOMMODATION) WITH GROUND LVL FOOD & DRINK
PREMISES (CAFE) & ASSOCIATED CARPARKING
FACILITIES & REDUCTION IN CARPARKING
REQUIREMENTS (continued)**

PAGE 106

21. Proposed streetscape requires further review. (eg, Planting on East side of Ford St.)
22. We recommend increasing the lengths of the parking bays 9,11,13,15 & 17 to 26 from 4.9 metres to 5.5 metres if they are parked against a wall/fence.
23. Proposed bins location is too far from student accommodation block. It is preferable a collection bin is located near lifts/staircase of the both blocks.
24. Consider providing protection to the columns abutting to the R.O.W. between the blocks as they closer to the road which has limited accessibility to the large trucks.

Agenda Item 9.1 - Attachment 2



28 August 2019

The Manager Governance and Commercial Services
Maribyrnong City Council
Cnr Hyde and Napier Street
FOOTSCRAY VIC 3011

Hand Delivered: MCC Reception

Email: governance@maribyrnong.vic.gov.au

RE: Proposed discontinuance and sale of airspace over road between 22-28 Ford Street, Footscray

The following submission relates to the proposal to discontinue and sell the airspace at a height above 4 metres above the road between two sites at 22-28 Ford Street, Footscray, being part of the road contained in Certificates of Title Volume 11846 Folio 055 and Volume 11981 Folio 177.

Australian Securities Limited (**ASL**) is the owner of the adjoining land at 22-28 Ford Street, to whom the airspace is proposed to be sold. The purpose of this submission is to provide Council with detail of ASL's intentions for the airspace, in order to support to proposed discontinuance and sale.

ASL requests to be heard by Council in support of this submission on 08 October 2019.

Subject site at 22-28 Ford Street

ASL's landholding at 22-28 Ford Street (**site**) is comprised of two parcels of land that are separated by Ford Street. More particularly, the site is located at the south-western corner of Donald Street and Ford Street, with a northern frontage of approximately 50 metres to Donald Street, and an eastern boundary of approximately 35 metres to Ford Street.

The overall site area is 1,238 square metres.

The site is currently derelict, vacant and predominantly consists of grass, pedestrian pathways and hard-stand, including two car spaces. Temporary chain wire mesh fencing has been erected around the perimeter of the site.

The site abuts the rears of properties identified as Nos. 16, 18 and 20 Droop Street, which are currently developed with single or double storey dwelling or commercial shops of brick and weatherboard construction. It is understood that Planning Permit No. TP328/2015 was issued by Council on 16 September 2016 for the development of 20 Droop Street for a seven storey, mixed use development.

There are a number of easements in favour of the Melbourne Metropolitan Board of Works that run along the south-western boundary of the site, at its abuttal with the rear of the properties to Droop Street. There is also a pedestrian connection that is currently provided from Ford Street through to Dennis Street to the south.

Agenda Item 9.1 - Attachment 2

Figure 1 – Aerial Photo (Nearmaps)



Figure 2 – View of site from corner of Donald/Ford Street



Figure 3 – View of easement / rear interface with Droop Street properties



Site history

Key date	Event	Activity
13 October 2011	Road Closure & Sale by Maribyrnong Council	On 13 October 2011, Maribyrnong Council gazetted the discontinuance of Ford Street and the connected laneway.
28 April 2014	Land Acquisition	Australian Securities Property Fund (ASPF) on 28 April 2014 purchased 22-28 Ford Street Footscray for \$1,700,000.
8 May 2014	Residential Development Proposal	ASPF appointed JAM architects to design two residential apartment buildings separated by a laneway between the two lots, and Contour Consultants Town Planners engaged to facilitate securing a planning permit for the proposal.
19 March 2015	Activity Centre Zone	Victorian Government amended the Maribyrnong Planning Scheme to rezone the land to the Activity Centre Zone. The provisions of the Activity Centre Zone include a preferred building height of 10 storeys (31 metres).

Agenda Item 9.1 - Attachment 2

15 December 2016	Planning permit application	Contour Consultants lodged planning permit application for 22-28 Ford Street on behalf of ASL.
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Current statutory and policy settings

The subject site is affected by the following planning controls and key policies pursuant to the Maribyrnong Planning Scheme:

- Activity Centre Zone – Schedule 1 (ACZ1)
- Road Zone – Category 2 (RZ2) (Donald Street)
- Parking Overlay – Schedule 1
- Local Planning Policy Framework, namely Clauses 21.04 (Settlement), 21.06 (Built Environment), 21.07 (Housing) and 21.11 (Local Areas)
- Footscray Structure Plan, 2014

The ACZ1 relates to the Footscray Metropolitan Activity Centre, and broadly the policy settings encourage a mix of land uses and the intensive development of the activity centre as a focus for business, shopping, working, housing, leisure, transport and community facilities. The ACZ1 also encourages the delivery of diverse housing at higher densities to make optimum use of facilities and services.

The subject site is located within Sub-precinct 1D within the ACZ1, whereby the built form requirements are as follows:

- A preferred maximum building height of 10 storeys (31 metres);
- A preferred setback of 5 metres (minimum) from the street frontage for the levels above 5 storeys; and
- A transition to a lower built form along the Donald Street frontage.

The Footscray Structure Plan (2014) is a reference document in the Maribyrnong Planning Scheme, and it identifies the subject site as forming part of the 'Central Precinct', being a core pedestrian area, where buildings heights of 2 to 10 storeys are encouraged. The policy settings of the Footscray Structure Plan are reiterated in the local planning policy framework, which broadly encourages the development of a mixed use centre that provides for a diversity of housing to address population growth, opportunities for employment and recreation, and community services with a sense of place.

Proposed development

On 15 December 2016, on behalf of Australian Securities Limited (ASL), Contour Consultants lodged a planning permit application with the City of Maribyrnong (Council) for the development of the 22-28 Ford Street for a mixed-use development, as well as for the construction of works over a Road Zone, a reduction in the statutory car parking requirements pursuant to the Parking Overlay Schedule 1 and a reduction of the loading bay requirements of Clause 52.07 of the Maribyrnong Planning Scheme.

The planning permit application anticipated the acquisition of the airspace, and the architectural plans prepared by JAM Architects that formed part of the planning permit application material illustrate the proposed development straddling the airspace from the first-floor level and above.

The proposed development broadly comprises the following:

- A 13 storey, mixed use building that is separated into two components at the basement and ground floor levels by Ford Street (referenced as 'Building A' and 'Building B' in the planning application material). At level 1 and above, the proposal seeks to build over Ford Street (i.e. within the airspace).
- A single basement level accommodating services, storage and car stacker voids.
- A retail tenancy at the ground floor level at the corner of Ford and Donald Streets, and 120 residential apartments above (mix of one, two and three bedroom configurations).
- Car stackers provided at the ground floor level separated between Buildings A and B.

Agenda Item 9.1 - Attachment 2

- Separate pedestrian entries, lift lobbies, stairway access and waste rooms for Buildings A and B.
- Provision for communal resident facilities including a gym and communal roof top gardens.

We note that the planning application was put on hold pending the purchase and acquisition of the rights to the airspace.

Below at Figures 4-6 are architectural renders of the proposed development. Figure 6 in particular shows the location of the laneway, and the maintenance of unimpeded access through to the rear of 16, 18 and 20 Droop Street.

Figure 4



Figure 5



Figure 6



Benefits of discontinuance and sale of the airspace

The acquisition of the airspace would facilitate a far more efficient development proposition by enabling sharing of building services and amenities, and through the design of larger floor plates at levels 1 and above.

Conversely, an inability to acquire the airspace for development purposes would result in the division of the site into two separate development parcels. The two land parcels, if developed separately, would result in a far less

Agenda Item 9.1 - Attachment 2

efficient development and potentially compromised apartment configurations and circulation areas to the disbenefit of future residents, as well as the potential reduction in apartment numbers due to smaller floor plates. Further, the development of two separate buildings that interface the laneway would likely require screening at this interface, to prevent views between the two buildings. This would arguably be a poor design outcome.

With respect to off-site amenity impacts of the acquisition and development of the airspace, it is submitted that matters relating to daylight access to surrounding properties, overlooking, overshadowing, outlooks from surrounding properties, and visual massing and bulk have been appropriately managed during the design process, and these considerations will be further assessed and dealt with during the planning permit application process. It is important to note that any landowners materially affected by the proposed development will have the opportunity to raise with Council any amenity issues that arise from the proposed building design as part of the usual permit assessment process.

To this end, we note that the planning permit application underwent initial assessment by Council planning officers, and preliminary feedback was obtained from Council planning officers with respect to the management of off-site amenity impacts, and particularly to modifications to the built form to enable equitable development opportunities for surrounding properties. Accordingly, there has been ongoing dialogue with Council planning officers about off-site amenity impacts and an acknowledgement that such impacts could be appropriately managed through the built form response. ASL understands that further iterations of the building design may be required to address any relevant amenity issues raised during the permit application assessment process.

Notwithstanding, any off-site amenity impacts should be considered within the context of the site's designation within the Activity Centre Zone and location within the Footscray Metropolitan Activity Centre, whereby a reasonably intensive level of development is expected and encouraged in this location.

Planning considerations

Subject to the resolution of the sale of the airspace, broadly, the proposed development represents a considered and appropriate planning outcome for the site, for the following reasons:

- the subject site is located within the Activity Centre Zone and the Footscray Metropolitan Activity Centre, being an area expressly targeted for increased housing density to address growing housing demand;
- the site offers a strategic redevelopment opportunity to provide for additional housing within an identified activity centre, being a location that is close to public transport and urban infrastructure;
- the proposal would substantially improve the Donald and Ford Street streetscapes through the provision of an active retail use at the corner, pedestrian lobby entries along Ford Street, landscaping and architectural treatments at the Donald Street frontage;
- the proposal would support the activation of existing commercial tenancies at 10 Droop Street and 62 Nicholson Street, as a result of the streetscape upgrade of Ford Street, and the introduction of the residential apartments – furthering Council's objectives for the activity centre;
- the proposal responds to its immediate context, and provides a suitable and transitional building scale and form that is consistent with surrounding approved developments at Nos. 56 Nicholson Street and 20 Droop Street;
- the proposed development has been designed to satisfy the built form controls of the Activity Centre Zone – Schedule 1 (ACZ1), and it presents as a high quality, contemporary building that will positively contribute to the emerging character of the Footscray Central Activity District; and
- the proposed development will contribute to a greater sense of safety, as the proposed development incorporates windows and balconies at the upper levels, as well as pedestrian entries at the ground floor, therefore providing passive surveillance opportunities.

Overall, it is our submission that the proposed development is consistent with and supported by State and local planning policy, it would contribute to the diversity of housing stock in the Footscray Central Activity District,

Agenda Item 9.1 - Attachment 2

and as demonstrated by the architectural renders, the proposed redevelopment will have positive outcomes for local amenity.

Council's previous grounds of refusal to sell airspace

At the Council meeting on 20 November 2018, Council resolved to not sell the airspace on the following grounds:

- *It is reasonably foreseeable that any development above the airspace has the potential to impact the overall surveillance along the Council right of way impacting upon safety and security of its users; and*
- *It is reasonably foreseeable that there will be a reduction of natural light to surrounding properties.*

In response to these grounds, it is our submission that these are matters that are typically addressed during the planning permit application process.

More particularly:

- The layout and design of the proposed development will provide for appropriate levels of personal and property security. Window and balconies will provide passive surveillance opportunities to the ground floor below. Further, the ground floor entries will be clearly visible from Ford Street, with associated public lighting, and a new operable gate to the west of the proposed building over the existing MMBW easements will be provided for security purposes.
- Written correspondence received from Council during the planning application assessment process indicated in-principle support of the utilisation of Ford Street as a shared street, noting that it would 'assist in improving the existing link between Dennis Street and Donald Street and provide a greater sense of safety'. Council also indicated that the proposal would activate the end of Ford Street; however that additional public lighting would be required to illuminate the roads and footpaths in this area.
- Accordingly, Council planning officers acknowledged the benefits of the proposed use of Ford Street, provided that suitable public lighting was installed. No fundamental safety or security concerns were raised by Council planning officers in relation to surveillance along the laneway, and it was anticipated that any other lighting and security related issues could be addressed by way of permit conditions.
- With respect to daylight access to surrounding properties, this is a matter associated with equitable development and the likely pattern of development for the precinct. Documentation forming part of the planning application material was submitted to Council demonstrating the likely development outcomes of surrounding sites, and Council's written correspondence indicated that equitable development opportunities and off-site amenity impacts to surrounding properties, including access to daylight for surrounding properties, could be appropriately managed through the built form response with the provision of additional setbacks and larger light wells.
- Further to the point above, **attached** is a copy of Drawing 4.02 Rev 1 of the architectural plans prepared by JAM Architects, which formed part of the planning application material. This plan identifies the likely development outcomes on the adjacent sites at 16 and 18 Droop Street, and the plan illustrates that the proposed setbacks from the Title boundary or centre of the laneway will enable equitable development opportunities for these adjacent sites, with a separation distance of 9 metres to bedrooms or 12 metres to living rooms between the proposed and future adjacent buildings (provided that similar setbacks are adopted on the adjacent sites). These separation distances will result in acceptable outlooks between buildings and appropriate daylight access, and therefore will not compromise the development potential of these sites.

It is also relevant to note that matters relating to security and equitable development would be required to be addressed irrespective of whether the development of the site included or excluded the airspace.

Agenda Item 9.1 - Attachment 2

Conclusion

Being able to incorporate the airspace into the proposed development of 22-28 Ford Street will significantly enhance the development potential of the site, and permit substantially greater amenity outcomes for the site and surrounding properties, in a manner that aligns with the strategic location of the site within the Footscray Metropolitan Activity Centre and is expressly encouraged by the Activity Centre Zone.

The proposed development enables a well-considered, integrated architectural building that will activate and improve the adjacent streetscapes of Ford Street and Donald Street, as demonstrated by the architectural renders provided with this submission.

Access through to the rear of 16, 18 and 20 Droop Street will be maintained, and the amenity of the laneway, including in relation to safety and security will be substantially improved. Any matters relating to off-site amenity impacts will have to be considered and addressed as part of the permit application process, irrespective of whether the site included or excluded the airspace. Issues such as daylight access and safety are matters that are typically addressed through built form response and permit conditions.

Accordingly, ASL submits that the discontinuance and sale of the airspace is a desirable outcome for a number of reasons, and any amenity concerns held by Council or neighbouring landowners about impacts arising from the use of the airspace as part of the proposed development will be addressed as part of the permit application assessment process.

