

## **CITY DEVELOPMENT DELEGATED COMMITTEE**

**Tuesday 28 March, 2023  
6.30pm**

**Community Hall  
Braybrook Community Hub  
107–139 Churchill Avenue  
Braybrook**

### **AGENDA**

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**Agenda Item 5**

**CONFIRMATION OF THE MINUTES OF THE PREVIOUS CITY DEVELOPMENT  
DELEGATED COMMITTEE MEETING - 28 FEBRUARY 2023**

**Director:** Lisa King  
Director Corporate Services

**Author:** Phil McQue  
Manager Governance and Commercial Services

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**PURPOSE**

To present for confirmation, the minutes of the City Development Delegated Committee Meeting held on 28 February 2023.

**ISSUES SUMMARY**

- The Maribyrnong City Council Governance Rules requires Council to keep minutes of each meeting of the Council and Delegated Committees, and for minutes to be submitted to the next appropriate meeting for confirmation.

**ATTACHMENTS**

1. Unconfirmed Minutes of the City Development Delegated Committee Meeting held on Tuesday 28 February, 2023

**OFFICER RECOMMENDATION**

**That the Delegated Committee confirms the minutes of the City Development Delegated Committee Meeting held on 28 February 2023.**

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**Agenda Item 5****BACKGROUND**

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

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

Council's Governance Rules requires Council to confirm its minutes at the next appropriate meeting.

**2. Council Policy/Legislation****Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Ethical leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration to support economic growth during the ongoing challenges of the pandemic and beyond.

**Legislation**

*Local Government Act 2020.*

**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**

Nil.

**4. Resources**

Nil.

**5. Environment**

Nil.

**CONCLUSION**

The unconfirmed minutes of the City Development Delegated Committee Meeting held on 28 February 2023 are presented for confirmation.



# U N C O N F I R M E D   M I N U T E S



**Maribyrnong City Council**

## **CITY DEVELOPMENT DELEGATED COMMITTEE MINUTES**

**Tuesday 28 February, 2023**

**Community Hall  
Braybrook Community Hub  
107–139 Churchill Avenue  
Braybrook**

### **MEMBERSHIP**

Councillor Sarah Carter  
Councillor Michael Clarke (Chair)  
Councillor Simon Crawford  
Councillor Cuc Lam  
Councillor Jorge Jorquera  
Councillor Bernadette Thomas  
Councillor Anthony Tran

To be confirmed at the City Development Delegated Committee Meeting  
to be held on 28 March, 2023

# U N C O N F I R M E D M I N U T E S

## 1. COMMENCEMENT OF DELEGATED MEETING AND WELCOME

The meeting commenced at 6.32pm.

The Chair, Cr Michael Clarke made the following acknowledgement statement:

*“We acknowledge that we are on the 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  
Councillor Michael Clarke (Chair)  
Councillor Simon Crawford  
Councillor Cuc Lam  
Councillor Jorge Jorquera  
Councillor Bernadette Thomas  
Councillor Anthony Tran

## IN ATTENDANCE

Chief Executive Officer, Celia Haddock  
Director Community Services, Lucas Gosling  
Director Infrastructure Services, Patrick Jess  
Director Corporate Services, Lisa King  
Acting Director Planning and Environment, Francesca O'Brien  
Manager Governance and Commercial Services, Phil McQue  
Manager City Places, Ashley Minniti  
Coordinator Governance, Christopher Southavong

## 2. APOLOGIES

Nil.

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

# U N C O N F I R M E D M I N U T E S

## 4. PUBLIC QUESTION TIME

Prior to the commencement of Public Question Time, the Chair advised the meeting that the Mayor has convened a Special Council Meeting for 6.30pm Wednesday 29 March 2023 at the Braybrook Community Hub, for Council to consider the Mclvor Reserve Master Plan. The Chair advised that the agenda for the Council Meeting will be made available on Council's website, Friday 17 March 2023.

Public Question Time commenced at 6.35pm and Council received 53 questions.

### Nicholas Rush

1. In regards to Interim Heritage Overlay - West Footscray and Surrounds, why did Council ask the planning minister as part of C180mari in December 2022 to renew interim heritage protection to properties at 36-65 & 46-84 Napoleon Street when their delegate report in September 2022 and Part A submission to the planning panel in November 2022 recommended the removal of these properties from the heritage area?
2. The planning report released February 2023 recommends the removal of Napoleon Street in its entirety. Given there are now 3 technical reports recommending the removal of 36-65 & 46-84 Napoleon Street, Why does Council not immediately write to the planning minister to prepare an amendment to remove these properties from the interim heritage overlay?

### Response

*The Acting Director Planning and Environment Services responded to the first question by advising that Council's delegate wrote to the Minister for Planning on 21 November 2022 seeking an extension to the interim heritage controls affected properties identified in the West Footscray Inter-war and Post-war Heritage Precinct Study 2021. The Minister approved this request on 6 December 2022, with an extension of the interim controls approved until 27 November 2023 to allow Amendment C172 to be finalised.*

*Council's delegate did not seek to exclude any properties as the request was based on the 2021 study and Council's resolution of October 2021. The advice from Council's Officers to the Planning Panel does not form a formal position of Council, but is rather information provided to the Panel to assist in their consideration of the amendment overall.*

*The Acting Director Planning and Environment Services responded to the second question by advising that the report of the Planning Panel is not binding on Council nor the Minister for Planning. The report provides recommendations which Council must consider when determining whether to adopt, change or abandon the amendment. Council may choose to accept the recommendations of the Panel, or may resolve differently. Council will write to the Minister upon a decision being made for amendment C172.*

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*The Acting Director Planning and Environment Services also noted that given the advice of the Panel, it is encouraged that Mr Rush speak with the Planning Department to determine what development may be permissible at their property prior to Council formally resolving on the Amendment.*

### Rae Swan

1. How does the Council plan to give those who participated in the Mclvor Reserve Community Consultation the results of the process? Will the results be available to interested residents before the March Council meeting?
2. How has the high density Bradmill Development been factored in to the proposal for the redevelopment of Mclvor Reserve? Has the impact on the park of traffic, and the need for open space, from such a large development been considered?

### Response

*The Director Infrastructure Services answered the first question by advising that the Council report will consider the community consultation and reflect a summary of findings along with recommendations to amend the draft plan.*

*The Director Infrastructure Services answered the second question by advising that the development of the former Bradmill site will include public open space to cater for the future needs of residents. This includes a linear path and open space network as well as two local parks. The percentage of open space is above and beyond what is required of Council.*

### Jenny Larson

1. With our Council having the least amount of green space per capita isn't it critical to retain existing parkland?
2. Shouldn't established trees be preserved as they're the habitat for bird life & help to reduce air pollution?
3. I'm not against a stadium being built, but couldn't it be built on a brown site not on parkland?

### Response

*The Director Infrastructure Services answered the first question by noting that Council acknowledges through its Open Space Strategy that more open space is required as our population grows with particular focus on delivering open space to areas of particular deficiency within the municipality. As always, Councils obligation is to meet the variety of community needs and achieve a balanced outcome through effective planning and service delivery.*

## U N C O N F I R M E D   M I N U T E S

*The Director Infrastructure Services answered the second question by noting that Council does consider very seriously the removal of any vegetation, and when removal is required it is supported by offset plantings. Council plants over 3000 trees annually and in the case of Mclvor Reserve the Master Plan proposes more trees than is currently provided, and where possible Council will be planting established trees.*

*The Director Infrastructure Services answered the third question by advising that the Indoor Sports Strategy identified a number of potential sites including brown field sites, rating them against a range criteria to assess suitability. There are no existing brownfield sites deemed to be more suitable at this current time.*

### Emma Boyd

1. I live across from the Bowls Club and am very concerned about the traffic and parking issues that will result from a 1000 person basketball stadium. At the time the draft masterplan for Mclvor was released, we were told that no traffic impact studies had been conducted. Have they now been undertaken? If not, will they be undertaken before the final masterplan is released to our Councillors for decision?
2. I am strongly opposed to the destruction of any trees at Mclvor Reserve for the construction of a stadium or car parks and want to hear from your Director of Planning and Environment Service on Councils understanding of the importance of mature trees in reducing air pollution and urban heat, in improving mental and physical health and liveability, and providing habitat and connectivity for native animals.
3. I have been very disappointed with the community engagement throughout the Mclvor Reserve masterplan process and have gotten better quality information from Friends of Mclvor Reserve than from my own Council. Why is the community, particularly those of us who live very close to Mclvor, not being provided with the opportunity to review the Masterplan and engage with our Councillors before next month's vote? The community is very distressed by all of this. What is the hurry on something so terribly important to us?

# U N C O N F I R M E D   M I N U T E S

## Response

*The Director Infrastructure Services responded to the first question by advising that traffic impact statements will form part of the final draft for Council consideration.*

*The Chief Executive Officer responded to the second question by advising that Council acknowledges the positive the significant benefit that mature trees have on the environment, including reducing air pollution and reducing surface temperatures on hot days. Council's Climate Emergency Strategy which is available on Council's website has further details on Council's approach.*

*The Director Infrastructure Services also noted that Council acknowledges the positive impact open spaces can have on both the mental and physical health of people, which was seen during lockdowns imposed as a result of the COVID-19 pandemic.*

*The Director Infrastructure responded to the third question by noting that all Council information is provided without bias to the community via Council's engagement portal. Given the nature of the masterplan, residents in the vicinity of the park have also been notified directly. The web presence and notifications have been coupled with a number of in person opportunities for the community to discuss the plan with Council Officers.*

## Laken Willis

1. This question is posed to the Council's engagement team and to the CEO, and NOT to the councillors. Having now reviewed the second round of feedback, what are your impressions regarding the community's appetite for an indoor stadium at Mclvor?
2. Does Council recognise that moving forward with a masterplan that builds an enclosed dog park between the baseball diamond and the residences that back onto to park is likely to adversely affect those homeowners, impact on their quiet enjoyment of their homes and gardens, and impact on the value of their homes?
3. Last week the Mayor suggested that next month's question time can be used by the public to express their views on the Mclvor Reserve Masterplan. Later, however, several question time submissions were not read because the CEO said they were statements, not questions, and the rules did not allow for statements. So who has this right, the CEO or the Mayor? How are we to communicate with our Councillors if we can't do so with comments and feedback during Question Time?

# U N C O N F I R M E D   M I N U T E S

## Response

*The Chair noted in response to the first question that public question is a time to address Council and not Council staff. Further, The Chief Executive Officer responded to the first question by noting that any complaints about staff can be directed to the Chief Executive Officer through Council's complaints portal.*

*The Chief Executive Officer responded to the second question by advising that the community consultation undertaken has noted this feedback online and during the community listening posts. Officers are considering amendments to the plan as part of the engagement process. This is standard practice for any community consultation undertaken.*

*The Chief Executive Officer responded to the third question by advising Council's Governance Rules make a provision for public question time at each Council meeting. Council's Governance Rules do not make a provision for statements or feedback at a Council meeting. Council has various engagement platforms in place as part of its Engagement Framework and the community can make contact with Councillors to express their views and feedback.*

## Philip Morris

1. With regard to the development plan in its many iterations for Mclvor Reserve - as a substantial green space how many mature trees would the community reasonably expect to be lost from the area over all?
2. With regard to parking and accompanying traffic in the proposed development of Mc Ivor reserve, what are the contingencies for overflow of parked cars in the local streets, especially Hawkhurst Street, when many sports games are convened at similar times e.g. Saturday and Sunday afternoons or evenings?
3. I am concerned about noise. In the planning for sports venues in the Mclvor reserve precinct - has Council considered noise near the neighbouring houses in Hawkhurst street and the Mill avenue areas both from spectators at proposed venues and people arriving and leaving the adjacent car parks?

# U N C O N F I R M E D   M I N U T E S

## EXTENSION OF PUBLIC QUESTION TIME

That Council extend Public Question Time for a further 15 minutes.