We look forward to the opportunity to address Council on this submission.

Yours sincerely



Chief Executive Officer – ASL



Portfolio Manager -ASPF

Agenda Item 9.1 - Attachment 3

[REDACTED]

From: [REDACTED]
Sent: Friday, 30 August 2019 8:55 AM
To: Governance; Email
Cc: [REDACTED]
Subject: Objection to the Proposed Sale of the Airspace above the Road between 22-28 Ford Street Footscray

Dear Sir/Madam

We wish to make a submission in regards to the proposed sale of airspace above the Road which is between the two sites at 22-28 Ford Street Footscray.

We have a number of concerns with the proposed sale of the airspace above the Road and would like to formally object against the sale.

i) If the airspace is sold and a development takes place the Road will be very dark and unsafe for both the general public, surrounding residents, the nearby tenants and shoppers. Will there be additional lighting on the road if the proposed sale of the airspace goes ahead and the future development takes place? Who will be responsible for the upkeep of such lighting? What precautions are being made to ensure the ongoing safety of all users of the Road?

ii) Who will be responsible for the cleaning and maintenance of the Road if the airspace is sold? We believe that the proposed sale of the airspace above the Road will detrimental impact the ongoing cleaning and maintenance of the Road.

iii) Who will ensure the Road is open for use at all times? If the proposed sale of the airspace does go ahead together with a future development, what is to say that there will not be any blockage of the Road. We also call on Council to do a traffic management of the Road as it is used by the Tenants and Shoppers of the retail/commercial premises on Droop Street (mainly 18, 18a, 16 and 20 Droop Street).

iv) Will the Road be large (wide and height) enough for vans, trucks, garbage trucks and Emergency vehicles if the proposed sale of the airspace does go ahead together with a future development? We believe that the proposed sale of the airspace above the Road will have a detrimental impact on the services and utilities using the Road. This will create a bottleneck and limitations on the utility of the Road and will impact the health and safety of the users, surrounding residents, tenants and shoppers.

v) Will there be enough space for a garbage truck to flip a load of garbage from surrounding properties after the proposed sale of air-space and possible development? We believe that the proposed sale of the airspace does go ahead together with a future development there will be a massive impact on the use of the Road which will have a negative impact on the utility of the Road. It will cause continual disruption and inconvenience to the surrounding properties and to the users of the Road. It will also increase the cost for surrounding Businesses in they will need alternatives as the Road will be restricted in use and utility.

vi) Will the proposed sale of the air-space have a detrimental impact on future development of surrounding properties? We believe that the proposed sale of air-space and possible development will have a detrimental impact on the surrounding Businesses and land owners in terms of future development. The restricted use and impact to the utility on the Road will have a major cost impact on future developments and will also negative impact the types of developments that can be done in the surrounding area.

Agenda Item 9.1 - Attachment 3

vii) Will the proposed sale of air-space and any future development have a detrimental impact on natural light on the surrounding properties? We believe that the proposed sale of air-space and possible development will have a detrimental impact on natural light in the area and shadows across a number of properties. The decrease of natural light will impact on the value of properties and any future developments, it will have a negative health and well-being impact on the community, residents and workers in the surrounding area. The affect of shadows will also have a negative health and well-being impact on the community, residents and workers in the surrounding area.

viii) Will the proposed sale of air-space and any future development have a detrimental impact on the traffic management around the Road? We believe that the proposed sale of air-space and possible development will have a detrimental impact on the flow of traffic, it will impact on what types of vehicles can use the Road and a decrease in the utility of the Road.

ix) We believe that the proposed sale of air-space will lead to a loss of an important amenity to the surrounding properties, customers of the surrounding businesses and to the general community.

x) We believe that the proposed sale of air-space and any future development will have a negative impact on privacy and security in the area and to the community.

xi) We believe that the proposed sale of air-space and any future development will have a negative impact on the views of current surrounding properties and will have a negative impact on future developments.

xii) We believe that the proposed sale of air-space and any future development is or might not be inline with building codes.

xiii) Will there be a narrowing of the Road? Will there be a decrease utility of the Road? Will there be a decrease in the amenity of the Road? We believe that the proposed sale of air-space and any future development will have a decrease utility and amenity of the Road.

ix) Will the Road be dual use (for cars and for pedestrians) going forward? Has this been taken into consideration with the proposed sale of the air-space? How will the proposed sale of air-space and any future development impact on the dual use of the Road?

x) Will the proposed sale of the air-space have a detrimental impact on the security of tenants, residents or the general public? We believe that security safety will be negatively impacted.

xi) We believe that the proposed sale of the air-space will have a adverse impact on the surrounding environment.

Finally, we are quite surprised that this matter, which was resolved over a year ago, has now been re-advertised and re-opened due to abutting owners legal action and the refusal to accept Council decision. This is a concerns to us as we see these actions as possibly putting undue pressures on the Council and Councilors. We are concerned that these actions by the abutting owners will not lead to an outcome which is in the best interest of Council, surrounding land owners, residents, surrounding businesses and most importantly the general community as a whole.

We trust that Council and the Councilors will make a decision which will be in the best interest of ALL.

Regards

[REDACTED]

Agenda Item 9.1 - Attachment 3

Director
Chrybit Pty Limited
(Owner of 18 Droop Street Footscray)

Agenda Item 9.1 - Attachment 4



02 October 2019

The Manager Governance and Commercial Services
Maribyrnong City Council
Cnr Hyde and Napier Street
FOOTSCRAY VIC 3011

Email: governance@maribyrnong.vic.gov.au

RE: Proposed sale of airspace over road between 22-28 Ford Street, Footscray– Response to Objections

We refer to Australian Securities Limited's (ASL) submission to Council dated 28 August 2019, regarding the sale of the airspace above the Council road (Road) abutting 22-28 Ford Street, Footscray (Subject Land).

We also refer to the two additional submissions received by Council from the adjacent landowners of 16 and 18 Droop Street, Footscray, objecting to the sale of the airspace, dated 28 August and 30 August 2019 respectively.

We have reviewed those submissions and have prepared the following table responding to the issues raised.

	ISSUE	RESPONSE
	18 Droop Street	
1.	<i>If the airspace is sold and a development takes place the Road will be very dark and unsafe for both the general public, surrounding residents, the nearby tenants and shoppers. Will there be additional lighting on the road if the proposed sale of the airspace goes ahead and the future development takes place? Who will be responsible for the upkeep of such lighting? What precautions are being made to ensure the ongoing safety of all users of the Road?</i>	<p>The sale of the airspace of itself will not result in any off-site amenity impacts.</p> <p>The issues of lighting and safety, arising from the development of the Subject Land (including the airspace), are matters that would properly be dealt with as part of the planning permit process. This was acknowledged by Council in its response to submissions received in respect of the earlier proposal to sell the airspace - see the agenda for the 20 November 2018 Council meeting, Attachment 1 of Agenda Item 9.9 (Council Response).</p> <p>Notably, in relation to the planning permit application lodged on behalf of ASL by Contour</p>

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Page 1 of 9

Agenda Item 9.1 - Attachment 4

	ISSUE	RESPONSE
		<p>Consultants, dated 15 December 2016 (Planning Application), Council identified that <i>'additional public lighting would need to be installed to adequately illuminate the roads and footpaths in this area'</i> (i.e. end of Ford Street) (Page 2 of Council's Request for Further Information (RFI) letter dated 12 January 2017).</p> <p>Conditions could be included on any planning permit granted for the development of the Subject Land requiring a combination of public and/or private lighting to ensure that the Road and Ford Street will be suitably lit to enhance public safety.</p> <p>The private lighting would be maintained by the landowner; and any public lighting would be managed by Council as the owner and manager of the Road.</p> <p>We note that the Road is currently an area of low public and private amenity. The development of the Subject Land and airspace would enable the amenity of the Road to be significantly enhanced for all users.</p>
2.	<p><i>Who will be responsible for the cleaning and maintenance of the Road if the airspace is sold? We believe that the proposed sale of the airspace above the Road will detrimental (sic) impact the ongoing cleaning and maintenance of the Road.</i></p>	<p>As noted in the Council Response, the Road would continue to be owned and maintained by Council if the airspace is sold.</p> <p>The sale of the airspace will have no impact on ongoing cleaning and maintenance of the Road.</p>
3.	<p><i>Who will ensure the Road is open for use at all times? If the proposed sale of the airspace does go ahead together with a future development, what is to say that there will not be any blockage of the Road. We also call on Council to do a traffic management (sic) of the Road as it is used by the Tenants and Shoppers of the retail/ commercial</i></p>	<p>As noted in the Council Response, the Road would continue to maintain its status as a Council-owned road asset, and therefore must be kept open and available for access, free of obstruction. Any illegal obstruction would be managed through Council's local laws processes.</p>

Agenda Item 9.1 - Attachment 4

	ISSUE	RESPONSE
	<i>premises on Droop Street (mainly 18, 18a, 16 and 20 Droop Street).</i>	
4.	<i>Will the Road be large (wide and height) (sic) enough for vans, trucks, garbage trucks and Emergency vehicles if the proposed sale of the airspace does go ahead together with a future development? We believe that the propose (sic) sale of the airspace above the Road will have a detrimental impact on the services and utilities using the Road. This will create a bottleneck and limitations on the utility of the Road and will impact the health and safety of the users, surrounding residents, tenants and shoppers.</i>	<p>The sale of the airspace and future development of the Subject Land will not have any adverse impact on the accessibility of the Road, or the use of the Road for services or utilities.</p> <p>The width of the Road will not be reduced as a result of the sale of the airspace; and the airspace would only be sold over the height of 4 metres – which Council has acknowledged, in the Council Response, is sufficient to cater for the majority of standard vehicles including garbage trucks.</p> <p>The sale of the airspace does not raise any health and safety issues.</p>
5.	<i>Will there be enough space for a garbage truck to flip a load of garbage from surrounding properties after the proposed sale of air-space and possible development? We believe that the proposed sale of the airspace does go ahead (sic) together with a future development there will be a massive impact on the use of the Road which will have a negative impact on the utility of the Road. It will cause continual disruption and inconvenience to the surround (sic) proprieties and to the users of the Road. It will also increase the cost for surrounding Businesses in they (sic) will need alternatives as the Road will be restricted in use and utility.</i>	<p>As stated in the Council Response, it is not foreseeable that a garbage truck would need to lift a bin under the section of airspace proposed to be sold; and therefore, the sale of the airspace above the Road would not compromise any ability for waste collection.</p> <p>Furthermore, the Planning Application includes provision for private waste collection to occur from the kerbside of Ford Street, which negates the requirement to access the Road below the airspace.</p> <p>As access along the Road to the adjoining properties on Droop Street will be maintained, there is no basis to conclude that the sale of the airspace will impact on the utility of the Road, or will result in increased cost to surrounding businesses.</p>
6.	<i>Will the proposed sale of the air-space have a detrimental impact on future development of surrounding properties? We believe that the proposed sale of air-space and possible</i>	As noted in the Council Response, equitable development opportunities will be considered as part of Council's assessment of the Planning Application.

Agenda Item 9.1 - Attachment 4

	ISSUE	RESPONSE
	<i>development will have a detrimental impact on the surrounding Businesses and land owners in terms of future development. The restricted use and impact to the utility on the Road will have a major cost impact on future developments and will also negative impact the types of developments that can be done in the surrounding area.</i>	<p>We also note that Council planning officers gave feedback about the management of off-site amenity impacts during the preliminary assessment phase of the Planning Application. This feedback led to modifications of the proposed built form to enable equitable development opportunities for surrounding properties - including specifically, the adjacent properties on Droop Street.</p> <p>As noted above, the sale of the airspace will not restrict the use of the Road for existing users, and there is no basis to conclude that the sale of the airspace would have a cost impact on future development on adjoining land, or otherwise unreasonably limit the types of development that could be undertaken on that land.</p>
7.	<i>Will the proposed sale of air-space and any future development have a detrimental impact on natural light on the surrounding properties? We believe that the proposed sale of air-space and possible development will have a detrimental impact on natural light in the area and shadows across a number of properties. The decrease of natural light will impact on the value of properties and any future developments, it will have a negative health and well-being impact on the community, residents and workers in the surrounding area. The effect of shadows will also have a negative health and well-being impact on the community, residents and workers in the surrounding area.</i>	<p>The sale of the airspace of itself will not result in any off-site amenity impacts.</p> <p>To the extent that the development of the Subject Land has the potential to result in off-site amenity impacts, including daylight access to surrounding properties and overshadowing, (etc), those are matters that are appropriate for Council to consider as part of the planning permit process.</p> <p>They are also matters that can be appropriately managed through built form outcomes.</p> <p>It is important to note that development of the Subject Land is consistent with its designation within the Activity Centre Zone and location within the Footscray Metropolitan Activity Centre. Accordingly, development of the Subject Land is consistent with Council policy.</p> <p>The Activity Centre Zone specifies a preferred maximum building height control of 10 storeys</p>

Agenda Item 9.1 - Attachment 4

	ISSUE	RESPONSE
		for the Subject Land, and Council has previously acknowledged that the adjacent sites at 16 and 18 Droop Street are also strong candidates for future development of a similar scale (referred to in Council's RFI received during the assessment of the Planning Application).
8.	<i>Will the proposed sale of air-space and any future development have a detrimental impact on the traffic management around the Road? We believe that the proposed sale of air-space and possible development will have a detrimental impact on the flow of traffic, it will impact on what types of vehicles can use the Road and a decrease in the utility of the Road.</i>	<p>As noted above, and in the Council Response, the sale of the airspace would not impact the accessibility of the Road, which would remain open to the public.</p> <p>The impact of the development of the Subject Land on traffic would also be properly considered as part of the planning permit process.</p>
9.	<i>We believe that the proposed sale of air-space will lead to a loss of an important amenity to the surrounding properties, customers of the surrounding businesses and to the general community.</i>	<p>Off-site amenity impacts would not arise as a direct result of the sale of the airspace.</p> <p>As acknowledged in the Council Response, off-site amenity impacts resulting from the development of the Subject Land would properly be considered by Council as part of the planning permit process.</p>
10.	<i>We believe that the proposed sale of air-space and any future development will have a negative impact on privacy and security in the area and to the community.</i>	<p>Off-site amenity impacts would not arise as a direct result of the sale of the airspace.</p> <p>As acknowledged in the Council Response, off-site amenity impacts resulting from the development of the Subject Land would properly be considered by Council as part of the planning permit process.</p> <p>It is important to note, however, that the development of the Subject Land would result in substantial improvements to the amenity of the Road, and would provide passive surveillance opportunities. As such, the development of the Subject Land is likely to enhance rather than</p>

Agenda Item 9.1 - Attachment 4

	ISSUE	RESPONSE
		reduce the sense of safety and security around the Road.
11.	<i>We believe that the proposed sale of air-space and any future development will have a negative impact on the views of current surrounding properties and will have a negative impact on future developments.</i>	<p>The loss of views is not a valid planning concern; and any loss of views would not be directly related to the sale of the airspace.</p> <p>As noted above, and acknowledged in the Council Response, equitable development rights for adjoining properties would properly be considered by Council as part of the planning permit process.</p>
12.	<i>We believe that the proposed sale of air-space and any future development is or might not be in-line with building codes.</i>	<p>No issue of compliance with building codes arises from the sale of the airspace.</p> <p>Any future development of the airspace and the Subject Land will need to be consistent with the relevant building regulations and codes. This is a matter to be dealt with as part of the building permit process.</p>
13.	<i>Will there be a narrowing of the Road? Will there be a decrease utility of the Road? Will there be a decrease in the amenity of the Road? We believe that the proposed sale of air-space and any future development will have a decrease (sic) utility and amenity of the Road.</i>	As noted above, and acknowledged in the Council Response, there will not be any change to the width of, nor any impact on the accessibility or utility of, the Road as a result of the sale of the airspace.
14.	<i>Will the Road be dual use (for cars and for pedestrians) going forward? Has this been taken into consideration with the proposed sale of the air-space? How will the proposed sale of air-space and any future development impact on the dual use of the Road?</i>	As noted above, and in the Council Response, there will not be any change to the current use of the Road as a result of the sale of the airspace; it will remain a dual-use road.
15.	<i>Will the proposed sale of the air-space have a detrimental impact on the security of tenants, residents or the general public? We believe that security safety will be negatively impacted.</i>	There is no basis to conclude that the sale of the airspace will result in detrimental impacts on the security of tenants, residents or the general public.