Moved Cr Sarah Carter

Seconded Cr Cuc Lam

**CARRIED**

Public Question Time was extended at 6.50pm

## Response

*The Director Infrastructure Services answered the first question by noting that as mentioned previously the Master Plan proposes more trees than is currently provided, and where possible the planting of established trees in greater numbers.*

*The Director Infrastructure Services answered the second question by advising that the parking proposed as part of the draft master plan meets requirements and is deemed sufficient for the activities at Mclvor Reserve during peak periods.*

*The Director Infrastructure Services answered the third question by advising that as a part of the planning progress, management of noise resulting from any development has been considered, and will continue to be considered throughout any design process, regardless of the final masterplan outcomes.*

## Shari Liby

1. Last week I asked for the City's per sqm valuation for the land that comprises Mclvor Reserve and was sent to page 186 of the Annual Report on Council's website which was to tell me the answer. I have looked, and the requested information is not contained on that page. Please directly answer the question tonight. What is the City's valuation for Mclvor Reserve on a per square metre basis?
2. The proposal to build a stadium and carpark at Mclvor Reserve has created significant distress in the community and there is a feeling by many that Council has already made a decision and is just going through the motions relative to engagement. What does Council say to that and what can the Councillors say to assure the community that their voice actually matters?
3. Can the Councillors hold a community meeting or forum at Mclvor Reserve on the weekend following release of the Masterplan where all seven Councillors will attend so those residents can speak with them about their concerns and advise them how they would like them to vote regarding the Masterplan? If yes, which would be better for the Councillors, March 19<sup>th</sup> or March 20<sup>th</sup>? If no, can the Councillors please explain why this cannot happen, and how they want the community to engage with them on this critically important issue?



# U N C O N F I R M E D   M I N U T E S

## Response

*The Director Corporate Services responded to the first question by advising page 186 of Council's annual report provides the total aggregated value of land categorised as specialised as required in accordance with the Accounting Standards. The value of parkland is considered on its highest and best use taking into consideration the underlying value of the land unencumbered by the zoning and use; and then adjusted for the impact of the zoning and restriction of use for the benefits of the community.*

*The Chair responded to the second question by noting that Councillors engage with the community to have as much as information as possible to consider during the decision making process, however decisions are to be made during the Council meeting where the matter will be heard.*

*The Chief Executive Officer responded to the third question by noting that Council has undertaken comprehensive community consultation on this matter on many occasions, both face to face out on Mclvor Reserve and through Council's web portal. This is above and beyond the requirements of Council's Community Engagement Policy. The Community Engagement Policy is designed to ensure anyone affected by a decision has given the opportunity to inform of any future directions.*

## Mina Mazzeo

1. Will the proposed new dog park be accessible and safe to those with disabilities and assistance dogs that utilise the current park frequently due to the layout?
2. Have you considered the many brown sites and industrial sites that are available for a large establishment like a stadium?
3. Will the bowling club and its many patrons be affected by any closures?

## Response

*The Director Infrastructure Services answered the first question by advising that any new development will meet accessibility requirements.*

*The Director Infrastructure Services noted the second question has been answered previously.*

*The Director Infrastructure Services answered the third question by advising that the Bowling Club has been in direct contact with Council on any potential impacts of the Master Plan, however it is not appropriate to divulge these discussions. However should any development proceed in relation to the bowling club, all care would be taken to ensure minimal impact.*

# U N C O N F I R M E D   M I N U T E S

## Mark Baulch

1. Are there any plans for a reduction in green space, as in square meterage, in the municipality of Maribyrnong in the immediate future and if so, why?
2. As we have such a small amount of greenspace and parklands in percentage compared to other Councils, are there any plans for an increase in green space not just the planting of trees and shrubs but actual space in the immediate future in the municipality of Maribyrnong?
3. Should people that do not live in the municipality of Maribyrnong have any say in the green space of our municipality as it seems that they do?

## Response

*The Director Infrastructure Services responded to the first question by noting that Council is increasing its Open Space throughout the municipality. An example of this is the conversion of streets into Parks in multiple locations. Council is also developing strategies to purchase open space in areas of deficit and negotiating with developers for land contributions.*

*The Director Infrastructure services responded to the second question by advising that Council's Open Space strategy specifically notes areas of deficit in open space and seeks to acquire land in those areas. This is an ongoing process.*

*The Director Infrastructure Services responded to the third question by noting that Open Space plays many roles and has a host of users from local pocket parks serving the local community to municipal open spaces serving a much wider catchment. They all contribute to a broad metro open space network.*

## Hazel Roberts

1. Surely it is totally against the Council's Open Space Strategy and many 'green' strategies and policies of Council, so who was it who first suggested that beautiful Mclvor Reserve, a much-valued open green space in a residential area was a possible site for an indoor six-court basketball stadium with all the extra vehicle traffic movements, the huge number of extra car parking spaces, the increased noise, and loss of trees, etc. that would entail?
2. Have ANY brown sites been considered at all by Council for a six-court indoor basketball stadium, and if so please advise which one/s and the reason/s why Council decided it/they were not considered appropriate?

## U N C O N F I R M E D   M I N U T E S

3. Why has Council seemingly been SO reluctant to provide any opportunity/opportunities since August 2022, for people in the community to meet face-to face with Councillors (not staff of the Council), even if just to discuss the many, many questions and comments people submitted to Council by its deadline of midnight on 18th December last year, that was then extended to 15th January this year, and how does Council plan to rectify this at least two weeks BEFORE the next Council Meeting on 21st March?

### Response

*The Director Infrastructure Services answered the first question by noting that Council has a range of strategies and policies that aim to address a variety of community needs.*

*The Director Infrastructure Services answered the second question by advising the Indoor Sports Strategy identified a number of potential sites including brown field sites, rating them against a range criteria to assess suitability. However, there are no existing brownfield sites deemed to be more suitable.*

*The Director Infrastructure Services answered the third question, by advising that as previously answered, Council has undertaken comprehensive community consultation on this matter on two occasions, above and beyond the requirements of Council's Community Engagement Policy. This Community Engagement Policy is designed to ensure anyone affected by a decision has given the opportunity to inform any future decisions.*

### **EXTENSION OF PUBLIC QUESTION TIME**

That Council extend Public Question Time for a further 15 minutes.

Moved Cr Anthony Tran

Seconded Cr Bernadette Thomas

**CARRIED**

Public Question Time was extended at 7.05pm

# U N C O N F I R M E D   M I N U T E S

Barbara Hart

1. Has the Council investigated the Footscray Hospital site as an alternative to McIvor Reserve?
2. Will the Council extend the consultation period and not vote on the master plan on 21 March 2023?
3. When will the Council view the consultation report?

Response

*The Director Infrastructure Services answered the first question by advising Council Officers have investigated the Footscray Hospital site as a potential site. The site is not owned by Council and is not viable option to proceed with. Advice from State Government has is that competing priorities exist for this location.*

*The Director Infrastructure Services noted the second question is pre-empting a future decision of the Council and is unable to be responded to.*

*The Director Infrastructure Services noted the third question has been previously asked and answered.*

Fay Salem-Demezieres

1. Why can't the basketball stadium be built on a brown site?
2. How many trees do you plan on removing in order to build the basketball stadium?
3. How is building a basketball stadium and chopping down trees environmentally sustainable?

Response

*The Director Infrastructure Services noted the first, second and third question have been previously asked and answered.*

# U N C O N F I R M E D   M I N U T E S

## Donna Hill

1. In light of the fact that many of the Yarraville Footscray bowls members are in the 'older' age group, is it true that the development of a basketball complex would entail the loss of the majority of our current carparks, forcing our members to walk greater distances?
2. Is it true that the Yarraville/Footscray Bowling Club would cease to exist in its current state and have to make way for renovations to accommodate the 'basketballers'? I.e. Do we get to keep our restaurant, member's area, bar facilities and poker machines?

## Response

*The Director Infrastructure Services answered the first question by noting that the proposed plan considers the parking needs and adequately caters for all users of Mclvor Reserve including the Yarraville Footscray Bowl members.*

*The Director Infrastructure Services noted the second question is pre-empting a future decision of the Council and is unable to be responded to.*

## Dianne Ferrara

1. When are you going to change your format regarding the way you allow the public to ask questions? I.e. let people present at meetings actually speak rather than emailing questions?
2. When you make fundamental changes that affect the inherent democratic rights of ratepayers whom you serve, why do you not allow those ratepayers to be part of that process...this is especially true of question time and not allowing people to speak.
3. Why was no mention made at the past meeting of the petition against the stadium at Mclvor reserve that showcased a significant 3000 signatures??? Will you be reading out my questions or do you intend to censor them?

## Response

*The Director Corporate Services answered the first question by advising that Clause 52.6 of Council's Governance Rules provides that the Chair, or their nominated person, may read to those in attendance at the meeting a question which has been submitted in accordance with the Rules.*

*The Director Corporate Services answered the second question by noting that Council's Governance Rules provide the meeting procedures for its meetings. Council has always undertaken extensive community consultation when developing or amending its Governance Rules.*

# U N C O N F I R M E D   M I N U T E S

*The Director Corporate Services answered the third question by noting that Council resolved to receive the above mentioned petition and refer to the Chief Executive Officer for an appropriate response.*

## David Heron

1. Do our Councillors believe that 4 days over a weekend is a reasonable amount of time for the community to review the Mclvor Masterplan and community feedback, to formulate opinions about it, and to effectively engage with their elected representatives regarding how they would like them to vote? Yes or no?
2. Is there any regulatory, legislative, or other reason that the vote on the Mclvor Reserve Masterplan can't be delayed a month to provide the community with at least 30 days to review the masterplan and community feedback, formulate opinions and engage with their elected representatives regarding how they would like them to vote? Yes or no?
3. If the answer to Number 2 is "no," will the Council agree to postpone the vote on this to the April Council meeting?

## Response

*The Chair answered the first, second and third question by noting that as previously answered, a Special Council Meeting will be held on 29 March 2023 to consider the Mclvor Masterplan and the agenda publicly distributed on the 17 March 2023.*

## Amanda Heron

1. The Bowls Club has officially rejected Council's plan to be absorbed into the stadium project at Mclvor. We understand that you will now have to come up with a plan that doesn't involve that land. Can we assume that more parkland and green space will have to be repurposed in order to accommodate the stadium or does this mean you will be reducing the size of the stadium?
2. The Bowls Club has now rejected the Masterplan for Mclvor on behalf of all of its members. Will that feedback from hundreds of people be combined with other community feedback opposing the plan to build a stadium on the reserve?
3. It has been very dry for some time now and the newer water fountain near the playground doesn't allow for native birds to drink as did the old one. What can Council do to ensure the wild birds that call Mclvor home have a source for water within the park? Similarly, if the Stadium plan at Mclvor goes through, what will Council do to ensure that these wild birds continue to have a home?

# U N C O N F I R M E D   M I N U T E S

## Response

*The Chair Executive Officer answered the first question by noting that the Mclvor Masterplan has not yet been received and this question cannot be responded to.*

*The Chief Executive Officer answered the second question by advising that the Director Infrastructure Services has a meeting scheduled with the Bowls Club on 1 March 2023 and will receive feedback at the meeting.*

*The Chief Executive Officer answered the third question by noting that Council has in place a number of policies and strategies to protect wildlife and will be a consideration in the Mclvor Masterplan.*

## Anne Craig

1. How does Council balance the needs of individual sporting groups for facilities vs the needs of every member of the community to have access to open green spaces, especially in a municipality where open green space is at a minimum compared to other council areas?
2. How many local residents need to oppose the Mclvor reserve plan in order for council and/or the councillors to consider that it is not in the best interests of the majority of residents?

## Response

*The Chief Executive Officer answered the first question by noting that recent ABS statistics have been presented to Council with the City having 10% Open Spaces and on average with Metropolitan councils. Council also has an Open Space Policy that is available on Council's website.*

*In response to the second question, as previously asked and answered, Council has not deliberated or formed a view on this matter. Council will consider this matter at a Council meeting scheduled for 29 March 2023.*

## Estelle Lepetit

1. Council has repeatedly been asked exactly how much green space will be included in the Bradmills development but no sqm figure has been given and instead we have only been told that it is more that the percentage required. What is the approximate number of square metres of green space that will be included at the Bradmills? If you don't provide a numeric figure, please tell us if that is because you don't know, or if there is some other reason you won't share this with the community.
2. If I want to keep more than 3 dogs at my home, I have to seek a permit from Council and Council Officers will contact my neighbours to determine if there are any reasonable objections as to why I should not be granted a permit. Can you please explain why my neighbours would be consulted and what might constitute a reasonable objection?