Agenda Item 9.1 - Attachment 4

	ISSUE	RESPONSE
		<p>Under current conditions, the Road is an area of low public and private amenity, with very few opportunities for passive surveillance.</p> <p>The development of the Subject Land (including development in the airspace) would allow for substantial improvements to amenity of the Road, the creation of passive surveillance opportunities, and the installation of security lighting.</p> <p>This is likely to result in improvements to security and safety over current conditions.</p>
16.	<i>We believe that the proposed sale of the airspace will have an adverse impact on the surrounding environment.</i>	<p>Off-site amenity impacts would not arise as a direct result of the sale of the airspace.</p> <p>As acknowledged in the Council Response, off-site amenity impacts resulting from the development of the Subject Land would properly be considered by Council as part of the planning permit process.</p>
16 Droop Street		
17.	<i>Any sale of airspace above the laneway would seriously impact on the use of the laneway by the owners and occupiers of 16 Droop Street Footscray by means of vehicular traffic. The occupiers of 16 Droop Street use the laneway for deliveries by vehicles and the height of such vehicular traffic should not be impinged by any sale of airspace.</i>	<p>As noted in the Council Response, if the airspace is sold, the Road will continue to be accessible as a Council-owned asset, will be of the same width, and have sufficient clearance to cater for the majority of vehicles. As such, the sale of the airspace will not impact on the use of the Road by the owners and occupiers of 16 Droop Street.</p> <p>In addition, the existing right of carriageway easements that affect the title to 28 Ford Street (Volume 2970 Folio 879) will be retained and will not be affected by the proposed sale of the airspace or any subsequent development of the Subject Land.</p>
18.	<i>Any sale of airspace above the laneway would impinge significantly on access to 16 Droop Street</i>	As noted above, the sale of the airspace and any subsequent development of the Subject Land will

Agenda Item 9.1 - Attachment 4

	ISSUE	RESPONSE
	<i>from the rear for any future development of 16 Droop Street Footscray. Redevelopment of the property situate at 16 Droop Street should not be restricted by a sale of airspace over the laneway over which 16 Droop Street has an easement.</i>	not restrict or affect access to 16 Droop Street; and would not restrict the redevelopment potential of 16 Droop Street. The right of way carriageway easements that affect the Subject Land will be unimpacted by the sale of the airspace.
19.	<p>As summarised:</p> <ul style="list-style-type: none"> The property collectively known as 16 Droop Street has a right of way over this laneway over which Council is proposing a sale of airspace, and at the time the current development of 16 Droop Street was undertaken there was an obligation to provide car parking spaces on the property, and for rear access to the property via the Road. This is now effectively being negated by a sale of airspace over the carriageway. Should the sale of airspace proceed, Council is put on notice that a splay at the end of the laneway at the rear of 28 Ford Street should be a condition of any sale of airspace, and the splay made permanent in favour of 16 Droop Street by way of an easement over 28 Ford Street, as per the recommendations and conditions associated with the approved development of 9 Ford Street (decision dated 24 March 2004). 	As noted above, the sale of the airspace and any subsequent development of the Subject Land will not restrict or affect access to 16 Droop Street.

Agenda Item 9.1 - Attachment 4

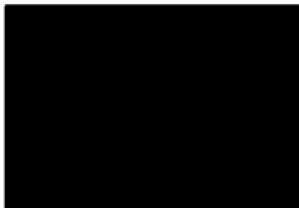
Conclusions

ASL asks Council to note the following matters that arise from review of the submissions:

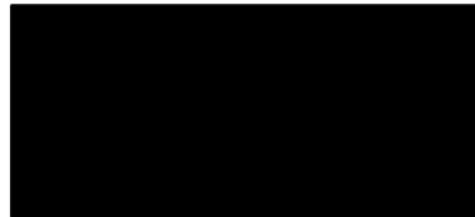
- The sale of the airspace will not affect access to the rear of 16 or 18 Droop Street via the Road.
- The sale of the airspace will not, itself, result in any off-site amenity impacts.
- To the extent that there are anticipated amenity impacts arising from the proposed development of the Subject Land (including development in the airspace), those are matters that should properly be considered by Council as part of its assessment of the Planning Application. Specifically, concerns related to access to natural light, security and safety in and around the Road are matters that can and should be dealt with as part of the planning permit process.
- The sale of the airspace will facilitate a development that will result in substantial improvements to the current conditions of the Road, including by providing opportunities to enhance safety and security.

We look forward to the opportunity to address Council at the public hearing on 8 October 2019.

Yours sincerely



Chief Executive – ASL



Portfolio Manager - ASPF

Agenda Item 9.1 - Attachment 5

08 October 2019

Committee of Council
Maribyrnong City Council
Cnr Hyde and Napier Street
Footscray VIC 3011

Re: Proposed sale of airspace over road between 22-28 Ford Street, Footscray

**ASL Submission - Maribyrnong City Council Hearing of Section 223
Submissions**

History of the subject land

1. There have been a number of dealings between ASL and Council in relation to land at 22-28 Ford Street over time.
2. ASL purchased a section of surplus land from Council in August 2016.
3. In accordance with a condition of that purchase, that land was consolidated with other land owned by ASL at 22-28 Ford Street.
4. 22-28 Ford Street is now made up of two areas of land (multiple parcels), that are separated by a laneway off Ford Street.
5. ASL is seeking to buy the air rights over that laneway, in order to enable ASL to develop the two separate areas of land as a single development.
6. A permit application for the development, including in the airspace, was lodged in December 2016.
7. That permit application was placed on hold by Council in about early 2017, pending purchase of the airspace.

The subject land

8. The ASL land is in the Activity Centre Zone, very close to the centre of Footscray - identified as Precinct 1 in the Schedule to the Activity Centre Zone; and is in the Footscray Metropolitan Activity Centre.
9. The development of the ASL land is consistent with the objectives of the Activity Centre Zone, which strongly encourage the provision of higher density housing of a high quality, in appropriate locations.

Agenda Item 9.1 - Attachment 5

10. Currently, the ASL land is vacant, and the amenity of that area, including the laneway is low – which would be apparent from a visit to the laneway, and can be seen in the images included on pg 2 of ASL's submission.
11. The development proposed by ASL is of a high-quality residential building, that will substantially improve the amenity of that area, support better links to adjoining developments, draw in more residents in an appropriate location, proximate to transport, the commercial centre, and the university precinct.

The airspace

12. Permitting ASL to purchase the airspace will permit a superior form of development on the ASL land.
13. The alternative is for the two areas of land to be developed separately, which given the nature of the land – and the fact that the smaller of the parcels would essentially be landlocked (isolated from main road access) – would result in less efficient development, and potentially compromised design outcome.

Issues raised by objectors

14. In essence, the questions or issues raised by the two objectors can be put into three categories:
 - Impacts on access to the rear of properties on Droop Street.
 - Impacts on road and waste management.
 - Amenity impacts arising from the proposed form of development.

Access

15. The submission from the owners of 16 Droop Street raised concerns about impacts on the right of access enjoyed over the laneway, and an easement in favour of 16 Droop Street. The submission from the owners of 18 Droop Street raised concerns about access, the width of the laneway, and utility and amenity of the laneway.
16. The purchase of the airspace will not have any impact on access to the rear of the Droop Street properties – either for domestic or commercial vehicles; or on the amenity or utility of the laneway generally.
17. The airspace would only be acquired above a height of 4m. Under the proposed development there will also be additional clear space provided above 4m.
18. There would not be any change to the width of the laneway.

Agenda Item 9.1 - Attachment 5

19. There will also not be any impact on the easement in favour of 16 Droop Street, which is unaffected by either the sale of the airspace or the proposed development.

Road and waste management

20. The owners of 18 Droop Street raised questions about who would be responsible for ongoing management of the road, and continued access for waste management.
21. There would not be any change to current arrangements. The laneway itself would continue to be owned and managed by Council. There is also no anticipated need for waste vehicles to lift waste bins under the proposed development.

Amenity impacts

22. The owners of 18 Droop Street have raised a number of questions that are appropriately characterised as concerns about amenity impacts arising from the proposed development – rather than arising directly as a result of the sale of the airspace.
23. Obviously, to the extent that there are amenity issues arising from the development of the subject land, those issues are matters to be considered as part of the assessment of the planning permit applications – and are not matters that are relevant to Council’s decision whether or not to sell the airspace.
24. Amenity impacts would arise whether the ASL land is developed as a single parcel, or as two separate parcels.
25. All of the amenity issues raised in submissions are matters that are routinely dealt with by the planning scheme and as part of the assessment of planning permits by Council’s planning team. It is also relevant to note that Council’s planning team provided ASL with preliminary feedback on a number of amenity issues that led to alterations to the built form of the proposed development.
26. In Council’s assessment of the earlier proposal to sell the airspace, a similar submission was made by the owners of 18 Droop Street. In the Council officer’s assessment of the 16 questions raised in that submission, the Council officer correctly identified that all but two of those issues would be addressed as part of Council’s assessment of the planning permit, or otherwise were not matters of concern (eg road management issues).
27. There were only two issues singled out by the Council officer that ultimately formed the basis for Council’s decision not to sell the airspace:
- impact on natural light; and

Agenda Item 9.1 - Attachment 5

- surveillance / safety and security concerns.
28. Access to natural light is a matter related to equitable development and is ultimately a question of built form that would be addressed through compliance with the relevant provisions of the planning scheme.
29. In relation to safety and security, the proposed development will substantially improve the amenity of the area and will provide opportunities for passive surveillance and public lighting that are not currently available. It should be noted that Council's planning team noted in preliminary assessment of the permit application that the proposed shared use of the laneway would 'provide a greater sense of safety'. Matters such as public lighting and other security features can be addressed by way of permit conditions.

Conclusion

30. To conclude, Council will obtain a direct and significant benefit from the sale of the airspace – the value of the air rights, as determined by the independent valuer.
31. There will not be any impacts on access to the Droop Street properties; nor any impacts on road management or waste management.
32. The sale of the airspace will facilitate the development of a high-quality residential building - which is strongly encourage for this area by the Planning Scheme.
33. To the extent that the submitters have raised concerns about amenity impacts – those impacts relate to the form of development, not the sale of the airspace, and will be dealt with as part of the planning permit process – for which Council is the Responsible Authority.
34. In Council's assessment of the issues raised by submitters in the earlier process (which are substantively the same as the issues raised this time around), Council found that all but two of those concerns did not raise matters of substance or would be dealt with as part of the planning process. However, the remaining two issues – impact on natural light, and safety/security concerns - are also matters that are properly to be considered as part of the planning process.
35. Concerns about amenity impacts from the proposed development are not a legally reasonable basis for Council to decide not to sell the airspace.
36. Those amenity impacts will also arise whatever form of development is ultimately pursued for the subject land.

Agenda Item 9.1 - Attachment 5

Documents tabled:

- ASL Submission (Dated 08 October 2019)
- ASL letter – Response to Objections (Dated 2 October 2019)

Agenda Item 9.1 - Attachment 6

George Ioannou

From: [REDACTED]
Sent: Friday, 1 November 2019 11:51 AM
To: [REDACTED]
Cc: Governance
Subject: Re: Objection to the Proposed Sale of the Airspace above the Road between 22-28 Ford Street Footscray

Hi [REDACTED],

Thank-you for the email and for the opportunity to address the points raised in the document tabled by Australian Securities ("ASL").

Can I begin with the fact that the Meeting on the 8th October was for interested parties to express their views on the proposed sale of the airspace. While I and the owner of 16 Droop St presented to Council our objections to the proposed sale, ASL spent the majority of their time and effort to try to discredit or set aside the objectors concerns. ASL expressed very little advantages to the proposed sale of the airspace for the surrounding land owners, the community at large, the business owners, retailers or consumers using the road. ASL main concern was to get more land rights for a 'more efficient' project. For one of the largest property owners in the area, ASL aim to get larger so that it could have a 'more efficient' development is perplexing. ASL has enough land to have an efficient development its argument is only to masking its wanting to increase its profits even further at the cost of Council, surrounding property owners and the general community.

ASL could not put across a reasonable argument for the benefit but rather it chose to try discredit or put aside reasonable and sound points of objection to the proposed sale. It also seems economical unsound to have the proposed sale of the air-space when the benefits are greater for ASL, a minor cash bonus to Council but an everlasting economic and social costs to surrounding properties, businesses/retailers and community overall.