## U N C O N F I R M E D   M I N U T E S

3. Shouldn't people living in the houses that back up to the baseball field be afforded the same right prior to Council creating a dog run over their back fence, that will most certainly contain more than 3 dogs?

### Response

*The Acting Director Planning and Environment Services answered the first question by advising that the Bradmill Development Plan is available on Council's website and reflects the approximate location of the linear park and pocket park to be delivered. The total site area is over 200,000 square meters and Council's requirements would require 5.7% of the site area be dedicated to open spaces which is approximately 11,500 square meters, as per the development plan the approximate site allocated is approximately 18,000 square meters, above Council's minimum requirements for open space.*

*In response to the second question, Council's General Purposes Local Law 2015, under Section 44 "Keeping Animals", restricts the number of animals that can be kept as pets without a permit. If a person living in a single residential property wants more than three dogs (more than 2 for multi residential properties), the environment they will live in and the impact it will have on the surrounding area must be assessed as part of the application.*

*The primary issues for consideration is excess smell and noise from the dogs and so surrounding residents are asked for feedback, the most influential assessment is the home environment which must be assessed for suitability of four or more dogs, including the size of the property and yards, security of containment and the type of dogs involved.*

*Whilst a resident may want four or more dogs, the welfare and care of the dogs and the impact those dogs will have on the amenity and surrounding environment, is equally important and may impact on the decision making process for a permit.*

*If a permit is issued and problems occur with breaches of conditions, the permits can be rescinded at any time.*

*The Director Infrastructure Services answered the third question by advising that Council Officers noted the feedback and will address concerns in the Mclvor Masterplan.*

### **EXTENSION OF PUBLIC QUESTION TIME**

That Council extend Public Question Time for a further 15 minutes.

Moved Cr Bernadette Thomas

Seconded Cr Anthony Tran

**CARRIED**



# U N C O N F I R M E D   M I N U T E S

Juliet Taylor

1. With the new apartments to be built on the former Bradmill estate and the proposed new sports facilities at Mclvor reserve, what strategies will you have in place to manage the anticipated traffic congestion and speed down Wembley Ave and Benbow Street? I know your response will be that you're developing a traffic strategy plan - but please provide some consultation and opportunities for feedback. The traffic is already at an oppressive level.

Response

*In response to the above question, a traffic impact assessment has been developed as part of the proposed Bradmill Estate Development and draft Mclvor Reserve Master Plan that considers the impact on the local street network.*

*Should the developments proceed over time, the impacts on the local street network will be monitored and measures will be implemented as necessary to manage any traffic congestion issues.*

Miles Parnall-Gilbert

1. If a brown site could be identified in a timely manner, that would be suitable for a stadium like that proposed for Mclvor, would the Council consider using that brown site instead of Mclvor's parkland?
2. Would it be possible for the Council to provide a map which identifies all of the trees that would be removed under the current Masterplan? Could that be added to the Your City Your Voice page for Mclvor?

Response

*The Chief Executive Officer noted the first question has been asked and answered.*

*In response to the second question, a tree assessment will form part of the Report to Council.*

# U N C O N F I R M E D   M I N U T E S

## 5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### 5. Confirmation of the Minutes of the Previous City Development Delegated Committee Meeting - 13 December 2022

The purpose of this report was to present for confirmation the minutes of the City Development Delegated Committee Meeting held on 13 December 2022.

#### **Committee Resolution**

*That the Delegated Committee confirms the minutes of the City Development Delegated Committee Meeting held on 13 December 2022.*

Moved: Cr Cuc Lam  
Seconded: Cr Sarah Carter

**CARRIED**

## 6. OFFICER REPORTS

### 6.1. Petition: 213 Hyde Street Multi-Storey Office Complex

The purpose of this report was to table a petition in relation to '213 Hyde Street Multi-Story Office Complex'.

#### **Committee Resolution**

*That the City Development Delegated Committee:*

- 1. Receives and notes the Petition: 213 Hyde Street Multi Story Office Complex;*
- 2. Requests the Chief Executive Officer to consider the petition and determine the appropriate response.*

Moved: Cr Simon Crawford  
Seconded: Cr Bernadette Thomas

**CARRIED**

# U N C O N F I R M E D   M I N U T E S

## 6.2. Planning Application at 336 Nicholson Street Yarraville

The purpose of this report was to present for consideration a planning application for 336 Nicholson Street Yarraville which has received 18 objections.

Five requests to address the Committee were received and heard by the Committee:

- Matthew Counsel
- Bonnie Hamilton
- Shaun Farrell
- David Baldi
- Kim Belfield

### Committee Resolution

*That the City Development Delegated Committee issue a Notice of Decision to Grant a Permit for the construction of multiple dwellings on a lot at 336 Nicholson Street Yarraville subject to conditions contained in Attachment 1.*

Moved: Cr Anthony Tran  
Seconded: Cr Simon Crawford

**CARRIED**

# U N C O N F I R M E D   M I N U T E S

## 6.3. Planning Application at 63 Sunshine Road West Footscray

The purpose of this report was to present for consideration a planning application at 63 Sunshine Road, West Footscray which has received three objections and has a cost of construction of over \$10M.

Two requests to address the Committee were received and heard by the Committee:

- David Scalzo
- Andrew Rodda

### Committee Resolution

*That the City Development Delegated Committee:*

1. *Issue a Notice of Decision to Grant a Permit for:*
  - a. *the partial demolition and the construction of buildings and works in association with the proposed use of the land for the purposes of warehouses, offices and a food and drink premises, buildings and works and to display business identification signage on a lot in a Heritage Overlay and reduction in the car parking requirement at 63 Sunshine Road West Footscray subject to conditions contained in Attachment 1.*
2. *Delegate to the Manager City Places the authority to settle any matter before the Victorian Civil and Administrative Tribunal which may arise as a result of the issuing of this planning permit.*

Moved: Cr Cuc Lam  
Seconded: Cr Bernadette Thomas

**CARRIED**

## 7. COUNCILLOR QUESTION TIME

Councillor Question Time commenced at 8.07pm.

Cr Jorge Jorquera

Can public questions be asked directly of Councillors the public?

Response

*The Director Corporate Services advised that public questions can be asked directly of Councillors.*

Cr Bernadette Thomas

In regards to the Council Meeting on the 29 March 2023, will Public Question Time be included?

# U N C O N F I R M E D   M I N U T E S

## Response

*The Chief Executive Officer responded by advising that Public Question Time will be included.*

## Cr Simon Crawford

In regards to the Special Council Meeting on the 29 March 2023, will persons be able to speak to the item?

## Response

*The Chief Executive Officer responded by advising that persons will not be able to speak to the item, but will be provided the opportunity to ask questions through Public Question Time.*

Cr Jorquera left the meeting at 8.08pm and did not return.

Council Question Time closed at 8.09pm.

## **8. URGENT BUSINESS**

Nil.

## **9. DELEGATED MEETING CLOSURE**

The Chair, Cr Michael Clarke, declared the meeting closed at 8.09pm.

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To be confirmed at the City Development Delegated Committee Meeting  
to be held on 28 March, 2023.

Chair, Cr Michael Clarke

**Agenda Item 6.1****66 WALTER STREET SEDDON - PLANNING PERMIT APPLICATION**

**Director:** Laura Jo Mellan  
Director Planning and Environment Services

**Author:** Ashley Minniti  
Manager City Places

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**PURPOSE**

To present for consideration a planning permit application at 66 Walter Street, Seddon which has received 24 objections.

<b>APPLICATION RECEIVED</b>	18 October 2022
<b>APPLICATION NUMBER</b>	TP452/2022(1)
<b>APPLICANT</b>	ARKit Pty Ltd
<b>SITE ADDRESS</b>	66 Walter Street Seddon
<b>PROPOSAL</b>	Construct a dwelling on a lot less than 300 square metres and reduce the car parking requirement
<b>ZONE</b>	General Residential Zone Schedule 1
<b>OVERLAYS</b>	Development Contributions Plan Overlay Sch. 2
<b>INTERNAL REFERRALS</b>	Engineering Services Environmentally Sustainable Design
<b>COST OF DEVELOPMENT</b>	\$500,000
<b>WARD</b>	Yarraville
<b>ADVERTISED</b>	Yes
<b>NUMBER OF OBJECTIONS</b>	24
<b>DATE OF PLANNING FORUM</b>	20 February 2023
<b>REASON FOR CONSIDERATION BY COUNCIL</b>	More than 10 Objections received

**SUMMARY**

- Approval is sought for the construction of a dwelling on a lot less than 300 square metres and a reduction of the car parking requirement.
- The dwelling would be three storeys (10.5 metres) in height, and comprise three bedrooms and one car space.
- The application was advertised and 24 objections were received relating to neighbourhood character, amenity, parking and construction impacts.
- The proposal satisfies the relevant objectives of the planning policy framework and represents minimal change in a well-established residential area.
- The application has been assessed against ResCode (Clause 54) and demonstrates a high level of compliance, subject to conditions.
- A high level of internal amenity would be provided to future occupants with good provision of open space and access to daylight.
- The proposal will not result in any unreasonable impact to surrounding properties.

**Agenda Item 6.1**

- The proposed reduction in car parking by one car space is acceptable and will not negatively impact on the surrounding road network, given availability of on-street car parking and access to public transport and services.
- The application is recommended for approval, subject to the conditions as outlined in Attachment 1.

**ATTACHMENTS**

1. Draft conditions for consideration
2. Planning Policy Framework
3. Single Dwelling s54 (ResCode) Assessment Table
4. Advertised Plans

**OFFICER RECOMMENDATION**

**That the City Development Delegated Committee:**

1. **Issue a Notice of Decision to Grant a Permit to Construct a dwelling on a lot less than 300 square metres and reduce the car parking requirement at 66 Walter Street Seddon, subject to conditions contained in Attachment 1.**
  2. **Delegate to the Manager City Places the authority to settle any matter before the Victorian Civil and Administrative Tribunal which may arise as a result of the issuing of this planning permit.**
-

**Agenda Item 6.1****BACKGROUND****Proposal**

The proposal is summarised as follows:

- Demolition of the existing dwelling (no permit required).
- Construction of a three storey (10.5 metres high) dwelling, comprising three bedrooms, a reading room, a living room, a dining room, a kitchen, open space and a second kitchen on the second (top) floor.
- The existing basement level will be retained and would comprise a store, a gym and an outdoor space open to the sky.
- The ground floor of the dwelling will fully abut the western boundary at a height of approximately 4 metres.
- An approximate 2.6 metre high wall is proposed on the Staff Street (eastern) boundary.
- One car parking space would be provided, located off Staff Street.

**Site and Surrounds****Subject Site**

The site is a 162 square metre rectangular lot located at the corner of Walter Street and Staff Street, Seddon. It has a 7.6 metre frontage to Walter Street, 7.6 metre rear boundary to a laneway, and 21.3 metre side boundaries which adjoins Staff Street to the east. The site is oriented on a north-south axis.

The site is occupied by a single storey weatherboard dwelling, which has a hipped corrugated roof and verandah and timber picket front fence to Walter Street. There is a single crossover to Staff Street.

The site is approximately 50 metres from Victoria Street and 200 metres from Middle Footscray Station.



**Figure 1. Site from corner of Walter and Staff Street – Source: planning officer 08/12/2022**



**Agenda Item 6.1****Surrounding Area**

The surrounding area is predominantly residential, while nearby Victoria Street and the Seddon Neighbourhood Activity Centre includes a mix of commercial and residential uses.

Nearby dwellings are mostly detached or semi-detached and single or double storey. The housing type is varied. Victorian or Edwardian style weatherboard dwellings similar to the existing dwelling are common in the area. Later 20<sup>th</sup> century brick dwellings also appear in the area, as does more contemporary double storey infill development.

The site adjoins 68A Walter Street to the west. This site is occupied by a double storey semi-detached townhouse which was approved as part of a two-dwelling development in 2014. The dwelling is 6.7 metres in height from the ground. Solar panels are located on the flat roof which are oriented towards the north.