Looking at ASL document, I would like to point out the following points:

(i) ASL is trying to defer a number of the objections raised as they claim that those concerns/objections will be dealt as part of the "Planning Permit Process". This is one of my major concerns for if the proposed sale were to go through there is will be minimal review of the objections raised as the they will be rolled into the "Planning Permit Process" which has different Council processes and procedures, which can be overruled by VCAT. Council role would be substantially different under the "Planning Permit Process" versus the current review process. Any deferral of the objections would be to the advantage of ASL. As moving these objections under the "Planning Permit Process" ASL can easily take advantage of VCAT to overrule Council and the objectors. These concerns/objections should be dealt with now before any proposed sale. As once the airspace is sold it is SOLD and the impact of that sale will be irreversible and the impact quite damaging to the rights of other stakeholders.

Therefore, I think the most appropriate forum to handle these objections is now before any proposed sale rather than delaying/moving the objections to the "Planning Permit Process".

(ii) ASL recommend that the concern/objection could be resolved by "conditions could be included on any planning permit granted for" (Response 1). Again, this is another way to delay with dealing with the concerns/objections and trying to resolve or push the issue in another forum. The concern/objection should be resolved by Council in this forum where it has been raised.

(iii) While ASL talks about their right to 'equitable development', there is currently no impediment for them to develop their estate. What is concerning is ASL is further encroaching on the rights and the utilities of the

Agenda Item 9.1 - Attachment 6

surrounding properties. ASL has no regard on how the proposed sale of the airspace would have a severe impact on the 'equitable development' of the surrounding properties. ASL talks about how the proposed sale would give them 'equitable development' opportunities however they will come at the cost of surrounding properties 'equitable development' rights. In my view, ASL behavior has been far from collaborative rather is has been quite abrupt and incongruous both with abutting properties and Council.

(iv) In point 7., it is very clear that ASL acknowledge that there are issues with lighting, utility etc in their statement, "To the extent that the development of the Subject Land has the potential to result in off-site amenity impacts, including daylight access to surrounding properties and overshadowing (etc)". It has been stated a number of time that there will be severe impacts on the utility of the road and surrounding properties due to the proposed sale of the airspace and ASL is well aware of this. However, ASL do not want this address under this forum but would rather have the sale done and then defer any objections to later forums.

I believed that Council made the correct decision in the first objection meeting however was then forced by ASL to hold another meeting. I trust Council will continue to hold-off on the proposed sale for the betterment of the whole community rather than a large land owner.

Regards



Director
Chrybit Pty Limited
(Owner of 18 Droop Street Footscray)

Agenda Item 9.1 - Attachment 7



26 November 2019



Maribyrnong City Council
Cnr Hyde and Napier Street
FOOTSCRAY VIC 3011

Dear [REDACTED]

Email: [REDACTED]
governance@maribyrnong.vic.gov.au

Re: Proposed sale of airspace over road between 22-28 Ford Street, Footscray

We refer to the further submissions from the owner of 18 Droop Street, dated 1 November 2019, which responded to the submissions of Australian Securities Ltd (ASL) dated 2 October 2019, and your email of 20 November 2019 inviting comments from ASL.

There are a number of inaccuracies and mischaracterisations in the further submission from the owner of 18 Droop Street, which ASL wishes to correct.

Pursuant to the letter from Council dated 13 September 2019, it was left to the discretion of the submitters whether or not to address the substance of other submissions. ASL elected to do so, as well as addressing the benefits of the sale of the airspace for the more efficient development of the parcels of land owned by ASL. ASL, in both oral and written submissions (dated 30 August 2019 and 2 October 2019), set out the benefits arising from the sale in detail. ASL refers Council to those submissions.

It is incorrect to suggest that ASL is attempting to defer to the planning permit process relevant objections that should be dealt with in the sale process. As ASL's 2 October letter makes clear, the substantive issues raised in the submission from the owner of 18 Droop Street are matters relate to, or arise from, the proposed development of the relevant land, rather than from the sale of the airspace. As such, those issues should only be considered by Council as part of the assessment of a planning permit application, in context of the proposed form of development, and not as part of this sale process.

Agenda Item 9.1 - Attachment 7

It must also be noted that the planning permit process is an open, transparent process in which the owner of 18 Droop Street has the right to participate. As an adjoining land owner, the owner of 18 Droop Street will be notified of any proposed development at 22-28 Ford Street, and will have the right to object. Council, as the Responsible Authority for purposes of the *Planning and Environment Act 1987* (Vic), is required to consider any objections made as part of its assessment of a planning permit application. If the owners of 18 Droop Street are aggrieved by the ultimate decision of Council, they will have the right to file an application for review of that decision with the Victorian Civil and Administrative Tribunal. It is that process that is the appropriate forum for consideration of the issues raised by the submitter.

In relation to the concerns raised about equitable development, ASL reiterates its previous submissions that equitable development is a planning permit issue arising from the development of the land, and not arising from the sale of the airspace. It is not appropriate for Council to consider that issue as part of the proposed sale of the airspace.

It is also not correct to say that ASL's submissions acknowledge that there are issues with lighting, utility or off-site amenity impacts arising from the proposed development. ASL's submissions merely noted that if such issues arise, they are appropriately dealt with as part of the planning permit process. In any event, they are not matters that arise directly from the sale of the airspace, and therefore should also not form part of Council's consideration of that sale.

We thank Council for its consideration.

Yours sincerely



Chief Executive – ASL



Portfolio Manager - ASPF

Agenda Item 9.1 - Attachment 8



Maribyrnong City Council

SPECIAL COMMITTEE MEETING MINUTES

**Tuesday 8 October, 2019
6.30pm (s223 Special Committee)**

**Council Chamber
Level 1
Maribyrnong Council Offices
Corner Hyde and Napier Streets, Footscray**

MEMBERSHIP

Councillor Martin Zakharov (Chair)
Councillor Megan Bridger-Darling
Councillor Sarah Carter
Councillor Simon Crawford
Councillor Gina Huynh
Councillor Cuc Lam
Councillor Mia McGregor

Agenda Item 9.1 - Attachment 8

1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.33pm.

The Chair, Cr Martin Zakharov made the following acknowledgement statement:

"We acknowledge that we are on traditional lands of the Kulin Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples past and present".

PRESENT

Councillor Martin Zakharov (Chair)
Councillor Simon Crawford
Councillor Cuc Lam
Councillor Mia McGregor

IN ATTENDANCE

Chief Executive Officer, Stephen Wall
Director Corporate Services, Celia Haddock
Director Infrastructure Services, Steve Hamilton
Director Planning Services, Nigel Higgins
Manager Leisure, Health and Wellbeing, Patrick Jess
Manager Governance and Commercial Services, Lisa King
Governance Support Officer, Adele Woolcock

2. APOLOGIES

An apology for this meeting was received from Councillor Sarah Carter, Councillor Gina Huynh and Councillor Megan Bridger-Darling.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

4. OFFICER REPORTS

4.1. Hearing of Submissions: Proposed Sale of Airspace above Road abutting 22-28 Ford Street, Footscray

The purpose of this report was to provide the opportunity for submissions to be heard in relation to the proposed discontinuance and sale of airspace at a height beyond 4 metres above the road between the two sites at 22-28 Ford Street, Footscray ("Proposal").

Jordan Wright addressed the Committee in relation to this item.
Frank Fichera addressed the Committee in relation to this item.

Agenda Item 9.1 - Attachment 8

Council Resolution

That the Committee authorises the Chief Executive Officer to write to the three submitters thanking them for their submissions, and informing them that all submissions received and all other relevant details relating to the Proposal will be the subject of a further report to be presented to a future meeting of Council so that Council can decide whether to proceed with the proposed sale of airspace.

Moved: Cr Simon Crawford
Seconded: Cr Mia McGregor

CARRIED

5. MEETING CLOSURE

The Chair, Cr Martin Zakharov, declared the meeting closed at 6.56pm.



Chair, Cr Martin Zakharov

Agenda Item 9.1 - Attachment 8

SPECIAL COMMITTEE REPORT

As the attached minutes confirm, the Special Committee met on 8 October 2019 to hear from two persons who had indicated that they wished to be heard in support of their written submissions.

Jordan Wright (Barrister) addressed the Committee on behalf of the owner of 22-28 Ford Street, Footscray ("ASL"). He spoke to a written document tabled at the meeting. The document was subsequently made available to Council staff so that it could form part of a Report to Council. The points made by Mr Wright correspond with the contents of the written document.

Frank Fichera, the owner of 18 Droop Street, Footscray, also addressed the committee. He spoke broadly to the same issues as those set out in his written submission.

Each then had a brief opportunity to respond to the other. Mr Wright addressed why issues of natural light and design were capable of being addressed while Mr Fichera queried on what basis Council should take into account the written document tabled by Mr Wright.

The Committee's recommendation appears in the minutes.



Cr Martin Zakharov
Chair

Agenda Item 9.1 - Attachment 9

Summary of all Submissions – Proposed Sale of Airspace above Road Abutting 22-28 Ford Street, Footscray

Having reviewed all submissions, fourteen key issues have emerged and are summarised in the table below. This document is intended to be a summary of key issues from submissions received, it is not intended to be a full copy of each submission. For a full copy of each submission, please see Attachments 1 – 7 of this Report.

Key Issues	Summary of All Submissions		
	Owner of 16 Droop Street, Footscray	Owner of 22-28 Ford Street, Footscray	Owner of 18 Droop Street, Footscray
1. Access	<p>Any sale of airspace above the laneway would seriously impact on the use of the laneway by the owners of 16 Droop Street, Footscray by means of vehicular traffic.</p> <p>The occupiers of 16 Droop Street use the laneway for deliveries by vehicles and the height of such vehicular traffic should not be impinged.</p> <p>16 Droop Street has a right of way over the laneway which is used to access parking at the rear of the property.</p> <p>Council is put on notice that a splay at the end of the laneway is required.</p>	<p>The Road would continue to maintain its status as a Council-owned asset and therefore must be kept open for access.</p> <p>The purchase of the airspace will not have any impact on access to the rear of Droop Street properties – either for domestic or commercial vehicles; or on the amenity or utility of the laneway generally.</p> <p>The airspace would only be acquired above a height of 4m. Under the proposed development there will also be additional clear space provided above 4m.</p> <p>There would not be any change to the width of the laneway.</p> <p>The development would enable the amenity of the Road to be significantly enhanced for all users.</p>	<p>If the proposed sale of the airspace does go ahead together with a future development, what is to say that there will not be any blockage of the Road.</p> <p>Will the Road be large (wide and height) enough for vans, trucks, garbage trucks and Emergency vehicles if the proposed sale of the airspace does go ahead together with a future development? We believe that the propose sale of the airspace above the Road will have a detrimental impact on the services and utilities using the Road. This will create a bottleneck and limitations on the utility of the Road and will impact the health and safety of the users, surrounding residents, tenants and shoppers.</p> <p>We believe that the proposed sale of air-space and any future development will have a decrease utility and amenity of the Road.</p> <p>The restricted use and impact to the utility on the Road will have a major cost impact on future developments and will also negative impact the types of developments that can be done in the surrounding area.</p>

Agenda Item 9.1 - Attachment 9

Key Issues	Summary of All Submissions		
	Owner of 16 Droop Street, Footscray	Owner of 22-28 Ford Street, Footscray	Owner of 18 Droop Street, Footscray
2. Building Compliance	Not identified within submission received.	No issue of compliance with building codes arising from the sale of the airspace.	We believe that the proposed sale of air-space and any future development is or might not be inline with building codes.
3. Development Efficiency	Not identified within submission received.	<p>The sale of the airspace will facilitate the development of a high quality residential building – which is strongly encouraged for this area by the Planning Scheme. The acquisition of the airspace would facilitate a far more efficient development proposition by enabling sharing of building services and amenities, and through the design of larger floor plates.</p> <p>The development of two separate buildings would potentially result in compromised apartment configurations and circulation areas. Further, the development of two separate buildings that interface the laneway would likely require screening at the interface, to prevent views between the two buildings. This would arguably be a poor design outcome.</p>	ASL has enough land to have an efficient development its argument is only masking its wanting to increase its profits even further at the cost of Council, surrounding property owners and the general community.
4. Equitable Development Rights	Any sale of airspace above the laneway would impinge significantly on access to 16 Droop Street from the rear for any future development of 16 Droop Street. Redevelopment of the property situate at 16 Droop Street should not be restricted by a sale of airspace over the laneway over which 16 Droop Street has an easement.	<p>Equitable development opportunities will be considered as part of the Planning Application. Plans illustrate that the proposed setbacks will enable equitable development opportunities to adjacent sites.</p> <p>The sale of the airspace will not restrict the use of the Road for existing users, and there is no basis to conclude that the sale of the airspace would have a cost impact on future development on adjoining land, or otherwise limit the type of development that could be undertaken on the land.</p>	Will the proposed sale of the air-space have a detrimental impact on future development of surrounding properties? We believe that the proposed sale of air-space and possible development will have a detrimental impact on the surrounding Businesses and land owners in terms of future development.

Agenda Item 9.1 - Attachment 9

Key Issues	Summary of All Submissions		
	Owner of 16 Droop Street, Footscray	Owner of 22-28 Ford Street, Footscray	Owner of 18 Droop Street, Footscray
5. Financial	Not identified within submission received.	Council will obtain a direct and significant benefit from the sale of the airspace – the value of the air rights, as determined by an independent valuer.	It also seems economical unsound to have the proposed sale of the airspace when the benefits are greater to ASL, a minor cash bonus to Council but an everlasting economic and social costs to surrounding properties, businesses and community.
6. Legal	Not identified within submission received.	Concerns about amenity impacts from the proposed development are not a legally reasonable basis for Council to decide not to sell the airspace.	Not identified within submission received.
7. Lighting	Not identified within submission received.	Conditions could be included on any planning permit granted for the development requiring a combination of public and private lighting to ensure that the Road and Ford Street will be suitably lit to enhance public safety.	If the airspace is sold and a development takes place the Road will be very dark and unsafe for both the general public, surrounding residents, the nearby tenants and shoppers. Will there be additional lighting on the road if the proposed sale of the airspace goes ahead and the future development takes place? Who will be responsible for the upkeep of such lighting? What precautions are being made to ensure the ongoing safety of all users of the Road?
8. Maintenance	Not identified within submission received.	The laneway itself would continue to be owned and managed by Council. The sale of the airspace will have no impact on ongoing cleaning and maintenance.	Who will be responsible for the cleaning and maintenance of the Road if the airspace is sold? We believe that the proposed sale of the airspace above the Road will detrimental impact the ongoing cleaning and maintenance of the Road.

Agenda Item 9.1 - Attachment 9

Key Issues	Summary of All Submissions		
	Owner of 16 Droop Street, Footscray	Owner of 22-28 Ford Street, Footscray	Owner of 18 Droop Street, Footscray
9. Natural Light	Not identified within submission received.	<p>It is submitted that matters relating to daylight access, overlooking, overshadowing, outlooks from surrounding properties and visual massing and bulk have been appropriately managed during the design process, and these considerations will be further assessed and dealt with during the planning permit application process.</p> <p>Access to natural light is a matter related to equitable development and is ultimately a question of built form that would be addressed through compliance with the relevant provisions of the planning scheme.</p>	<p>Will the proposed sale of air-space and any future development have a detrimental impact on natural light on the surrounding properties? We believe that the proposed sale of air-space and possible development will have a detrimental impact on natural light in the area and shadows across a number of properties. The decrease of natural light will impact on the value of properties and any future developments, it will have a negative health and well-being impact on the community, residents and workers in the surrounding area. The affect of shadows will also have a negative health and well-being impact on the community, residents and workers in the surrounding area.</p>
10. Other General Amenity Impacts	Not identified within submission received.	Off-site amenity impacts would not result as a direct result of the sale of the airspace.	<p>We believe that the proposed sale of air-space will lead to a loss of an important amenity to the surrounding properties, customers of the surrounding businesses and to the general community. We believe that the proposed sale of air-space and any future development will have a negative impact on the views of current surrounding properties and will have a negative impact on future developments. We believe that the proposed sale of the air-space will have a adverse impact on the surrounding environment.</p>
11. Privacy	Not identified within submission received.	<p>It is submitted that matters relating to daylight access, overlooking, overshadowing, outlooks from surrounding properties and visual massing and bulk have been appropriately managed during the design process, and these considerations will be further assessed and dealt with during the planning permit application process.</p>	<p>We believe that the proposed sale of air-space and any future development will have a negative impact on privacy and security in the area and to the community.</p>

Agenda Item 9.1 - Attachment 9

Key Issues	Summary of All Submissions		
	Owner of 16 Droop Street, Footscray	Owner of 22-28 Ford Street, Footscray	Owner of 18 Droop Street, Footscray
12. Safety and Security	Not identified within submission received.	<p>The proposed development will substantially improve the amenity of the area and will provide opportunities for passive surveillance and public lighting that are not currently available.</p> <p>The proposed development will contribute to a greater sense of safety, as the proposed development incorporates windows and balconies at the upper levels, as well as pedestrian entries at the ground floor, therefore, providing passive surveillance opportunities. The ground floor entries will be clearly visible from Ford Street, with associated public lighting.</p> <p>Written correspondence received from Council during the planning process indicated in principle support for the utilisation of Ford Street, noting that it would "assist in improving the existing link between Dennis and Donald Streets and provide a greater sense of safety."</p> <p>No fundamental safety or security concerns were raised by Council planning officers in relation to surveillance along the laneway.</p> <p>The sale of the airspace does not raise any health and safety issues. The sale of the airspace will facilitate a development that will result in substantial improvements to the current conditions of the Road, including by providing opportunities to enhance safety and security.</p>	<p>We believe that the proposed sale of air-space and any future development will have a negative impact on privacy and security in the area and to the community.</p> <p>Will the proposed sale of the air-space have a detrimental impact on the security of tenants, residents or the general public? We believe that security safety will be negatively impacted.</p>

Agenda Item 9.1 - Attachment 9

Key Issues	Summary of All Submissions		
	Owner of 16 Droop Street, Footscray	Owner of 22-28 Ford Street, Footscray	Owner of 18 Droop Street, Footscray
13. Traffic Management	Not identified within submission received.	<p>The sale of the airspace would not impact the accessibility of the Road, which would remain open to the public.</p> <p>The impact of the development on traffic would also be properly considered as part of the planning permit process.</p>	<p>Will the proposed sale of air-space and any future development have a detrimental impact on the traffic management around the Road? We believe that the proposed sale of air-space and possible development will have a detrimental impact on the flow of traffic, it will impact on what types of vehicles can use the Road and a decrease in the utility of the Road.</p> <p>Will the Road be dual use (for cars and for pedestrians) going forward? Has this been taken into consideration with the proposed sale of the air-space? How will the proposed sale of air-space and any future development impact on the dual use of the Road? We also call on Council to do a traffic management of the Road.</p>
14. Waste Management	Not identified within submission received.	As stated in the Council response, it is not foreseeable that a garbage truck would need to lift a bin under the section of airspace proposed to be sold; and therefore, the sale of the airspace above the Road would not compromise any ability for waste collection.	Will there be enough space for a garbage truck to flip a load of garbage from surrounding properties after the proposed sale of air-space and possible development?

Agenda Item 9.1 - Attachment 10

Attachment 10 – draft statement of reasons

Background and context

The Council has proposed (“Proposal”) to exercise its power under clause 3 of Schedule 10 of the *Local Government Act 1989* (“Act”) to discontinue part of a road, being the airspace at a height beyond 4 metres above the road between the two sites at 22-28 Ford Street, Footscray (“Airspace”), and to sell the Airspace to the owner of 22-28 Ford Street (“ASL”).

However, the context for the Council’s Proposal is an expressed desire by ASL to purchase the Airspace in order to facilitate its preferred development of its two parcels of land that are separated by Ford Street. As ASL has stated, its preferred development broadly comprises the following:

- A 13 storey, mixed use building that is separated into two components at the basement and ground floor levels by Ford Street (“Building A” and “Building B”).
- However, at level 1 and above, the buildings would be connected. Thus, preferred development would “seek[] to build over Ford Street (i.e. within the airspace)”.
- A retail tenancy at the ground floor level at the corner of Ford and Donald Streets, and 120 residential apartments above (mix of one, two and three bedroom configurations).
- Car stackers at the ground floor level separated between Buildings A and B.
- Separate pedestrian entries, lift lobbies, stairway access and waste rooms for Buildings A and B.
- Provision for communal resident facilities including a gym and communal roof top gardens.

ASL submits that “[t]he acquisition of the airspace would facilitate a far more efficient development proposition by enabling sharing of building services and amenities, and through the design of larger floor plates at levels 1 and above”. Conversely, “[t]he two land parcels, if developed separately, would result in a far less efficient development and potentially compromised apartment configurations and circulation areas to the disbenefit of future residents, as well as the potential reduction in apartment numbers due to smaller floor plates”. Further, ASL says, “the development of two separate buildings that interface the laneway would likely require screening at the interface, to prevent views between the two buildings”, which ASL says “would arguably be a poor design outcome”.

Agenda Item 9.1 - Attachment 10

On 15 December 2016, ASL lodged a planning permit application for the development. In essence, that application has been put “on hold” pending consideration by the Council of whether it will discontinue part of a road, being the Airspace, and sell it to ASL.

Reasons

The Council accepts that ASL would obtain a benefit if it purchased the Airspace. The Council accepts that, if ASL was to purchase the Airspace, thereby facilitating (subject to obtaining a planning permit) the development of the property in the manner foreshadowed, that this may result in development “efficiencies” of the kind identified by ASL and referred to above. The Council also accepts that other members of the local community (e.g., occupiers of apartments) may realise related benefits.

However, ASL does not presently own the Airspace. And the Council is not obliged to discontinue part of an existing road, and to sell the Airspace to ASL, so as to enable ASL to facilitate what it considers would be a more “efficient” development. And it is clear, having regard to the submissions from the owners of 16 and 18 Droop Street, that there is considerable opposition within the local community to the Council discontinuing part of the road and selling the Airspace to ASL.

In accordance with section 3C(1) of the Act, the Council’s primary objective is “to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions”. In making this decision, the Council has focussed on this primary objective, and in doing so has had regard to the facilitating objectives in section 3C(2).

The Council has considered all of the written and verbal submissions provided to it, being the written submissions by ASL (received on 29 August, 2 October, 8 October and 27 November 2019), by the owner of 16 Droop Street (dated 28 August 2019), and by the owner of 18 Droop Street (dated 30 August 2019 and 1 November 2019) and the verbal submissions heard by the special committee of Council on 8 October 2019.

However, for any one or more of the following reasons set out below, the Council is not satisfied that discontinuing part of Ford Street and selling the Airspace to ASL will achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions. Accordingly, the Council has resolved not to proceed with the Proposal.

First, the owner of 16 Ford Street submits that occupiers use Ford Street for deliveries by vehicles, and that the height of such vehicular traffic should not be impinged by the discontinuation of part of the road and sale of the Airspace to ASL. ASL responded to the effect that the road would continue to exist up to a height of 4 metres, and that this will have “sufficient clearance to cater for the majority of vehicles”. Thus, ASL submits that sale of the Airspace “will not impact on the use of the Road by the owners of 16 Droop street”. However, the fact that a road of a height of 4 metres would be sufficient to allow access for a majority of vehicles does not

Agenda Item 9.1 - Attachment 10

mean that it would be sufficient to allow access for all vehicles. Accordingly, the Council is not satisfied that the discontinuation and sale of the relevant part of the road will not have any impact on the use of the Airspace as a road.

In this context, the owners of 16 and 18 Ford Street submit that access to their properties from the rear may be important for any future development of their properties. The Council agrees. It may be expected that both 16 and 18 Droop Street will be redeveloped in the future. The properties are located in the Footscray Activity Centre, which is expected to undergo significant change in coming years. The height of new buildings may be up to 10 storeys. It is readily foreseeable that it would be necessary or desirable, in the event of such redevelopment, for construction vehicles (cranes etc) requiring more than 4 metres clearance to use Ford Street rather than (or as well as) Droop Street to access the site. This discontinuation and sale of the Airspace would prevent or impair such access, regardless of the result of ASL's planning permit application. For this reason alone, the Council is not satisfied that the discontinuation of the relevant part of Ford Street, and the sale of the Airspace to ASL, would achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

Secondly, and independently of the question of the existing and future use of the Airspace as a road, the Council is concerned about the potential impact of the sale of the Airspace with respect to the management of the remaining part of the road. As noted above, ASL seek to purchase the Airspace so that it can develop it. But any development of the Airspace is likely to impose burdens on the Council in ensuring that the remaining part of the road is safe for road users. For example, the Council is concerned that it may need to establish lighting, signage and/or surveillance measures to mitigate the inevitable loss of natural light. ASL appear to acknowledge this, in part, contemplating that if it developed the Airspace then a possible consequence might be a requirement for Council to establish and manage "public lighting" as the "owner and manager" of the remaining part of the Ford Street.

Thirdly, and independently of the matters set out above, the Council is not satisfied that the development of the Airspace will accord with principles of orderly planning for Core Precinct 1 as outlined in the Footscray Structure Plan, especially in light of the inevitable loss of natural light and diminished visibility and surveillance of the area. In particular, the Council is not satisfied that development of the Airspace would be consistent with or conducive to the realisation of the objectives sought to be achieved by the Crime Prevention Through Environment Design (CPTED) and Urban Design Guidelines (Victoria). The CPTED principles encourage spaces to provide a level of visibility and natural surveillance where activities can be easily seen and deter potential offenders and access, movement and sightlines as crime is less likely to occur in places where there are clear, well defined routes and people can easily enter and leave. The proposal before Council has limited opportunities to provide natural surveillance or sightlines to the road and cannot be easily resolved through any planning approval process. Council officers have indicated in their correspondence on 12 January 2017 to ASL that the proposal is unlikely to obtain

Agenda Item 9.1 - Attachment 10

approval for a number of factors including its presentation to the road and Ford Street and equitable development opportunities of adjoining properties.

With respect to this last point, a theme of ASL's submissions is that, insofar as its preferred development and proposed use of the Airspace might have any adverse impacts (e.g., on the security of the area), these are matters that can or would be considered in deciding its application for a planning permit. (Notwithstanding this, ASL has made brief submissions in support of why it says that "broadly, the proposed development represents a considered and appropriate planning outcome for the site", which submissions the Council has considered.)

But it does not follow from the fact that possible adverse impacts may be considered in the context of an application for a planning permit made by a person who owns land (noting that ASL does not currently own the Airspace), that the Council is precluded from considering possible adverse impacts of a proposed development in deciding whether or not to discontinue part of a road and sell property to a person who wishes to obtain such property to pursue such a development. In particular, the Council does not agree with ASL's submission that "amenity issues arising from the [proposed] development" are "not matters that are relevant to the Council's decision".

If the Council makes a decision now to discontinue the relevant part of the road, and to sell the Airspace to ASL, that would will result in an immediate loss of part of a road and divestiture of a proprietary interest in favour of ASL regardless of the outcome of the planning permit application. Especially given the definite and immediate effect of such a decision, the Council considers that it is entitled to have regard to whether it is satisfied on the material before it that the proposed development (even with conditions) would accord with principles of orderly planning, in balancing up whether overall the Proposal would achieve the best outcomes for the local community. The Council is not so satisfied.

Agenda Item 9.2**ALGA NATIONAL GENERAL ASSEMBLY AND MAV STATE COUNCIL MEETING
MOTIONS – CALL FOR MOTIONS**

Director: Celia Haddock
Director Corporate Services

Author: Lisa King
Manager Governance and Commercial Services

PURPOSE

To seek motions for submission to the Australian Local Government Association (ALGA) 2020 National General Assembly of Local Government (14 to 17 June 2020) and Municipal Association of Victoria (MAV) State Council Meeting on 15 May 2020.

ISSUES SUMMARY

- The ALGA National General Assembly is held annually to consider matters of national significance and the MAV State Council meets twice a year to consider matters of state-wide significance.
- Motions are put forward by member councils for consideration by these peak associations.
- Meeting dates for 2020 are:
 - ALGA National General Assembly 14-17 June 2020
 - MAV State Council Meetings, 15 May 2020 and 11 September 2020
- Proposed motions have been drafted and cover the areas of:
 - Climate change
 - Rate capping
 - Aged care standards
 - Air quality action
 - Support for Local Government Class B cemeteries.

ATTACHMENTS

1. ALGA 2020 Discussion Paper - Working Together for our Communities [↓](#)

OFFICER RECOMMENDATION

That Council approves the motions for submission to the:

1. **2020 Australian Local Government Association National General Assembly of Local Government as follows:**

That the Australian Local Government Association:

- a. **Call on the Federal Government to formally recognise that we are in a**
-

Agenda Item 9.2

state of climate emergency and actively work with Local Government, industry and communities to reduce waste production, set a zero emission targets, support the development of renewable energy industries, incentivise all sectors to change to more efficient technologies, significantly increase urban vegetation cover, and increase support for households to access energy efficient upgrades.