To the north, the site adjoins a bluestone laneway. Further north are dwellings which are oriented east-west. The land south of Walter Street is predominantly occupied by dwellings. The St Ilija Macedonian Orthodox Church is at the corner of Victoria and Walter Streets.



Figure 2. Site and surrounds – Source: Nearmap 01/01/2023

**Agenda Item 6.1****Title Details**

The site is formally described as Lot 1 on Title Plan 751015J (formerly known as part of Crown Allotment E) Volume 06038 Folio 591. The site benefits from a right of way to the laneway to the north. The site is not affected by a restrictive covenant or Section 173 agreement.

**Policy Context and Permit Triggers**

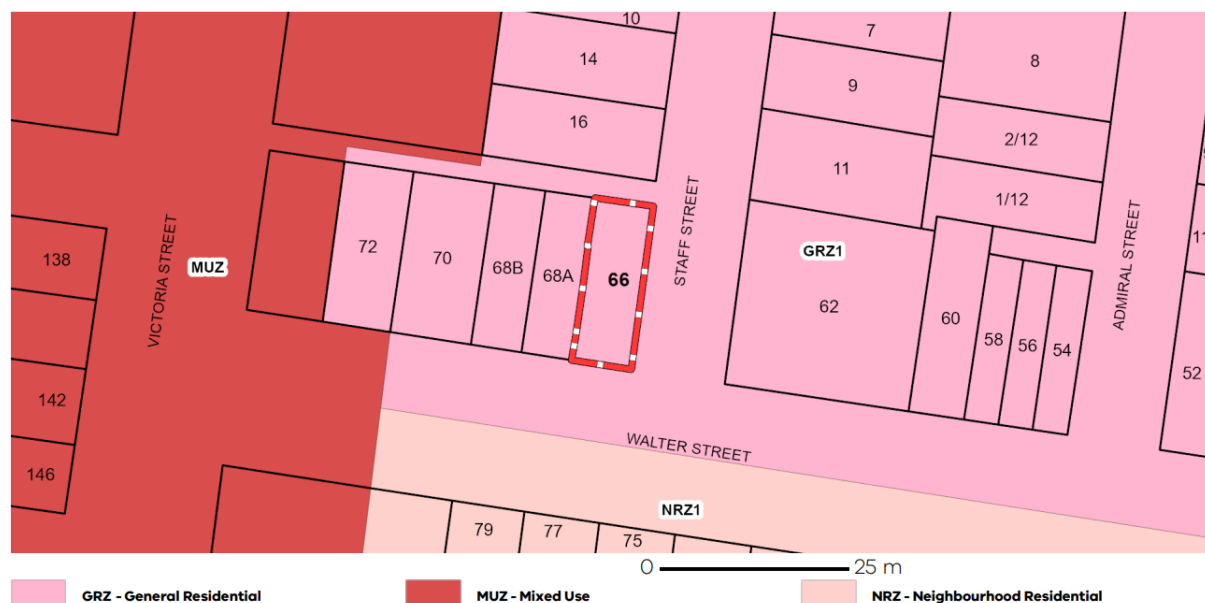
The site is in the General Residential Zone (GRZ1) and affected by the Development Contributions Plan Overlay Schedule 2 (DCPO2). A permit is required for the following:

General Residential Zone

Clause 32.08-5 - a permit is required to construct a dwelling on a lot less than 300 square metres.

Car Parking

Clause 52.06-3 - a permit is required to reduce the required car parking spaces provided. A new dwelling with 3 or more bedrooms requires 2 car parking spaces. The proposal includes 1 car parking space.



**Figure 3. Zoning map – Vicplan accessed 08/02/2022**

The relevant sections of the Planning Policy Framework have been considered in forming this report, listed at Attachment 3.

**Human Rights Consideration**

The report and its contents do not impede the human rights listed in the *Charter of Human Rights and Responsibilities Act 2006*.

**Conflicts of Interest**

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

**Agenda Item 6.1****Notification**

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*. A total of 24 objections were received and the grounds of objection related to:

- Height and scale of the proposal
- Compatibility with Inner Urban 1 Neighbourhood Character Area
- Overlooking and Overshadowing of surrounding area
- Car parking reduction will create impacts on surrounding area
- Waste storage area
- Demolition of existing dwelling
- Impacts of construction on the surrounding area
- Aboriginal Cultural Heritage management

**Referrals**

The application was referred internally to Council's Development Engineer and Environmentally Sustainable Design Advisor. A number of standard conditions are recommended to be included on any approval issued.

**DISCUSSION**

The key issues for the proposed development relate to the neighbourhood character, off-site amenity, internal amenity and car parking.

**Does the development adequately address the Planning Policy Framework?**

The proposal is generally consistent with the Neighbourhood Character and Building design objectives of the planning policy framework.

The north-south orientation with predominantly east facing windows, secluded private open space at rooftops and west facing solar panels makes appropriate use of passive solar energy. The general massing of building away from west and north boundaries minimises bulk and shadow to nearby properties which is mostly located toward the intersection.

An updated Built Environment Sustainability Scorecard (BESS) is recommended on any permit that may issue to demonstrate compliance with the 70% best practice score, which is not substantially more than the earlier report's 68% score. The development can achieve a 70% best practice score with minimal changes.

The proposal provides a good level of internal amenity which includes habitable room dimensions of at least 3 metres and habitable room windows a minimum of 1 metre from boundaries. Areas of secluded private open space would be above the minimum 25 square metres, and the dwelling's size and configuration would be suitable for a range of household types. Overall the proposal makes good use of a somewhat constrained site.

**Agenda Item 6.1**

The proposal is generally consistent with sustainable transport objectives. The reduction in one car space allows for more of the small site to be used as habitable space while encouraging public and active transport and reduced car dependence in an area well serviced by public transport and walkability. This is addressed in further detail below.

**Does the development adequately address the neighbourhood character of the area?**

The site is within the Inner Urban 1 Neighbourhood Character Area at Clause 22.05-3 of the Maribyrnong Planning Scheme. This statements helps inform the built environment and housing objectives in the Municipal Strategic Statement. The relevant character statement is included below:

*The low-scale intimacy of the streetscapes and the sense of history will be maintained and strengthened throughout this precinct. Older dwellings, including those from the Victorian, Edwardian and Interwar eras will be retained and complemented by newer development that is distinguishable from original building stock, but respectful of the key elements of these styles. New, low-scale buildings with pitched roofs will incorporate lightly-coloured timber and other non-masonry materials within well-articulated facades. Where newer development exceeds the predominant height in the street, upper levels will be recessed to reduce their prominence. New buildings will be sited in accordance with the predominant pattern of setbacks in the street, which may include terraced housing or buildings abutting one side boundary. The visual interaction between dwellings and streetscapes will be maintained and strengthened by providing low, permeable front fences and small front setbacks with space for shrubs and flowering plants to soften the built form.*

*Particularly intact areas, including parts of Seddon and Yarraville directly south of the Footscray Activity Centre and the area south-west of Yarraville Station will continue to display consistency in characteristics such as height, built form, siting and use of materials.*

There are opportunities to further enhance the ground floor habitable room presence to Walter Street. The existing ground floor presentation to Walter Street is largely a blank cement sheet wall which is approximately 3.3 metres in width. Given the Walter Street frontage is 7.6 metres, the blank wall would account for approximately 43% of the frontage. The limited street setback of 1.945 metres increases the prominence of this wall. As the wall is to a bedroom, it is understandable why windows directly facing Walter Street would be avoided for a bedroom for privacy reasons, particularly given the short setback. However on balance it is recommended that new windows be included into the ground floor front wall at Walter Street.

Added windows to this bedroom would improve the articulation between lower and upper floors, and increase the streetscape presence of the ground floor section of the dwelling, bringing more focus on the lower scale component of the proposal as sought in the preferred character statement. Blinds or other privacy measure may be installed to provide privacy if necessary.



**Agenda Item 6.1*****Street Setback objective – Standard A3***

The proposed street setback to Walter Street complies with the standard and would be consistent with the close front wall of dwellings at 68A and 68B Walter Street.

The proposal would be built to the boundary at Staff Street in lieu of the required 2 metres. This variation is appropriate given the setbacks in the area are typically shallow and that the wall would not present as blank or imposing. The wall height along the boundary graduates to 2.58 metres at its tallest, and includes “hit and miss” brickwork and planting, providing visual interest to the street.

Additionally, the narrow width of the site limits opportunities for side setbacks without compromising on habitable space. The design response achieves a good balance between respecting the streetscape and providing internal amenity for the new dwelling.

***Building Height Objective – Standard A4***

The 10.5 metre proposal accords with the 11 metre maximum height allowance of the General Residential Zone however would be notably taller than other dwellings in the immediate vicinity.

The appearance to the street is reduced by a 2.35 metre setback of the second (uppermost) storey from the below storeys from Walter Street. To Staff Street, the second storey is setback approximately 600mm. The relatively narrow width of the upper floor and the setback to Walter Street reduces the prominence of the upper floor.

Opportunities to further visually recess the development are recommended, to better achieve the sought “low scale” character of new developments. One area this may be achieved is at the gable apices of the roof and top of the upper walls, which adds approximately 1.1 metres in building height and is not strictly necessary from a functional perspective.



**Figure 4. Proposed north elevation showing suggested areas to be removed in red.**  
Source: Advertised plans.

**Agenda Item 6.1**

To Staff Street, the gables would not read well as being pitched. To the west elevation, the gables increase the sense of bulk and relate to concerns of overshadowing existing solar panels (addressed further below). Given the proposal exceeds the predominant height of the area, it is appropriate to require further visual recession and height reduction. It is recommended the second floor roof gables at north and south elevations be removed to reduce the maximum building height at these elevations to that of the upper wall, which is approximately 9.23 metres in height from natural ground level. Removing the upper gables would not impact the area of the proposed solar array, and would also make the lower floor gable more prominent in the streetscape, re-focusing much of the view from Walter Street to the generally lower scale part of the building.

***Site Coverage objective – Standard A5***

74% of the site would be covered, exceeding the 60% maximum of Standard A5. A variation is appropriate considering the existing high level of site coverage on the site and on surrounding sites and the limited lot size. For comparison, the adjoining sites at 68A and 68B Walter Street have 82% site coverage. An increased site coverage can be expected for new developments in this area owing to the constraints of the typically small lots. The larger area of site coverage is reasonable to maximise the internal amenity of the dwelling, providing opportunities for larger families and more contemporary living configuration than offered by the existing dwelling, without detracting from the character of the area.

***Design Detail Objective – Standard B31***

The proposed materiality is generally supported from a neighbourhood character perspective. The limited material palette provides a sense of design cohesion and would not be overly busy to the street or surrounding area. The incorporation of timber at the Walter Street front fence and upper floor to Staff Street provides visual interest and articulation of the development, while the darker cladding references the townhouse development directly adjacent.

A permit condition is recommended to require the upper area of the second floor wall to be “timber batten cladding T2” as shown on the material schedule. This would tie the upper floor with other parts of timber cladding on the dwelling and better articulate the elevation. The area of glazing is appropriate to provide good natural light into the dwelling while not dominating the surrounds, with balustrades blocking most direct views into rooms. The proposal would contribute to the fairly eclectic materiality of the surrounding area.

**Does the proposal adequately consider external amenity?*****Energy Efficiency Protection objective – Standard A7***

The proposal meets the objective, which relates both to making appropriate use of solar energy and not unreasonably reducing the energy efficiency of adjoining dwellings, including existing solar energy systems.

The proposal is appropriately sited and designed to capture eastern light, and would be capable of good solar generation with solar cells located along the west roof that also have a clear access to north sun.