- b. Call on Local Governments throughout Australia to:**
 - a) mobilise community information and discussions on this topic**
 - b) actively promote information, opinions, discussion through social media, and**
 - c) deploy proactive political advocacy strategies with local communities to call on the Federal Government to have the Aged Care Amendment (Staffing Ratios Disclosure) Bill 2019 re-presented & brought into legislation.**
 - c. Call on State Governments and the Federal Government to sponsor, promote and support visual and public art projects in local government areas, across Australia, through a public funding or grants opportunity that highlight the impacts and challenges of climate change as it is now effecting communities at a local level.**
- 2. May 2020 Municipal Association of Victoria's State Council Meeting as follows:**

That the Municipal Association of Victoria:

- a. Call on the Victorian Government to establish a Perpetual Maintenance Assistance Fund to support local Governments wanting to transfer their Class B Cemeteries over to Class A Cemetery Trusts.**
 - b. Call on the Victorian Government and Federal Government to collectively acknowledge that we are in a state of climate emergency and commit to establishing a climate emergency taskforce to identify priority actions and budget commitments to address climate change across all sectors of government.**
 - c. Call on the Federal Government take urgent leadership and action to prevent and reduce the human health impacts from continuing air pollution.**
 - d. Calls on the Victorian Government to create a climate emergency public art initiative that highlights the impacts and challenges of climate change as it is now effecting communities at a local level.**
 - e. Call on the Victorian Government to establish review process to consider broadening the rate cap variation criteria for applications to the Essential Services Commission (ESC).**
-

Agenda Item 9.2**BACKGROUND**

The ALGA National General Assembly and MAV State Council Meeting provide the opportunity for councils to submit motions on matters of nation-wide and state-wide significance to the local government sector. MAV State Council Meetings are convened twice a year, and ALGA National General Assemblies are held annually.

DISCUSSION/KEY ISSUES**1. Key Issues****ALGA 2020 National General Assembly of Local Government Motions**

Motions submitted by councils to the ALGA National General Assembly of Local Government are debated, and if adopted, acted upon by the ALGA on behalf of the Australian local government sector. Nation-wide support will help strengthen the public profile of endorsed issues, and advance advocacy of the issues with other levels of government.

The following motions have been identified as potential issues of nation-wide significance.

TITLE	MOTION	RATIONALE
Climate Change Emergency	That the ALGA to call on the Federal Government to formally recognise we are in a state of climate emergency and actively work with Local Government, industry and communities to reduce waste production, set a zero emission targets, support the development of renewable energy industries, incentivise all sectors to change to more efficient technologies, significantly increase urban vegetation cover, and increase support for households to access energy efficient upgrades.	With the recognition of the climate emergency by many local councils across Australia, and over 1,432 jurisdictions and 28 countries worldwide, the need for urgent action by all tiers of government and community is apparent. The collective recognition of the climate emergency by state and federal government will greatly assist and affirm the commitment by all tiers of government in addressing climate change and the climate emergency. To enable a targeted and whole-of-government approach to climate action, a taskforce needs to be established to identify and provide budget allocation recommendations to government so there is a collective way forward and commitment to fund and act on the climate emergency.

Agenda Item 9.2

TITLE	MOTION	RATIONALE
Aged Care Staff Standards	<p>That the ALGA call on Local Governments throughout Australia to:</p> <ul style="list-style-type: none"> • mobilise community information and discussions on this topic • actively promote information, opinions, discussion through social media, and • deploy proactive political advocacy strategies with local communities to call on the Federal Government to have the Aged Care Amendment (Staffing Ratios Disclosure) Bill 2019 re-presented & brought into legislation. 	<p>Local Governments are well positioned to “ground truth” community expectations of governments on important social service issues.</p> <p>The expectation that the aged care sector should regularly and transparently report staffing levels and mix is rational and reasonable by any measure, just as hospitals and early learning sectors are required to do. Consumers and their families are entitled to this information to enable confidence in their family decision making</p> <p>People now enter aged care facilities later in life with more complex needs, 53% of residents are now classified as high needs. Staffing numbers, mix of qualifications and culture are all important in determining quality of care. The aged care sector is not currently required to report these metrics.</p> <p>The Aged Care Amendment (Staffing Ratios Disclosure) Bill 2019 was proposed to mandate the publication of staffing ratios in aged care residential facilities. The current government allowed the Bill to lapse in the House of Representatives, by failing to debate it; and then voted the Bill down in the Senate in December 2020.</p> <p>Local Governments are well positioned to engage locally on this issue, to tap “grass roots” opinion through any number of networks, and coordinate a critical mass of views regarding the absence of transparent staff ratio reporting</p>

Agenda Item 9.2

TITLE	MOTION	RATIONALE
Recognising the impacts of climate change on local communities	That the ALGA call on the State Government/Federal Government to sponsor, promote and support visual and public art projects in local government areas, across Australia, through a public funding or grants opportunity that highlight the impacts and challenges of climate change as it is now effecting communities at a local level.	<p>The recent bushfires have demonstrated the realities of impending local impacts of climate change on our urban and natural environments. 41 local councils across Australia, including the City of Maribyrnong, have recognised the climate emergency and urgently called for action.</p> <p>Local Government also has a strong commitment to public art as an important part of local expression and an opportunity to share diverse perspectives on social and environmental issues that matter. The purpose of the public art projects is to highlight the impact of climate change on people in urban and regional areas, through the devastating bushfires and other evident weather events.</p> <p>The projects may consider impacts such as the devastating impacts that the recent bushfires have had on the natural environment including plants, animals and insects. Over 1 billion animals were destroyed in the bushfires and billions of insects.</p>

MAV State Council Meeting Motions

Motions submitted by Councils to the MAV State Council Meeting are debated, and if adopted, acted upon by the MAV on behalf of Victorian local government sector. State-wide support will help strengthen the public profile of endorsed issues and advance advocacy of the issues with other levels of government.

The following motions have been identified as potential issues of state-wide significance.

TITLE	MOTION	RATIONALE
State Government Financial Assistance to transfer Local Government Class B Cemeteries to Class A Cemetery Trusts	That the Municipal Association of Victorian call on the Victorian Government to establish a Perpetual Maintenance Assistance Fund to support local Governments wanting to transfer their Class B Cemeteries over to Class A Cemetery Trusts.	<p>In 2011 a major amalgamation/ transfer of Class B Cemeteries to Class A Entities took place as a directive of the Victorian State Government. This process did not Include local Government Class B Cemeteries (many of which are closed for new internments). Since then no assistance has been offered to Local Government to transfer their Class B Cemeteries across to a Class A entity. Local Governments were allocated cemeteries by the State Government from not for profit Committees of Management (in the mid 1980's) they are now faced with meeting commercial terms as required by DHHS if they select to transfer to an organisation set up to run regional</p>

Agenda Item 9.2

TITLE	MOTION	RATIONALE
		cemeteries. These terms include a payment of a perpetual maintenance fee from the Local Government that can be in excess of \$10m. Local Governments running Class B cemeteries did not receive any fees when they were required to take these cemeteries over and now face a significant perpetual fee in a rate-capped environment.
Climate Change Emergency	That the Municipal Association of Victorian call on the Victorian Government and Federal Government to collectively acknowledge that we are in a state of climate emergency and commit to establishing a climate emergency taskforce to identify priority actions and budget commitments to address climate change across all sectors of government	With the recognition of the climate emergency by many local councils across Australia, and over 1,432 jurisdictions and 28 countries worldwide, the need for urgent action by all tiers of government and community is apparent. The collective recognition of the climate emergency by state and federal government will greatly assist and affirm the commitment by all tiers of government in addressing climate change and the climate emergency. To enable a targeted and whole-of-government approach to climate action, a taskforce needs to be established to identify and provide budget allocation recommendations to government so there is a collective way forward and commitment to fund and act on the climate emergency.
Air Quality Action	That the Municipal Association of Victorian call on the Federal Government take urgent leadership and action to prevent and reduce the human health impacts from continuing air pollution.	<p>Air pollution (particularly from human caused pollution) is a major human health concern, particularly in urban areas, where almost 75 per cent of Australians are expected to live by 2061.</p> <p>The only practical way to tackle this national and global health problem is to cut levels of pollution at source.</p> <p>By using the air to dispose of waste, polluters are destroying a shared resource and avoiding the costs of their action.</p> <p>Two significant actions required are a transition to clean energy and healthy urban planning outcomes – stop using coal, decrease combustion engine use and ensure all buildings are most efficient.</p> <p>This would not only reduce cases of asthma, but have climate change benefits of cutting coal, oil and gas burning and reduce obesity following more active travel, such as walking and cycling.</p> <p>There are plenty of ideas and solutions which now require leadership.</p>

Agenda Item 9.2

TITLE	MOTION	RATIONALE
Climate Emergency Public Art Initiative	That the Municipal Association of Victoria calls on the Victorian Government to create a climate emergency public art initiative which highlights the impacts and challenges of climate change as it is now effecting communities at a local level.	<p>The recent bushfires in Victoria and across Australia, have demonstrated the ongoing impacts of climate change on our urban and natural environments. 41 local councils across Australia, including the City of Maribyrnong, have recognised the climate emergency and urgently called for action.</p> <p>Local Government has a strong commitment to public art as an important part of community infrastructure and an opportunity to celebrate our cultural diversity.</p> <p>The purpose of the public art initiative is to highlight the impact of the bushfires on people in urban and regional Victoria. This includes the damage that the bushfires caused and the bringing together of communities to support those affected. The initiative will also consider the devastating impacts of the bushfires on the natural environment including plants, animals and insects. Over 1 billion animals were destroyed in the bushfires and billions of insects.</p>
Review of the Rate Cap Variation process for Victorian Council's	That the Municipal Association of Victorian call on the Victorian Government to establish review process to consider broadening the rate cap variation criteria for applications to the Essential Services Commission (ESC).	<p>Rate Capping is now into its 4th year and the impact on future proofing financial sustainability and ability to meet community needs of many Victorian Councils is of concern. The current variation criteria for council's applying for a variation is extremely narrow. In general the Council needs to be carrying large levels of debt, have low or no surpluses and be on the verge of trading insolvent. Those Councils certainly need a range of assistance including a varied rate cap but many other Councils that are considered financially viable are now forced with closing services to maintain financial sustainability. They are also unable to innovate or extend programs and infrastructure to meet growing population's future requirements and increased demand. Councils need to be able to extend services and infrastructure without necessarily retiring existing programs and assets. A review of the ESC Application process and criteria of the rate cap is necessary to ensure the financial sustainability of all Victorian Councils.</p>

Agenda Item 9.2**2. Council Policy/Legislation****Council Plan 2017-2021**

This report contributes to Council's strategic objectives contained in the Council Plan 2017-2021, by considering:

- Strategic Objective:
 - Strong leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration.

Legislation

There are no legislative impacts relating to this report.

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

Relevant departments to be consulted and to assist with the preparation of the proposed motions.

4. Resources

There are no resource implications resulting from this report.

5. Environment

There are no environment implications resulting from this report.

CONCLUSION

The motions endorsed at the MAV State Council Meeting and the ALGA National General Assembly enables issues of state-wide and nation-wide significance and strategic importance for the local government sector to be acted upon with the support of these peak organisations.

**WORKING
TOGETHER
FOR
OUR
COMMUNITIES
NGA20**

Call for Motions
Discussion Paper 2020

14-17 June 2020
National Convention Centre Caberra

nga20.com.au



AUSTRALIAN
LOCAL GOVERNMENT
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Agenda Item 9.2 - Attachment 1

KEY DATES

18 November 2019

Opening of Call for Motions

27 March 2020

Acceptance of motions close

14 - 17 June 2020

National General Assembly

To submit your motion go to:

alga.asn.au/nga20-motions/

Agenda Item 9.2 - Attachment 1

SUBMITTING MOTIONS

The National General Assembly of Local Government (NGA) is an important opportunity for you and your council to influence the national policy agenda.

To assist you to identify motions that address the theme of the 2020 NGA – Working Together for Our Communities, the Australian Local Government Association (ALGA) Secretariat has prepared this short discussion paper. You are encouraged to read all the sections of the paper but are not expected to respond to every question. Your motion/s can address one or more of the issues identified in the discussion paper.

Remember that the focus of the NGA is on partnerships and working together so your questions could focus on how Local Governments can work in partnership with the Australian Government to address the challenges our communities face, or the opportunities that are arising as we approach the crossroads before us.

Criteria for motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally
2. not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic importance and should be discussed at a national conference
3. be consistent with the themes of the NGA
4. complement or build on the policy objectives of your state and territory local government association
5. be submitted by a council which is a financial member of their state or territory local government association
6. propose a clear action and outcome i.e. call on the Australian Government to do something
7. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Agenda Item 9.2 - Attachment 1

OTHER THINGS TO CONSIDER

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. Motions should commence as follows - This National General Assembly calls on the Australian Government to

e.g. This National General Assembly calls on the Australian Government to restore funding for local government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.

In order to ensure efficient and effective debate where there are numerous motions on a similar issue, the ALGA Board NGA Subcommittee will group the motions together under an overarching strategic motion. The strategic motions have either been drafted by ALGA or are based on a motion submitted by a council which best summarises the subject matter. Debate will focus on the strategic motions. Associated sub-motions will be debated by exception only.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council. **Motions should be received no later than 11:59pm AEST on Friday 27 March 2020.**

Please note that for every motion it is important to complete the background section on the form. Submitters of motions should not assume knowledge. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee, as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the importance and relevance of the issue to local government.

Please note that motions should not be prescriptive in directing how the matter should be pursued. With the agreement of the relevant council, motions may be edited before inclusion in the NGA Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer.

Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

There is an expectation that any Council that submits a motion will be present at the National General Assembly to move and speak to the motion.

Agenda Item 9.2 - Attachment 1

INTRODUCTION

The purpose of this discussion paper is to provide guidance to councils developing Motions for Debate at the 2020 National General Assembly (NGA). This NGA will focus on working together for our communities and how local governments can achieve success through partnerships. It will consider how strategic partnerships can assist councils to address the challenges and opportunities we are facing today and tomorrow.

Some of the challenges and opportunities facing Australia were outlined in the CSIRO's Australian National Outlook 2019. Many of the challenges have direct implications for local governments and the communities they represent and provide services for. These challenges can also be opportunities that, if seized and managed appropriately, can ensure that our councils and communities thrive. This will require long-term planning, significant effort, and a cultural shift that will rebuild trust in institutions and all tiers of government, encourage healthy risk taking, and incorporate environmental and social outcomes in decision-making.