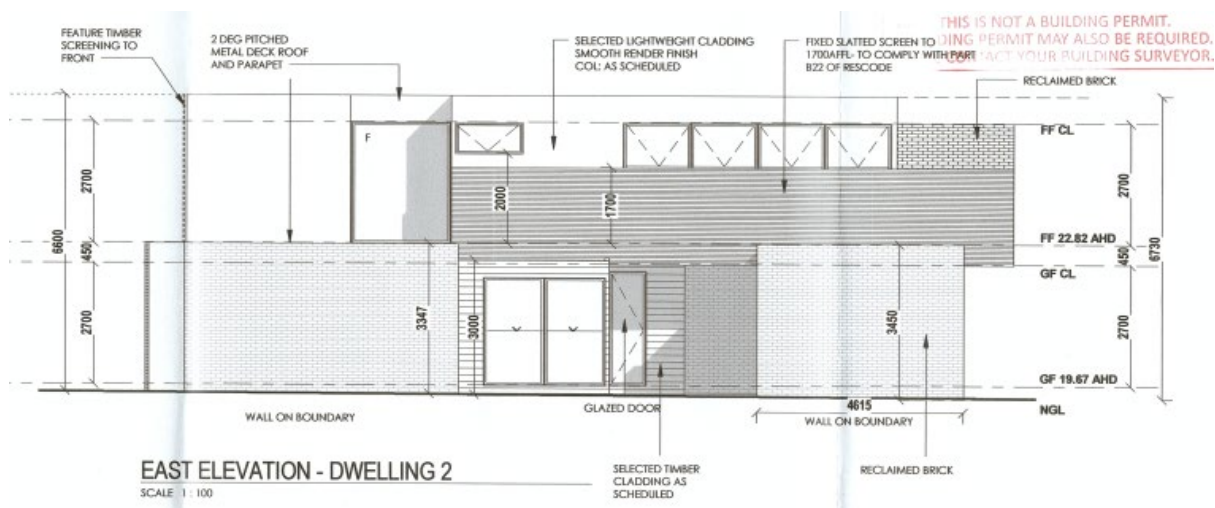
**Agenda Item 6.1**

The proposal would not unreasonably reduce the energy efficiency of adjoining dwellings. The dwellings to the west are oriented on a north-south axis which would mean north facing windows would not be compromised. The existing solar energy facility to the adjoining roof would not be overly vulnerable to new shadow by the development, given that it retains a clear north aspect and that the proposed dwelling is to the east. The ongoing generative capacity of the solar system can be reasonably balanced with the new proposal.

*Side and Rear Setbacks objective – Standard A10*

Although the proposal would not achieve compliance with Standard A10, the proposed setbacks are appropriate with regard to the design response and impact on amenity of adjoining dwellings. To the west, reduced setbacks at the first and second floors are proposed at 1.5 metres and 4.8 metres, respectively. Standard A10 would require approximate setbacks of 1.8 metres and 5.3 metres, respectively.

The variations will not unreasonably impact the amenity of 68A Walter Street, abutting the west boundary. Facing the subject site, 68A Walter Street has one bedroom habitable room window at ground floor and a longer window to the kitchen and living room at first floor. The impact to the bedroom window would be minimal considering the small extent of non-compliance at first floor and the existing light court provided within 68A Walter Street. The impact to the adjoining first floor window is mitigated by its own privacy screening for the entire length to all parts below 1.7 metres above the finished floor level. These non-compliances would not unreasonably impact the adjoining windows and their corresponding habitable rooms.



**Figure 5. 68A Walter Street Seddon (to the west of site)**

As the site adjoins the laneway to the north, the non-compliant setbacks on this interface are satisfactory. Given the more sensitive interface to the west, it is appropriate the dwelling is sited more to the east to balance amenity impacts while providing for liveable area.

**Agenda Item 6.1***Walls on Boundaries objective – Standard A11*

The standard is that a wall on boundary should be a maximum of 3.6 metres in height at any point and an average of no greater than 3.2 metres in height. The height of the boundary wall to the west will be consistently 3.79 metres, approximately 200mm above the Standard.

A variation is appropriate as much of the proposed wall will abut existing boundary walls to the west. This leaves a length of approximately 6.6 metres of boundary wall adjacent 68A Walter Street. A variation is appropriate as the 200mm variation would be minimally perceptible if the wall were to instead be compliant at 3.6 metres. The adjacent window at is already enclosed on all sides by the existing buildings which reduces the available daylight, and is not a north facing window. Additionally, the part of the wall higher than 3.6 metres forms a rainwater channel.

*Daylight to Existing Windows objective – Standard A12*

A setback of 1.89 metres is required from the proposed western boundary wall to the Bedroom 2 window at 68A Walter Street. A setback of 1.148 metres is proposed. A variation to allow this is appropriate as this window is already enclosed on all sides by buildings, and is provided with a minimally compliant setback of 1 metre.

The required setbacks are provided at higher levels of the proposal. From the front of the pitched section of first floor to the first floor wall, which is approximately 4.5 metres in height, a setback of 2.25 metre is required. The standard is met, with a 2.5 metre setback proposed. From the top of the wall which extends from first floor to slightly above the second floor finished floor level – which is to 7.31 metres in height – a setback of 3.65 metres is required to the Bedroom 2 window. The standard is met, with a 3.74 metre setback proposed.

*Overlooking objective – Standard A15*

The proposal would not have direct views into habitable rooms or secluded private open space. There are no windows to the west. The balconies at first floor are screened to the north and south to avoid direct views. The balconies and windows at the east and south do not require screening as they are located more than 9 metres from habitable room windows or private open space. Views to and from the footpath and street are not sought to be avoided by the standard, but should instead be encouraged to provide passive surveillance and a sense of connection between the public and private realm.

**Does the proposal provide suitable on-site amenity?***Private Open Space objective – Standard A17*

The proposal provides the required area of secluded private open space. 29.4 square metres of secluded private open space is provided, which satisfies the standard of a minimum of 25 square metres. The car parking area also shown as private open space could also be used as open space should the future occupants require it.

**Is the proposed car parking reduction appropriate?**

Pursuant to Clause 52.06 (Car parking), a parking rate of 2 car spaces is required for the proposed three bedroom dwelling. The proposal is seeking a reduction to this requirement by providing 1 car space.



**Agenda Item 6.1**

The proposed reduction in car parking is supported. The area is within 400 metres of Principal Public Transport Network (PPTN) and is well serviced by public transport. Middle Footscray Station is approximately 200 metres from the site, and Seddon Station approximately 600 metres from the site meaning the site is within reasonable proximity of multiple train lines. Bus routes operate along Victoria and Buckley Streets.

The area is highly walkable and the site is approximately 50 metres from Victoria Street, which forms the Seddon Neighbourhood Activity Centre. This proximity to public transport, shops and services would reduce the reliance on vehicle travel.

Accordingly, compared to the existing single dwelling, the proposal will not generate any unreasonable impact to the demand of car parking in the area.

**Has the development demonstrated best practice environmental design principles?**

The proposal incorporates environmental design principles relating water, stormwater and energy which provides an overall 68% BESS score. In this framework, a score of 70% or more is considered meeting best practice. It is recommended that the proposal can increase the BESS score to at least 70% to demonstrate best practice without a significant alteration. The achievement of a minimum 70% BESS score is recommended on any permit that may issue.

**Objections/concerns not previously addressed**

The following is an assessment on the remaining grounds of objection that have not yet been addressed:

- The demolition of the existing dwelling does not trigger a planning permit under the planning controls affecting the site.
- While the City currently operates on a 3 bin system, 4 bins may soon become standard across the City. The proposal provides storage space for 3 bins toward the north laneway, which could be feasibly increased to provide space for 4 bins. However an additional bin should it be required could be located within the car space area without diminishing the minimum area required for a car space (being 2.6 metres x 4.9 metres).
- The issue of Aboriginal Cultural Heritage has been considered. While excavation would take place to expand the basement level, further Aboriginal Cultural Heritage management is neither required nor recommended as the site is not within an area marked for cultural significance.

**CONCLUSION**

The proposal is generally consistent with the intent and objectives of State and Local Planning Policy, including the purpose of the General Residential Zone and Clause 54 of the planning scheme, relating to one dwelling on a lot.

Having considered all relevant matters, including those required by s60 of the *Planning and Environment Act 1987* and Clause 65 of the Maribyrnong Planning Scheme, the application should be supported.

## Agenda Item 6.1 - Attachment 1

### ATTACHMENT 1: PERMIT CONDITIONS FOR COUNCIL CONSIDERATION

APPLICATION NUMBER:	TP452/2022(1)
SITE ADDRESS	66 Walter Street SEDDON
PROPOSAL	Construct a dwelling on a lot less than 300 square metres and reduce the car parking requirement
DATE OF COUNCIL MEETING	28 March 2023

#### Attachment 1 – Proposed Permit Conditions – for Committee's consideration

1. Before the development start(s), amended plans must be submitted to the satisfaction of 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 provided in a digital format (where possible). The plans must be generally in accordance with the advertised plans but modified to show:
  - a. New habitable room window(s) to the ground floor front wall of the south elevation (bedroom 1).
  - b. Removal of upper floor gable to the south and north elevations to achieve a maximum building height of approximately 9.3 metres above natural ground level or a finished roof level at approximately RL 28830.
  - c. In conjunction with condition 1(b), notation of a minimum 1.7m ledge/screen to limit overlooking towards the west from the second floor terrace.
  - d. Material of upper wall area of east elevation second floor shown as 'Timber Batten Cladding' corresponding with T2 on the material schedule OR an alternate material to the satisfaction of the Responsible Authority.
  - e. Dimensioned incremental wall heights and overall building height noted on all relevant plans.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clause 62 of the Maribyrnong Planning Scheme. *NOTE: This does not obviate the need for a permit where one is required.*
3. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.

#### Sustainable Development

4. Concurrent with the submission of plans for endorsement, a Sustainable Design Assessment (SDA) or Built Environment Sustainability Scorecard (BESS) report for the building must be submitted to and approved by the Responsible Authority. Once approved, the report will be endorsed and will then form part of the permit. The report must show how the building meets or exceeds best practice standards (including a minimum 50% score for the four mandatory categories of water, energy, stormwater and IEQ) to the satisfaction of the Responsible Authority. If forming part of the development, the plans must show the following measures:
  - Location and capacity of water tank, and what it would be connected to;
  - Water efficient landscaping;
  - Any other stormwater management treatment including a STORM report demonstrating a minimum 100% treatment;

## Agenda Item 6.1 - Attachment 1

- Location of any PV solar panels and whether they are flush with the roof or angled;
- Double glazing to all habitable rooms;
- A notation confirming the dwelling achieves a minimum 7 Star NatHERS rating;

All recommendations of the approved Sustainable Design Assessment / Sustainable Management Plan must be fully implemented to the satisfaction of the Responsible Authority.

5. Subject to the occupier of the relevant side neighbouring property allowing the necessary access to that property, the external faces of walls on or facing boundaries must be cleaned and finished to an acceptable standard to the satisfaction of the Responsible Authority.
6. All visual screening and measures to prevent overlooking to adjoining properties must be erected prior to the occupation of the buildings to the satisfaction of the Responsible Authority. Where wooden battens are shown to balconies and habitable room windows, they must be permanent, fixed and durable and include a maximum of 25 percent openings. Obscure glazing must be obscure glass at manufacture and not film.
7. Vehicular crossing(s) must be constructed and/or modified to the road to suit the proposed driveway(s) to the satisfaction of the Responsible Authority.
8. The site must be drained to the satisfaction of the Responsible Authority. Storm water run-off from the site must not cause any adverse impact to the public, any adjoining site or Council asset. Stormwater 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.
9. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development.
10. Prior to the commencement of any works on the site and/or subdivision of the land, the owner must submit for approval to the Responsible Authority drainage plans to the requirements outlined in the Stormwater Discharge Permit.
11. Before the development starts (including any demolition works), tree protection measures in accordance with AS4970-2009 (Protection of trees on Development Sites) must be erected around the existing street trees (one to Walter Street and one to Staff Street). The tree protection measures must remain in place until construction is completed.
12. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
13. This permit will expire if one of the following circumstances applies: -
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

## Agenda Item 6.1 - Attachment 1

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where development allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

### **Notes**

**Clause 54 ResCode Assessment** - This application has been assessed under Clause 54 (ResCode provisions) of the Maribyrnong Planning Scheme.

**Not a Building Permit** - This is not a Building permit. A building permit may also be required. Please contact your building surveyor.

**Boundary Fences** - This permit (unless otherwise stated) does not give approval for the removal or replacement of any boundary fencing. Under the Fences Act 1968 the property owner and the neighbour are equally responsible for any dividing fence. More information on boundary fencing can be obtained at <http://disputes.vic.gov.au/fences>

**Street Asset Protection** - 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 Applicant.

**Works within Road Reserve Consent - Works Within Road Reserves (WWRR)** consent from the Responsible Authority is required for any work or excavation within the road reserve.

**Storage of Materials** - Materials are not to be stored on the road reserve without Responsible Authority approval

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

## Agenda Item 6.1 - Attachment 2

### ATTACHMENT 2: PLANNING POLICY FRAMEWORK

APPLICATION NUMBER:	TP452/2022(1)
SITE ADDRESS	66 Walter Street SEDDON
PROPOSAL	Construct a dwelling on a lot less than 300 square metres and reduce the car parking requirement
DATE OF COUNCIL MEETING	28 March 2023

The following policies are applicable to the proposal:

- **Clause 11 (Settlement)**, in particular;
  - Clause 11.02 (*Managing Growth*)
  - Clause 11.03 (*Planning for Places*)
- **Clause 13 (Environment Risks)**, in particular;
  - Clause 13.01 (*Climate Change Impacts*)
- **Clause 15 (Built Environment and Heritage)**, in particular;
  - Clause 15.01 (*Urban Environment*)
  - Clause 15.02 (*Sustainable development*)
- **Clause 16 (Housing)**, in particular;
  - Clause 16.01 (*Residential Development*)
  - Clause 16.02 (*Housing Form*)
- **Clause 18 (Transport)**, in particular;
  - Clause 18.01 (*Integrated Transport*)
- **Clause 21 (Municipal Strategic Statement)**, in particular;
  - Clause 21.02 (*Municipal Profile*)
  - Clause 21.03 (*Council Vision*)
  - Clause 21.06 (*Built Environment and Heritage*)
  - Clause 21.07 (*Housing*)
  - Clause 21.09 (*Transport*)
- **Clause 22 (Local Planning Policies)**, in particular;
  - Clause 22.05 (*Preferred Neighbourhood Character Statements*)

## Agenda Item 6.1 - Attachment 3

### ASSESSMENT TABLE – SINGLE DWELLINGS (CLAUSE 54)

66 Walter Street Seddon

#### Neighbourhood Character

#### Clause 54.02

Title & Objective	Standard	Complies / Does not comply / Variation required
<b>A1</b> <b>Neighbourhood Character</b> To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.  To ensure that the design responds to the features of the site and the surrounding area.	The design response must be appropriate to the neighbourhood and the site.	✓ <b>Complies</b>
	The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.	
<b>A2</b> <b>Integration with Street</b> To integrate the layout of development with the street.	Dwellings should be oriented to front existing and proposed streets.	✓ <b>Complies – subject to condition</b> A new habitable room window to the front wall of the grounds floor will be recommended as a condition to be included on any permit to emphasise the integration with the street.
	Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.	
	High fencing in front of dwellings should be avoided if practicable.	

#### Site Layout and Building Massing

#### Clause 54.03

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<b>A3</b> <b>Street Setback</b> To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	Walls of buildings should be set back from streets: <ul style="list-style-type: none"> <li>The distance specified in Table B1.</li> </ul> <i>Porches, pergolas and verandahs that are less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard.</i>	✗ <b>Does not comply</b> Variation required – refer to report The proposal is built to the side boundary in lieu of a setback of 2 metres.
<b>A4</b> <b>Building Height</b> To ensure that the height of buildings respects the existing or preferred neighbourhood character.	The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.  If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.	✓ <b>Complies</b> The proposal is 10.5 metres in height and 3 storeys, which complies with the maximum allowance in the General Residential Zone



**Agenda Item 6.1 - Attachment 3**

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	Changes of building height between existing buildings and new buildings should be graduated.	
<b>A5</b> <b>Site Coverage</b> To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.	The site area covered by buildings should not exceed 60%.	✖ <b>Does not comply</b> Variation required – refer to report 75% site coverage is proposed, exceeding the 60% standard
<b>A6</b> <b>Permeability</b> To reduce the impact of increased stormwater run-off on the drainage system.  To facilitate on-site stormwater infiltration.	At least 20 per cent of the site should not be covered by impervious surfaces.	✔ <b>Complies</b> 21.5% of the site is proposed to be permeable surface, more than the minimum 20% minimum
<b>A7</b> <b>Energy Efficiency Protection</b> To achieve and protect energy efficient dwellings.  To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.	Buildings should be: <ul style="list-style-type: none"> <li>▪ Oriented to make appropriate use of solar energy.</li> <li>▪ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</li> </ul> Living areas and private open space should be located on the north side of the dwelling, if practicable.	✔ <b>Complies</b> The proposal achieves good energy efficiency on site though location of windows facing east, north facing open space, and solar energy system located to the west roof elevation.  The proposal does not unreasonably reduce the energy efficiency of adjoining dwellings including existing solar panels of the adjoining dwelling
	Dwellings should be designed so that solar access to north-facing windows is maximised.	
<b>A8</b> <b>Significant Trees</b> To encourage development that respects the landscape character of the neighbourhood.  To encourage the retention of significant trees on the site.	Development should provide for the retention or planting of trees, where these are part of the neighbourhood character.  Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.	- <b>N/A</b> The site does not contain any significant vegetation.

## Agenda Item 6.1 - Attachment 3

Amenity Impacts		Clause 54.04
Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<b>A10</b> <b>Side and Rear Setbacks</b> 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.	<p>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> <li>1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</li> </ul> <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<p>✱ <b>Does not comply</b>            Variation required – refer to report</p> <p>Ground floor</p> <p>(west)</p> <p>First floor            Required: 1.8m            Proposed: 1.5m</p> <p>Second floor            Required: 5.3m            Proposed: 4.8m</p> <p>(east)</p> <p>First floor            Required: 1.8m            Proposed: 1.1m</p> <p>Second floor            Required: 5.3m            Proposed: 3.1m</p> <p>(North)</p> <p>Ground floor            Required: 1.06m            Proposed: 3.4m</p> <p>First floor            Required: 1.9m            Proposed: 3m</p> <p>Second floor            Required: 5.5m            Proposed: 3m</p>



## Agenda Item 6.1 - Attachment 3

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<b>A11</b> <b>Walls on Boundaries</b> 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.	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> <li>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot,</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater.</li> </ul> <p>A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p>✘ <b>Does not comply</b>            Variation required – refer to report (East)            Allowable length: 12.83m            Proposed length: 15.12m</p> <p>Allowable max. height: 3.6m            Proposed max. height: 5.03m            B1 wall is 2.53m</p> <p>(west)            Allowable length: 12.83m            Proposed length: 19.43m</p> <p>Allowable max. height: 3.6m            Proposed max. height: 3.8m</p>
<b>A12</b> <b>Daylight to Existing Windows</b> To allow adequate daylight into existing habitable room windows.	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>	<p>- N/A            ✓ <b>Complies</b>            ✘ <b>Does not comply</b>            Variation required – refer to report</p> <p>There are two habitable room windows to the west, one at ground floor and first floor respectively.</p> <p>The proposal includes a 1.1 metre setback to the habitable room window at ground floor, in lieu of required 1.8 metres. required setbacks at higher levels are compliant with the standard.</p>

## Agenda Item 6.1 - Attachment 3

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<b>A13</b> <b>North Facing Windows</b> To allow adequate solar access to existing north-facing habitable room windows.	If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	<b>✓ Complies</b> There are no north facing windows within 3 metres of a boundary on an adjoining lot
<b>A14</b> <b>Overshadowing Open Space</b> To ensure buildings do not unreasonably overshadow existing secluded private open space.	Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.  If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	<b>✓ Complies</b> The proposal will not increase overshadowing to the secluded private open space of adjoining dwellings at 68A and 68B Walter Street, which has Secluded private open space located at the north of the lots. An area of new shadow along the side between the dwellings is created between 9am – 11am. This area is not considered secluded private open space for the purpose of this assessment, and no additional shadow is recorded in this area from 11 am onwards.
<b>A15</b> <b>Overlooking</b> To limit views into existing secluded private open space and habitable room windows.  <b>Please Note:</b> This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary	A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the <u>secluded private open space or habitable room window</u> of an existing dwelling (horizontal 9m rule and from a height of 1.7m above ffl).  A habitable room window, balcony, terrace, deck or patio with a direct view should be either: <ul style="list-style-type: none"> <li>▪ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other or</li> <li>▪ Have sill heights of at least 1.7 metres above floor level.</li> <li>▪ Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.</li> <li>▪ Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</li> </ul> Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.	<b>✓ Complies</b> Balconies are screened at north and south to avoid direct views in compliance with the standard. windows and balconies facing east do not require screening as they are further than 9 metres from habitable room windows and private open space.

## Agenda Item 6.1 - Attachment 3

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	<p>Screens used to obscure a view should be:</p> <ul style="list-style-type: none"> <li>▪ Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</li> <li>▪ Permanent, fixed and durable.</li> <li>▪ Designed and coloured to blend in with the development.</li> </ul>	

### On-Site Amenity and Facilities

### Clause 54.05

<p><b>A16</b> <b>Daylight to New Windows</b> To allow adequate daylight into new habitable room windows.</p>	<p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> <li>▪ An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</li> <li>▪ A verandah provided it is open for at least one third of its perimeter, or</li> <li>▪ A carport provided it has two or more open sides and is open for at least one third of its perimeter.</li> </ul>	<p>✓ <b>Complies</b> Windows to habitable rooms face areas of at least 1 metre clear to the sky.</p>
<p><b>A17</b> <b>Private Open Space</b> To provide adequate private open space for the reasonable recreation and service needs of residents.</p>	<p>A dwelling should have private open space consisting of an area of:-</p> <ul style="list-style-type: none"> <li>▪ 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, (but not less than 40 square metres).</li> </ul> <p>At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.</p>	<p>✗ <b>Does not comply</b> Variation required – refer to report The required area of private open space (40 square metres) is not met, with 29.4 square metres. The 29.4 square metres forms the secluded private open space, which exceeds the minimum 25 square metre requirement.</p>
<p><b>A18</b> <b>Solar Access to Open Space</b> To allow solar access into the secluded private open space of a new dwelling.</p>	<p>The private open space should be located on the north side of the dwelling, if practicable.</p> <p>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least <math>(2 + 0.9h)</math> metres, where 'h' is the height of the wall.</p>	<p>✓ <b>Complies</b> Required setback for the southern boundary at the balconies is 3.15m based on a 3.5 m wall. The shortest provided setback is 3.6m. The ground floor car space should not be relied on as SPOS as it is not secluded</p>

## Agenda Item 6.1 - Attachment 3

Detailed Design		Clause 54.06
Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<b>A19</b> <b>Design Detail</b> To encourage design detail that respects the existing or preferred neighbourhood character.	The design of buildings, including: <ul style="list-style-type: none"> <li>▪ Facade articulation and detailing,</li> <li>▪ Window and door proportions,</li> <li>▪ Roof form, and</li> <li>▪ Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character.</li> </ul>	<b>✓ Complies</b>
	Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	
<b>A20</b> <b>Front Fences</b> To encourage front fence design that respects the existing or preferred neighbourhood character.	The design of front fences should complement the design of the dwelling and any front fences on adjoining properties.	<b>✓ Complies</b> 1.3m tall front fence is proposed
	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> <li>▪ Streets in a Road Zone 1, 1 – 2 metres</li> <li>▪ Other streets - 1.5 metres</li> </ul>	



PROPOSED DWELLING  
66 WALTER STREET,  
SEDDON 3011

TP 0	Cover Sheet
TP 1	Neighbourhood analysis 1
TP 2	Neighbourhood analysis 2
TP 3	Planning & Zoning
TP 4	Design Response
TP 5	Existing + Proposed Site Plans
TP 6	Shadowing Plans
TP 6a	Shadowing Plans
TP 7	Basement Plan
TP 8	Ground Floor Plan
TP 9	First Floor Plan
TP 10	Second Floor Plan
TP 11	Roof Plan
TP 12	Elevations
TP 13	Elevations
TP 14	Sections
TP 15	Materials
TP 16	Clause 54 Response
TP 17	Clause 54 Response
TP 18	Clause 54 Response
TP 19	Clause 54 Response
TP 20	Renderings
TP 21	Renderings
TP 22	Renderings

CITY OF MARIBYRNONG  
ADVERTISED PLAN





CLAUSE 54.01 - NEIGHBOURHOOD AND SITE DESCRIPTION

NEIGHBOURHOOD SITE DESCRIPTION

66 Walter St located with-in precinct IU1 (Inner Urban 1) of Maribyrnong Council's Neighbourhood Character Guidelines, with the description of generally Victorian, Federation, Edwardian, Interwar, Postwar and contemporary architectural styles.