Collaboration and partnerships across sectors and with a diverse range of organisations will be vital to develop and implement solutions to the challenges ahead and to seizing the opportunities that emerge.

The National Outlook

The Australia National Outlook 2019 released by the CSIRO¹ revealed that Australia is at a crossroads. The research highlighted that we need to think and act differently if we are to ensure a bright future where GDP per capita could be as much as 36% higher in 2060 and growth is environmentally sustainable and inclusive. Failure to adequately address the significant economic, environmental and social challenges identified would result in a slow decline.

The CSIRO identified six important challenges that are already taking hold or on the horizon:

- **The rise of Asia** – The development boom in China that fuelled strong demand for Australian commodities (particularly resource and energy exports) is tapering off as China transitions to a new phase of growth fuelled by domestic consumption and services. However, growth in Asia could also create significant opportunities for Australia. By 2030, the Asia-Pacific region is set to consume more than half of the world's food, 40% of its energy, and be home to an estimated 65% of the world's middle class, resulting in increased demand for Australia's quality produce and service exports including tourism, education, health and aged care services, entertainment and financial and professional services.

How can local government position its communities to reap the benefits of the rise of the Asian middle class and manage any impacts? What partnerships are important?

- **Technological change** – New disruptive technologies are transforming industries and the way people live, work, and interact with each other. They are also changing the skills that will be needed in the workforce of the future. In the face of declining academic results Australia faces difficulties in ensuring that the workforce is prepared for the jobs of the future. With adaptation strategies in place embracing technology can have a net positive outlook for jobs.

Agenda Item 9.2 - Attachment 1

What are the pre-requisites for commitments to take advantage of technological change?

What adaptation strategies are required at a local level to ensure councils and local communities are ready for the jobs of the future? What partnerships may be required?

- **Climate change and environment** – a broad range of impacts will be experienced in Australia as a result of global climate change, the severity of which will depend on the effectiveness of global emission reductions and local adaptation. The impacts include more extremely high temperatures and few extremely low temperatures, less rainfall and more droughts in southern Australia, less snow, more intense rainfall and fire weather, and fewer but stronger cyclones, and sea level rise. These changes will increase stress on Australia's ecosystems that are already threatened, and significantly affect agriculture, forestry, fisheries, transport, health, tourism, finance and disaster risk management. It is possible to strive towards zero emissions through a range of actions that target key sectors including energy, land use, urban infrastructure and industrial systems.

How do we work together to ensure that there is local adaptation to climate change and climate extremes? What partnerships are available to achieve zero emissions?

- **Demographics** – Australia's population is estimated to reach 41 million by 2060. This increase will be accompanied by an ageing of the population resulting in a reduction in the proportion of working age people from 66% in 2018 to an estimated 60% in 2060. This will impact economic output and infrastructure requirements and place pressure on government budgets. The impacts of population growth are likely to be felt most strongly in urban environments, with Sydney and Melbourne projected to be home to 8-9 million people and Brisbane and Perth increasing to 4-5 million people. If density does not increase, more and more people will be distanced from jobs, higher education, health services and transport.

What partnerships and forward planning are required to manage the impact of population growth in urban areas? How do regional and rural areas work in partnership to realise the benefit of population growth?

- **Trust** – Trust in institutions including governments, businesses, non-government organisations and the media has declined significantly since 1993 when 42% trusted government compared with just 26% in 2016. The loss of trust threatens the social licence to operate for Australia's institutions, restricting their ability to enact long term strategies.

How can local governments utilise partnerships to strengthen our social licence to operate?

- **Social cohesion** – like trust, social cohesion has declined falling from a baseline of 100 in 2007 to 88.5 in 2017, according to the Scanlon Foundation Index. This index considers survey respondents' sense of belonging and worth, social justice and equity, political participation and attitudes towards minorities and newcomers. The drivers of social cohesion are not fully understood but the following factors may all play a role: issues related to trust; financial stress, slow wage growth; poor housing affordability and its disproportionate affect on low income earners; and the rise of inequity.

Agenda Item 9.2 - Attachment 1

How can local governments work in partnership with their communities and others to build and maintain social cohesion?

If Australia tackles these six challenges head on using a collaborative approach, we can achieve a bright future as a nation. However, there are five major shifts or changes that must occur. Each of these shifts have several “levers” that support their attainment. Local government has a role in some of the levers.

- An industry shift to enable a productive, inclusive and resilient economy with new strengths in both the domestic and export sectors
 - o Increase the adoption of technology to boost productivity in existing industries that have historically supported Australia’s growth, as well as new industries.
 - o Invest in skills to ensure a globally competitive workforce that is prepared for technology-enabled jobs of the future.
 - o Develop export-facing growth industries that draw on Australia’s strengths and build competitive advantage in global markets and value chains.

What can be achieved through partnerships that can address the gap between regions that are struggling and those that are well-off?

- An urban shift to enable well-connected, affordable cities that offer more equal access to quality jobs, lifestyle amenities, education and other services.
 - o Plan for higher-density, multicentre and well-connected capital cities to reduce urban sprawl and congestion.
 - o Create mixed land use zones with diverse high-quality housing options to bring people closer to jobs, services and amenities.
 - o Invest in transportation infrastructure, including mass-transit, autonomous vehicles and active transit, such as walking and cycling.

Rural communities are essential to Australia’s wellbeing. What is required to ensure equitable access to quality jobs, lifestyle amenities, education and other services? What role do partnerships have to play in this?

Local governments are vital partners in achieving the urban shift? What needs to be brought to the partnerships by other parties? What policies need to be developed or changed?

- An ENERGY shift to manage Australia’s transition to a reliable, affordable, low-emissions energy economy that builds on Australia’s existing sources of comparative advantage.
 - o Manage the transition to renewable sources of electricity, which will be driven by declining technology costs for generation, storage and grid support.
 - o Improve energy productivity using available technologies to reduce household and industrial energy use.
 - o Develop new low-emissions energy exports, such as hydrogen and high-voltage direct current power.

Agenda Item 9.2 - Attachment 1



What role do local governments play in the energy shift? How will local governments and communities benefit?

- A LAND shift to create a profitable and sustainable mosaic of food, fibre and fuel production, carbon sequestration and biodiversity.
 - o Invest in food and fibre productivity by harnessing digital and genomic technology, as well as using natural assets more efficiently.
 - o Participate in new agricultural and environmental markets, such as carbon forestry, to capitalise on Australia's unique opportunities in global carbon markets.
 - o Maintain, restore and invest in biodiversity and ecosystem health, which will be necessary to achieve increased productivity.

How can rural and regional communities' benefit from the land shift? What partnerships are required to achieve this shift?

- A CULTURE shift to encourage more engagement, curiosity, collaboration and solutions, and should be supported by inclusive civic and political institutions.
 - o Rebuild trust and respect in Australia's political, business and social institutions.
 - o Encourage a healthy culture of risk taking, curiosity and an acceptance of fear of failure to support entrepreneurship and innovation.
 - o Recognise and include social and environmental outcomes in decision-making processes.

How can local governments build partnerships with their local communities that also benefit the nation as a whole?

How can local governments work in partnership with the Australian Government and other key stakeholders to achieve these shifts and other significant policy challenges?

Can a partnership approach address the current infrastructure backlog and ensure that infrastructure (including transport infrastructure) is available and fit for the future?

Trust

To effectively implement the scale of change and reform that will be required for the growing Australian population, government needs to focus on rebuilding trust. According to the *Edelman Trust Barometer*², trust in government around the world fell to record lows in 2018. While modest increases were reported in the 2019 study including in Australia, citizens around the world are struggling to trust that their governments are working in their best interest.

The 2018 report *Trust and Democracy in Australia: Democratic decline and renewal*³ revealed that Members of the Australian Parliament (MPs) in general are distrusted by nearly half the population (48 per cent) with only one in five (21 per cent) are willing to express that they trust them "a little bit". For State MPs and local councillors, the figure is slightly better with 31 % and 29 % respectively indicating they "trust them a little bit". Table 1 details the level of trust in different generations.

Agenda Item 9.2 - Attachment 1

	Generation Z (1995-present)	Millennials (1980-94)	Generation X (1965-79)	Baby Boomers (1946-64)	Builders (1925-45)
State/Territory Government	38.5%	40.0%	26.7%	35.7%	44.1%
Federal Government	39.5%	31.5%	21.5%	30.8%	39.2%
Political parties	26.9%	15.6%	12.2%	16.7%	15.7%
Local Government	66.5%	47.1%	33.6%	47.5%	54.9%
Government ministers	27.5%	24.5%	15.7%	24.3%	31.1%
MPs in general	26.9%	23.2%	16.1%	20.2%	22.3%
Local Councillors	33.8%	31.7%	24.7%	27.2%	33.3%
Public Servants	45.4%	40.4%	34.4%	39.4%	35.9%
Your local MP	29.2%	30.5%	27.5%	31.2%	39.8%

Table 1: Levels of political trust in different generations (source: Stoker et al 2018)

The report revealed that one thing that appears to unite most Australians is complaining about their politicians with the three biggest grievances being:

- politicians are not accountable for broken promises;
- that they don't deal with the issues that really matter; and
- that big business/trade unions have too much power.

Professor Ken Smith, the Dean and CEO of the Australia and New Zealand School of Government (ANZSOG), is intent on understanding the factors that drive distrust in government and developing innovative ways to counter some of these trends. He has highlighted⁴ that people look at central government and see bureaucrats far removed from their own local circumstances. In Australia, where people live in very varied conditions, it is crucial for policymaking to be based in local realities. Yet locally-based solutions have not been the method of choice so far in Australian politics. The answer, according to Professor Smith, is devolved government, or subsidiarity where "policies are driven by and tailored to the needs of the local community – to avoid the problem of service provision that completely misses the mark".

Some commentary suggests that declining trust and confidence is driven by a perceived failure of our institutions to uphold promises and deliver outcomes. Research undertaken for *Trust and Democracy in Australia: Democratic decline and renewal*⁵ revealed a significant appetite for reform including the co-design of policies with ordinary Australians, citizen juries, to solve complex problems that parliament can't fix, and reforms aimed at creating a stronger community or local focus to decision-making.

The Review into the Australian Public Service (APS) had a focus on delivering local solutions⁶ not only in terms of place-based policy making but also by paying attention to communities (often specific communities determined by interest or identity). The review found that there is currently no guiding set of administrative principles or coordinated holistic architecture either within the APS or across the APS and other levels of government to fully support and enable local delivery solutions.

The report⁷ went on "evidence suggest the need for increasing localised solutions in genuine partnership with communities to achieve best social, economic and environmental outcomes. Top down policy making is no longer sufficient alone to deal with community expectations or the complexity of challenges faced in community settings. Communities themselves need to be part of the solutions, right from problem conception to design, implementation and evaluation". "There are opportunities for the APS to get closer to the communities it services directly and indirectly (through effective partnerships with other levels of government and civil society".

Agenda Item 9.2 - Attachment 1

How can local governments address the trust deficit with their local communities and assist the Australian Government to do the same?

How can the Australian Government and local governments maximise the strengths and abilities of the public service (including council staff) and deliver in partnership for our communities?

How can we draw on the strengths and resourcefulness of local governments and local communities to work in partnership with the Australian Government to tackle issues of national significance and lift key economic and social indicators?

What do local governments bring to the table to tackle issues of national significance?

REFERENCES

PAGE 4

1. CSIRO (2019) Australian National Outlook 2019 Commonwealth Scientific and Industrial Research Organisation

PAGE 7

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<https://www.edelman.com.au/research/trust-barometer-2019>

3. Stoker, G; Evans, M and Halupka, M (2018) Trust and Democracy in Australia: Democratic decline and renewal. Report No.1 Democracy 2025 Canberra

PAGE 8

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7. Ibid.

Agenda Item 9.2 - Attachment 1



Agenda Item 9.2 - Attachment 1



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

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Agenda Item 9.3

PETITION FOR CHANGES TO THE INTERSECTION OF SEVERN & FRANCIS STREETS, YARRAVILLE

Director: **Steve Hamilton**
 Director Infrastructure Services

Author: **Mary Dallas**
 Manager Engineering Services

PURPOSE

This report is responding to Council's resolution at its Ordinary Council Meeting of 18 February 2020, following the tabling of a petition for changes to the intersection of Severn Street and Francis Street, Yarraville.

ISSUES SUMMARY

The petition lists the following as contributors to a dangerous environment at the above intersection

- Volume of vehicle and bicycle traffic on Francis Street
- Volume of vehicle traffic turning into Severn Street from Francis Street
- Volume of traffic turning from Severn Street into Francis Street
- Parked vehicles on Francis Street at all times, causing impaired visibility
- Frequent usage of Severn Street by the public bus service

ATTACHMENTS

Not applicable

Agenda Item 9.3

OFFICER RECOMMENDATION

That Council:

- 1. Write to the lead petitioner advising that the Department of Transport (DOT), being the responsible road authority for this intersection, has identified Francis Street at Stony Creek Trail as a potential site for Pedestrian Operated Signals (POS), in its Transport Network Plan.**
 - 2. Note that, should DOT proceed with the POS installation, we understand that they will also explore linking Severn Street to the signals to assist with traffic movements from the side street.**
 - 3. Continue to advocate to DOT for the installation of POS at the above location, to ensure funding for this installation is allocated in its 2021/22 budget.**
-

Agenda Item 9.3**BACKGROUND**

At the Council's Ordinary Meeting of 18 February 2020, it was resolved:

That Council:

1. **Receives and notes the petition requesting Petition for Changes to the Intersection of Severn & Francis Streets, Yarraville**
2. **Requests the Chief Executive Officer to consider the petition and determine the appropriate response.**

DISCUSSION/KEY ISSUES**1. Key Issues**

The petition, including 97 signatures, requested:

"...significant alterations be made to the intersection, such as installation of traffic lights or a crossing to aid in creating the safe and efficient movement of traffic at all times of the day, whilst catering to all types of road users."

As Francis Street is a *Primary State Arterial Road*, under DOT's (VicRoads') jurisdiction, the petitioners' concerns were brought to DOT's attention.

Council was advised that DOT has identified Francis Street at Stony Creek Trail as a potential site for Pedestrian Operated Signals (POS), in its Transport Network Plan. The installation of signals at this location meets Council's Stony Creek Future Directions Plan, as they are expecting to fill in part of the existing missing link, while also providing another safe crossing point for pedestrians across a road with highlighted traffic issues.

Should DOT proceed with the POS installation, they will also explore linking Severn Street to the signals to assist with traffic movements from the side street.

2. Council Policy/Legislation**Council Plan 2017-2021**

This report contributes to Council's strategic objectives contained in the Council Plan 2017-2021, by considering:

- Strategic Objective:
 - Quality places and spaces - lead the development of integrated built and natural environments that are well maintained, accessible and respectful of the community and neighbourhoods.
 - Mobile and connected city - plan and advocate for a safe, sustainable and effective transport network and a smart innovative city.

Legislation

Not applicable.

Agenda Item 9.3**Conflicts of Interest**

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

Council writes to the lead petitioner on the proposed way forward, requesting information is conveyed to the rest of the petitioners.

4. Resources

No implications.

5. Environment

The installation of traffic signals will enhance safety for all road users at the above intersection and reduce the incidence of crashes.

CONCLUSION

Council advises the petitioners that DOT, being the responsible road authority for this intersection, has identified Francis Street at Stony Creek Trail as a potential site for Pedestrian Operated Signals, in its Transport Network Plan. Should DOT proceed with the POS installation, they will also explore linking Severn Street to the signals to assist with traffic movements from the side street.

Council will continue to advocate to DOT for the installation of POS at the above location, to ensure funding for this installation is allocated in its 2021/22 budget.

Agenda Item 9.4

COUNCILLOR SUPPORT AND EXPENSES - NOVEMBER 2019 AND DECEMBER 2019

Director: **Stephen Wall**
 Chief Executive Officer

Author: **Renu Naicker**
 Executive Assistant to Mayor and Councillors

PURPOSE

To present the Councillor support and expenses for the period November 2019 and December 2019.

ISSUES SUMMARY

- Council's Councillor Support and Expenses Policy - 2017, requires details of Councillors' support and expenses to be reported to an Ordinary Council Meeting, and to be made available on Council's website for the term of the Council.
- The reporting period is for November 2019 and December 2019.

ATTACHMENTS

1. November and December 2019 [↓](#)

OFFICER RECOMMENDATION

That Council notes the Councillor Support and Expenses Report for November 2019 and December 2020 which will be made available via Council's website for the term of the current Council.

Agenda Item 9.4**BACKGROUND**

As part of Council's commitment to open and transparent governance, Council's Councillor Support and Expenses Policy - 2017 requires details of Councillors' expenses to be reported to an Ordinary Council Meeting

DISCUSSION/KEY ISSUES**1. Key Issues**

Under the *Local Government Act 1989*, Councillors are entitled to resources and facilities support and reimbursements of expenses, related to their duties as a Councillor.

In carrying out civic and statutory functions, Councillors are required to attend both statutory committee and sector based meetings, attend seminars, functions and other information meetings, in order to be kept informed of issues facing the municipality, wards, and local government in general.

Details of Councillor support and expenses in relation to the following support items, are reported to Council on a quarterly basis:

- Councillor Development/Training
- Conferences/Seminars
- Events
- Memberships
- Child/Family Care
- Photocopy use
- Mobile/Data
- Travel.

2. Council Policy/Legislation**Council Plan 2017-2021**

This report contributes to Council's strategic objectives contained in the Council Plan 2017-2021, by considering:

- Strategic Objective:
 - Strong leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration.

Legislation

- Councillor Support and Expenses Policy – 2017
- *Local Government Act 1989*
- Council Plan 2017-2021.

Agenda Item 9.4

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

Not applicable.

4. Resources

All Councillor support and expenses are within existing budgetary allocations.

5. Environment

Not applicable

CONCLUSION

The Councillor support and expenses from November 2019 and December 2019 are presented for noting.

Agenda Item 9.4 - Attachment 1

Cr Sarah Carter
MAYOR

River Ward

2019/2020	Nov-19	Dec-19	Total Costs
Councillor Development/Training	-	-	-
Conferences/Seminars	-	-	-
Events	-	-	-
Memberships	-	-	-
Child/Family Care	-	-	-
Other	-	-	-
Communications	62.00	62.00	124.00
Travel	-	-	-
TOTAL	62.00	62.00	124.00

Cr Megan Bridger Darling
DEPUTY MAYOR

Stony Creek Ward

2019/2020	Nov-19	Dec-19	Total Costs
Councillor Development/Training	-	-	-
Conferences/Seminars	3,902.80	-	3,902.80
Events	-	-	-
Memberships	-	-	-
Child/Family Care	-	-	-
Other	-	-	-
Communications	488.99	-	488.99
Travel	77.50	77.50	155.00
TOTAL	4,469.29	77.50	4,546.79

Cr Martin Zakharov

Yarraville Ward

2019/2020	Nov-19	Dec-19	Total Costs
Councillor Development/Training	-	-	-
Conferences/Seminars	495.00	-	495.00
Events	-	-	-
Memberships	-	-	-
Child/Family Care	-	-	-
Other	-	-	-
Communications	62.00	62.00	124.00
Travel	-	-	-
TOTAL	557.00	62.00	619.00

Cr Gina Huynh

River Ward

2019/2020	Nov-19	Dec-19	Total Costs
Councillor Development/Training	-	-	-
Conferences/Seminars	-	-	-
Events	-	-	-
Memberships	-	-	-
Child/Family Care	-	-	-
Other	-	-	-
Communications	62.00	62.00	124.00
Travel	-	-	-
TOTAL	62.00	62.00	124.00

Agenda Item 9.4 - Attachment 1

Cr Mia McGregor

Yarraville Ward

2019/2020	Nov-19	Dec-19	Total Costs
Councillor Development/Training	-	-	-
Conferences/Seminars	-	-	-
Events	-	106.59	106.59
Memberships	-	-	-
Child/Family Care	-	-	-
Other	-	-	-
Communications	62.75	62.75	125.50
Travel	-	-	-
TOTAL	62.75	169.34	232.09

Cr Simon Crawford

Yarraville Ward

2019/2020	Nov-19	Dec-19	Total Costs
Councillor Development/Training	-	-	-
Conferences/Seminars	-	-	-
Events	-	-	-
Memberships	-	-	-
Child/Family Care	-	-	-
Other	-	-	-
Communications	62.00	62.00	124.00
Travel	-	-	-
TOTAL	62.00	62.00	124.00

Cr Cuc Lam

Stony Creek Ward

2019/2020	Nov-19	Dec-19	Total Costs
Councillor Development/Training	-	-	-
Conferences/Seminars	-	-	-
Events	-	60.00	60.00
Memberships	-	-	-
Child/Family Care	-	-	-
Other	-	-	-
Communications	63.49	63.49	126.98
Travel	27.54	27.54	55.08
TOTAL	91.03	151.03	242.06

Agenda Item 9.5

GOVERNANCE REPORT - FEBRUARY 2020

Director: Celia Haddock
Director Corporate Services

Author: Lisa King
Manager Governance and Commercial Services

PURPOSE

To receive and note the record of Assemblies of Councillors and Councillor delegates' for the period February 2020 as well as other statutory compliance and governance matters as they arise.

ISSUES SUMMARY

Details of Assembly of Councillors and Councillor Delegates' Reports are presented to an Ordinary Council Meeting on a monthly basis. The reports will be made available on Council's website for the term of the current Council.

ATTACHMENTS

1. Governance Report - February 2020 [↓](#)

OFFICER RECOMMENDATION

That Council notes the Governance Report containing the record of Assemblies of Councillors and Councillor Delegates' Reports for February 2020 which will be made available on Council's website for the term of the current Council.

Agenda Item 9.5**BACKGROUND**

Section 80A of the *Local Government Act 1989* requires that the written record of an assembly of Councillors is, as soon as practicable, reported at an ordinary meeting of the Council and incorporated in the minutes of that Council meeting. The Councillor delegates' reports demonstrate Council's commitment to open and transparent governance. Details of Councillor Delegates Reports are presented to an Ordinary Council Meeting on a monthly basis, and made available on Council's website.

DISCUSSION/KEY ISSUES**1. Key Issues****Assemblies of Councillors**

An assembly of Councillors is:

- A meeting of an advisory committee of the Council if at least 1 Councillor is present; or
- A planned/scheduled meeting of at least half of the Councillors and 1 member of staff which considers matters that are intended/likely to be the subject of a decision of the Council or subject to the exercise of a function, duty or power of the Council that has been delegated to a person/committee.

An assembly of Councillors does not include:

- A meeting of the Council
- A special committee of the Council
- An audit committee
- A club, association, peak body, political party or other organisation.

The attached record of Assemblies of Councillors is reported to Council in accordance with this requirement.

Councillor Delegates' Reports

As part of their governance and representation obligations, individual Councillors represent Council on a range of committees. The committees operate outside of the section 86 (of the Local Government Act 1989) Committees established by Council.

Councillor participation in peak associations, local and regional forums and specific issues committees is an important part of effective governance and representation.

Attached are the Councillor delegates' reports for the period.

2. Council Policy/Legislation**Council Plan 2013-2017**

This report contributes to Council's strategic objectives contained in the Council Plan 2013-2017 by considering:

- Strong leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration.

Agenda Item 9.5

Legislation

This report is presented in accordance with the requirements of section 80A of the Local Government Act 1989.

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian Charter of Human Rights and Responsibilities Act 2006.

3. Engagement

There are no engagement implications associated with this report.

4. Resources

There are no resource implications associated with this report.

5. Environment

There are no environmental implications associated with this report.

CONCLUSION

The reporting of the Assembly of Councillors and Delegates' Reports demonstrate Council's commitment to open and transparent governance.

Agenda Item 9.5 - Attachment 1

Meeting and Date	Councillor Attendees	Council Staff Attendees	Matters Considered	Conflict of Interest Disclosures
Councillor Community Engagement Forum 3 February 2020 Assembly of Councillors	Cr Megan Bridger-Darling Cr Simon Crawford Cr Gina Huynh Cr Cuc Lam Cr Mia McGregor Cr Martin Zakharov	Stephen Wall (Chief Executive Officer)	<ul style="list-style-type: none"> Community Engagement Forum 	Nil
Councillor Strategic Briefing Session 4 February 2020 Assembly of Councillors	Cr Megan Bridger-Darling Cr Simon Crawford Cr Gina Huynh Cr Cuc Lam Cr Mia McGregor Cr Martin Zakharov	Stephen Wall (Chief Executive Officer) Celia Haddock (Director Corporate Services) Steve Hamilton (Director Infrastructure Services) Clem Gillings (Director Community Services) Nigel Higgins (Director Planning Services) Jim Siamsiaras (Service Desk and Desktop Support Officer)	<ul style="list-style-type: none"> Melbourne Airport Third Runway Update NeXT Project Community and Stakeholder Consultation Update Vietnamese Museum Australia Update 188 Hyde Street Yarraville 200-202 Somerville Road, Kingsville Significant Tree Register – Planning Scheme Amendments Maribyrnong Active Transport Advisory Committee – New Members Barkly Village Public Realm Plan Stony Creek Future Directions Plan 2020 Zero Carbon Maribyrnong Disclosure Statement 2018/19 Governance Report December 2019 to January 2020 Confirmation of the Minutes of the Previous Council Meeting – 10 December 2019 Noting of the Confirmed Minutes of Special Committee Meetings 	Nil
Metropolitan Transport Forum	Cr Martin Zakharov		<ul style="list-style-type: none"> Executive Elections Minutes of previous Meeting 4 December 2019 	Nil

Agenda Item 9.5 - Attachment 1

5 February 2020 Delegates Report			<ul style="list-style-type: none"> • Presentation: Dr Richard Yeo Australian Road Research Board • MTF Strategic Public Transport Advocacy • Council Information Sharing • Regular Reports <ul style="list-style-type: none"> ➢ Executive Meeting January report back ➢ Treasurers Report ➢ Administration ➢ Events ➢ Correspondence and Contact • General Business 	
Maribyrnong Reconciliation Action Plan Advisory Committee 7 February 2020 Delegates Report	Cr Megan Bridger-Darling	Bridget Monro-Hobbs (Manager Community Development Positive Aging and Inclusion)	<ul style="list-style-type: none"> • Confirmation of last meetings minutes • Council update • RAP Update • RAP Engagement Plan Briefing • Reconciliation Week Activities • NAIDOC Week Planning • Other Business 	Nil
Councillor Strategic Briefing Session 11 February 2020 Assembly of Councillors	Cr Megan Bridger-Darling Cr Simon Crawford Cr Gina Huynh Cr Cuc Lam Cr Mia McGregor Cr Martin Zakharov	Stephen Wall (Chief Executive Officer) Celia Haddock (Director Corporate Services) Steve Hamilton (Director Infrastructure Services) Clem Gillings (Director Community Services) Nigel Higgins (Director Planning Services) Mark Connor (Finance	<ul style="list-style-type: none"> • Quarter 2 2019/20 & Draft Budget 2020/21 • Quarterly Performance and Financial Report – December 2019 • Capital Works Update • Update on Parking Management Review • West Footscray Community Facilities Plan Update • Bicycle Strategy Consultation Update • West Gate Tunnel Neighbourhood Fund • Barkly Village Public Realm Plan • Small Business Friendly Council – Charter Agreement • Petition: Changes to the intersection of Severn Street and Francis Street, Yarraville 	Nil

Agenda Item 9.5 - Attachment 1

		<p>Manager)</p> <p>Amit Sharma (Coordinator Management Accounting)</p> <p>Patrick Jess (Manager Leisure Health and Wellbeing)</p> <p>Sebastian Han (Service Desk and Desktop Support Officer)</p>	<ul style="list-style-type: none"> • Confirmation of the Minutes of the Previous City Development Special Committee Meeting – 26 November 2019 	
<p>Roadsafe Westgate Community Road Safety Council</p> <p>19 February 2020</p> <p>Delegates Report</p>	Cr Megan Bridger-Darling		<ul style="list-style-type: none"> • VicRoads Community Road Safety Grants Program • Minutes of the last meeting conducted on 18 December 2019 • Matters Arising • Treasurer's Report • Secretary's Report • Program Development/Information • DoT update and Information • Council Reports • Program Reports • Police Reports • Advocacy 	Nil
<p>Maribyrnong Arts Ambassadors Committee</p> <p>26 February 2020</p> <p>Delegates Report</p>	Cr Martin Zakharov	<p>Michael Byrne (Manager Arts Community Learning and Libraries)</p> <p>Kate Shearer (Arts and Culture Coordinator)</p>	<ul style="list-style-type: none"> • AAC participation in NeXT consultations • AAC to write letter of support for Arts Funding Initiatives • AAC to complete Creative Spaces audit • AAC to nominate people for Civic Awards • Draft Arts and Heritage Collections Policy • Draft Triennial and Project Funding Guidelines • Update on 2020 Arts and Culture Programs • Other Business 	Nil