The main building materials found are brick or weatherboard, with either tile or iron roofs. The dwellings are mostly single-storey, with double and triple storey developments dispersed. Front setbacks are generally 1-4 metres, with some houses having wider setbacks such as 6-7 metres, the side setbacks are from 0-3 metres. This setback space is for shrubs, flowering plants, occasional trees, and exotic plantings that soften the build form. The front fences are low, permeable (consisting of transparent and solid materials).

The existing single-storey weatherboard Victorian style house features a hip roof made of iron, front bullnose veranda porch on a concrete slab with ornamented gable end and eaves. The front fence along the south is a medium height painted timber picket paling with an entry gate. The topography is generally flat, with no major existing vegetation. Along the east setback of the home, there is a concrete and brick path that leads to a storage built along the eastern boundary. The backyard is an outdoor entertainment paved with concrete. Along the west is a minor setback from the masonry brick wall built on boundary of the neighbour at 68B Walter Street.

The Subject site is flanked to the East by Staff street, South by Walter Street, West by a unit development (built mostly on boundary), and North by a Lane. The corner site is located on the west end of Walter Street, near the busy commercial intersections of Walter/Victoria Street, and Staff/Buckley street (highlighted in red on FIG 1 – Lot 1 TP751015). The zoning allows a maximum building height of 11m. The maximum building height proposed is 10.5m. The site is located less than 50m from two commercial streets, which means the proposed scale, in relation to context, is in proportion. Additionally, three of the sites four boundary lines abut public land (with the 4th mostly built out), meaning there is little to no affect on the amenity of existing residents. The amenity to the neighbouring unit at 68A has been a key consideration in developing the proposed design. Refer to TP- 4 for the proposed design response.

CITY OF MARIBYRNONG  
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SUBJECT SITE- 66 WALTER STREET, SEDDON



FIG 1 - ANALYSIS OF SURROUNDING NEIGHBOURHOOD FROM SUBJECT SITE  
REFER TO TP 2- NEIGHBOURHOOD ANALYSIS 2' FOR REFERENCE IMAGES



Planning Scheme Zones

- MUZ - Mixed Use Zone
- NRZ - Neighbourhood Residential Zone
- GRZ - General Residential Zone
- C1Z - Commercial 1 Zone
- PUZ2 - Public Use Zone-Education
- PPRZ - Public Park and Recreation Zone
- ACZ - Activity Centre Zone

- Subject Site
- Corner lot with built wall on boundary (Single-Storey)
- Corner lot with built wall on boundary (Triple-Storey)
- Corner lot with built wall on boundary (Double-Storey Hotel/Bar)
- Corner lot with built wall on boundary (Garage only) Or close proximity to boundary
- Double-storey development on corner lot
- Triple-Storey dwelling
- Proposed Town Planning Development (Triple-Storey)

COMMERCIAL SHOP FRONTS  
81 VICTORIA STREET

NEIGHBOURS  
72 WALTER STREET

NEIGHBOURS  
70 WALTER STREET

NEIGHBOURS  
68A & 68B WALTER STREET

SUBJECT SITE  
66 WALTER STREET

STAFF STREET

NEIGHBOURS  
62 WALTER STREET

NEIGHBOURS  
67, 69, 71 WALTER STREET

NEIGHBOURS  
73 WALTER STREET

NEIGHBOURS  
75 WALTER STREET

NEIGHBOURS  
77 WALTER STREET

NEIGHBOURS  
79 WALTER STREET

ST. ILIJIA MACEDONIAN ORTHODOX CHURCH  
81-85 VICTORIA STREET

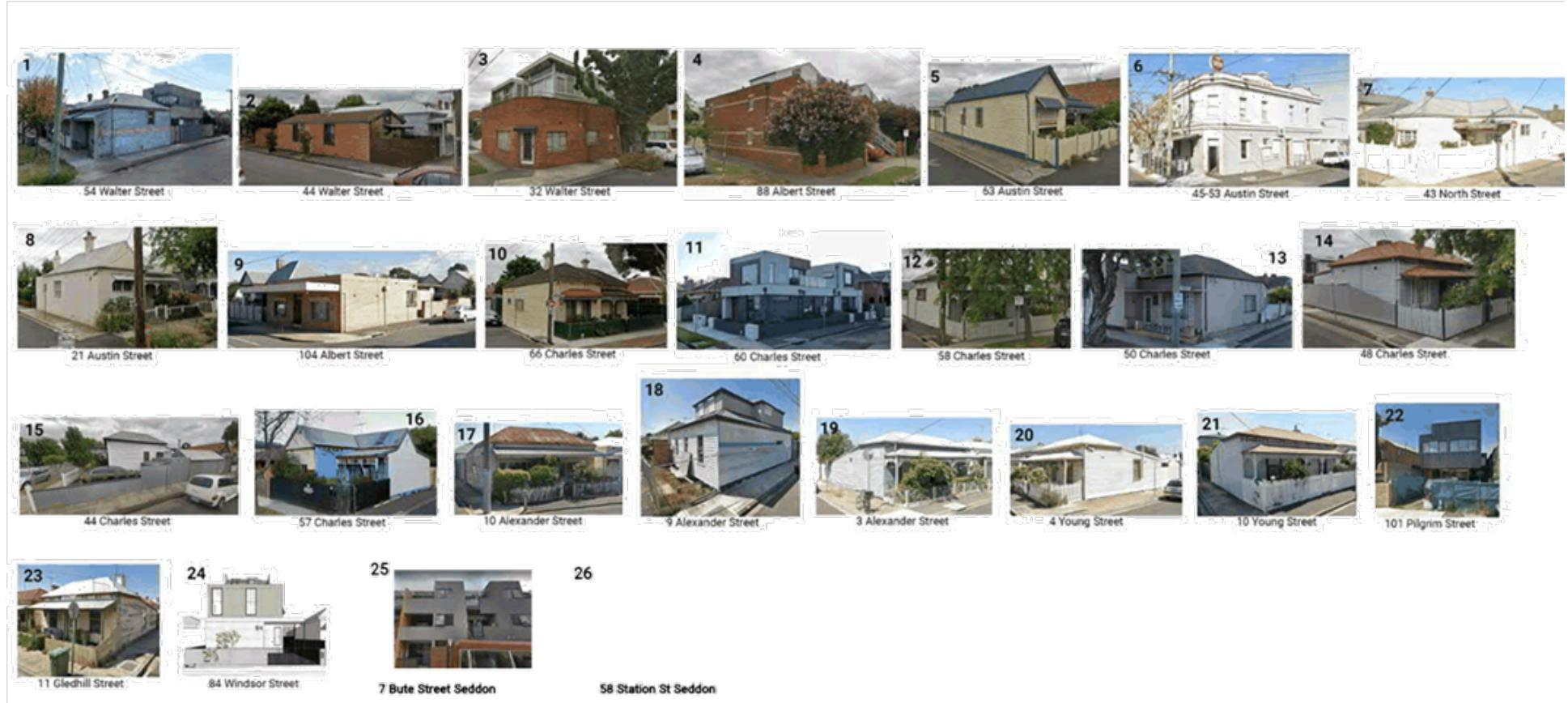
ARKit

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EMAIL info@arkit.com.au  
FACTORY 6 / 4 JUDGE STREET  
SUNSHINE 3020  
PO BOX 1643  
COLLINGWOOD 3066

CITY OF MARIBYRNONG  
ADVERTISED PLAN

STATUS	TP	DATE	01/03/2022	PROJECT ADDRESS	66 Walter St, Seddon, VIC
DRAWING #	TP 1	REVISION	-	DRAWING	Neighbourhood analysis 1





ABOVE: REFERENCE IMAGES FROM PAGE '0.10 NEIGHBOURHOOD ANALYSIS 1'. BELOW: IMAGES OF ADDITIONAL NEIGHBOURS OUTSIDE OF ANALYSIS AREA



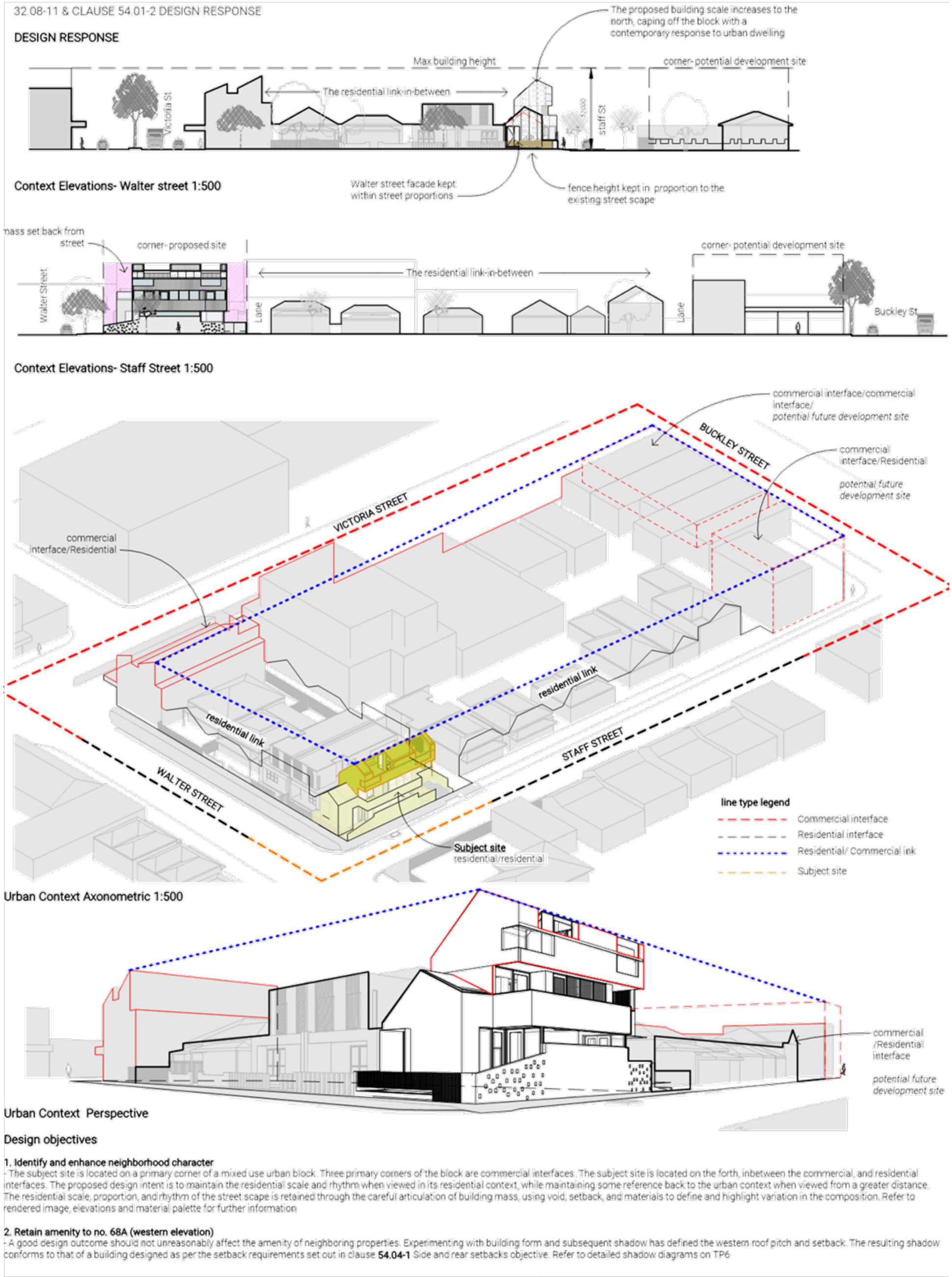
58 Station St Seddon

CITY OF MARIBYRNONG  
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<div>PROPERTY DETAILS</div> <div>LOCAL GOVERNMENT AREA (COUNCIL): MARIBYRNONG</div> <div>COUNCIL PROPERTY NUMBER: 119549</div> <div>LOT / PLAN NUMBER: Lot 1 TP751015</div> <div>LOT AREA: 169m<sup>2</sup></div> <div>STANDARD PARCEL IDENTIFIER (SPI): 1\TP751015</div> <div>ZONES &amp; OVERLAYS:</div> <div>ZONE (GRZ) - GENERAL RESIDENTIAL ZONE</div> <div>(GRZ1) - GENERAL RESIDENTIAL ZONE - SCHEDULE 1</div> <div>GRZ</div> <div>32.08 GENERAL RESIDENTIAL ZONE</div> <div>Shown on the planning scheme map as GRZ, R1Z, R2Z or R3Z with a number (if shown).</div> <div><u>Purpose</u> To implement the Municipal Planning Strategy and the Planning Policy Framework.To encourage development that respects the neighbourhood character of the area.</div> <div>To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</div> <div>To allow educational, recreational, religious, community and a limited range of other nonresidential uses to serve local community needs in appropriate locations.</div> <div>32.08-4 Minimum garden area requirement does not apply and is exempt as the lot size is &lt;400sqm.</div> <div>32.08-5 Construction and extension of one dwelling on a lot. Permit is required to construct one dwelling on: - A lot of less than 300 square metres. Applies to subject site as lot is 169m<sup>2</sup>. - Meet the requirements of Clause 54.</div> <div>32.08-10 Maximum building height requirement for a dwelling or residential building The building constructed for use as a dwelling or residential building must not exceed <b>11 metres and must not contain more than 3 storeys at any point.</b></div> <div>The proposed building is triple-storey and is less than 11 metres high.</div> <div>32.08-11 Application Requirements</div> <div>- Require response to Neighborhood &amp; Site Description &amp; Design Response as required in Clause 54. See TP4.</div> <div>- Require plans drawn to scale See TP5-14</div> <div>GRZ1</div> <div>SCHEDULE 1 TO CLAUSE 32.08 GENERAL RESIDENTIAL ZONE</div> <div>MARIBYRNONG PLANNING SCHEME GENERAL RESIDENTIAL AREAS</div> <div>None specified.</div> <div>CITY OF MARIBYRNONG ADVERTISED PLAN</div>	<div>32.08-11 &amp; CLAUSE 54.01-2 DESIGN RESPONSE</div> <div>DESIGN RESPONSE- READ IN CONJUNCTION WITH PLANS</div> <div>This Design Response has been prepared to accompany the planning permit application to Maribyrnong Council for the proposed partial knock-down and addition build at 66 Walter Street, Seddon.</div> <div>This application involves: - Full demolition and clearing of site as scoped in the demolition plan - New 3 storey dwelling plus basement and carport</div> <div>Existing Dwelling</div> <div>The existing house contains the front entrance from the south-west into a hallway and two bedrooms at the front. This is followed by a living, kitchen, meals and access into the storage. At back of the home is where there is a bathroom, laundry, and toilet. The front of the home has a concrete porch with bullnose veranda, and a concrete and brick path along the eastern boundary. The home is clad with painted weatherboard and the roofing is made of corrugated iron material.</div> <div>The current home is inadequate for the residents' requirements and is below contemporary housing expectations, particularly with only two bedrooms and poor insulation.</div> <div>Proposed Dwelling</div> <div>Refer TP-4</div> <div>CLAUSE 52.06 CARPARKING</div> <div>There is currently 1 off street car parking space for the existing 2 bedroom residence. This proposal will increase the floor area including 3 bedrooms however this is an abundance of public transportation with close proximity of the proposal dwelling;</div> <div><ul style="list-style-type: none"><li>• 200m - Middle Footscray Train Station</li><li>• 600m to Seddon Train Station</li><li>• 100m to Bus Route 223 (Yarraville to Highpoint)</li><li>• 400m Bus route 220 (Sunshine Station to City)</li><li>• 500m Bus route 409 (Footscray to Highpoint)</li><li>• 1km to Footscray Road Bicycle Path to Docklands and CBD</li></ul></div> <div>In addition, precedent for 1 parking space for 3-4 bedroom new drawings has been established in the City of Maribyrnong with the below listing a few of these projects;</div> <div><ul style="list-style-type: none"><li>• 6a Bellairs Ave Seddon (4 bedroom dwelling, 1 car space)</li><li>• 35 Greig Street Seddon (3 bedrooms + retreat area, 1 car space)</li><li>• 26 Margaret Street Seddon (3 bedrooms + retreat area, 1 car space)</li><li>• 14 Emma Street Seddon (3 bedrooms, 1 car space)</li><li>• 15 Lily Street Seddon (3 bedrooms, 1 car space)</li></ul></div> <div>This proposal has carefully considered and provide opportunity excellent for work from home spaces, thereby futureproofing occupants life/work behaviours and options.</div> <div>In addition to the above, the proposal includes a dedicated bike store which enables the owner to utilise the well established network of cycling paths in the immediate area</div> <div>THE FOLLOWING ITEMS HAVE BEEN ANNOTATED IN THE PROJECT DRAWINGS</div> <div><div><div>WATER 3.1</div><div>ENERGY 3.4</div><div>ENERGY 4.5</div><div>STORMWATER 1.1</div><div>IEQ 2.2</div><div>IEQ 3.1</div><div>IEQ 3.3</div><div>TRANSPORT 1.1</div><div>WASTE 2.1</div><div>URBAN ECOLOGY 2.1</div><div>URBAN ECOLOGY 2.2</div><div>URBAN ECOLOGY 2.3</div><div>URBAN ECOLOGY 3.1</div></div><div><div>Water efficient garden annotated - ✓</div><div>Clothes line annotated (if proposed) - ✓</div><div>Floor plans showing location of photovoltaic panels as described - ✓</div><div>Location of any stormwater management systems used in STORM ✓</div><div>Dwellings meeting the requirements for having 'natural cross flow ventilation' ✓</div><div>Glazing specification to be annotated - ✓</div><div>North-facing living areas - ✓</div><div>All nominated residential bicycle parking spaces - ✓</div><div>Location of food and garden waste facilities - ✓</div><div>Vegetated areas - ✓</div><div>Green roof - ✓</div><div>Green facade - ✓</div><div>Food production areas ✓</div></div></div>
--	---







3a

No.70

No 68B

No 68A



1

2

## Proposed Site Plan


1.250

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# ARKit

PHONE 03 9077 5203  
EMAIL [info@arkit.com.au](mailto:info@arkit.com.au)  
FACTORY 6 / 4 JUDGE STREET  
SUNSHINE 3020  
PO BOX 1643  
COLLINGWOOD 3066

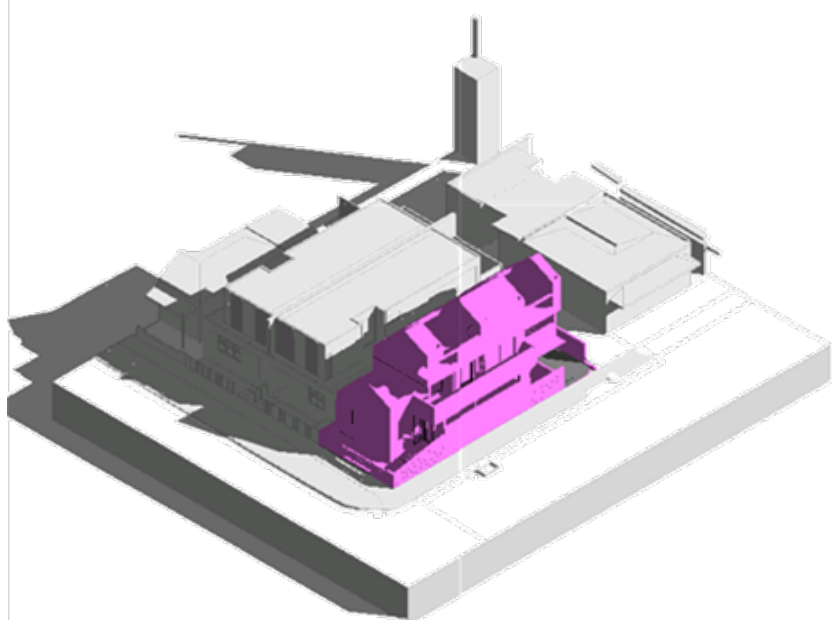


STATUS <b>TP</b>	DATE <b>01/03/2022</b>	PROJECT ADDRESS <b>66 Walter St, Seddon, VIC</b>
DRAWING # <b>TP 5</b>	REVISION 	DRAWING <b>Existing + Proposed Site Plans</b>

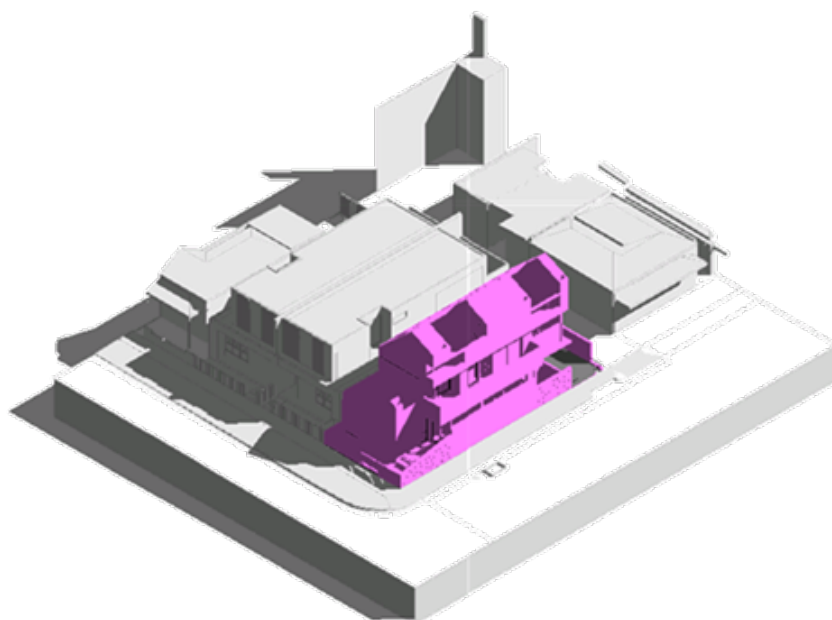




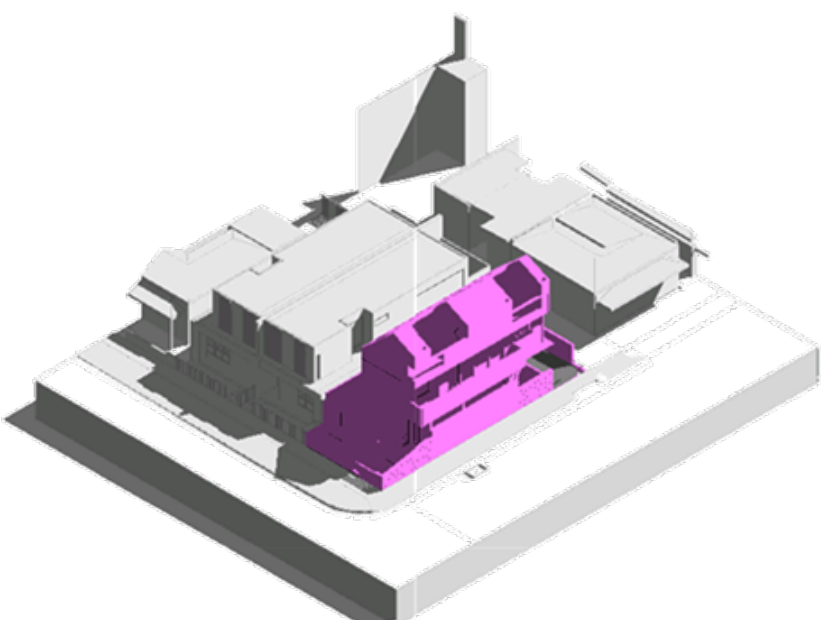
Existing solar at both 68A & B will be unaffected by the proposal.  
Refer below shadow diagrams



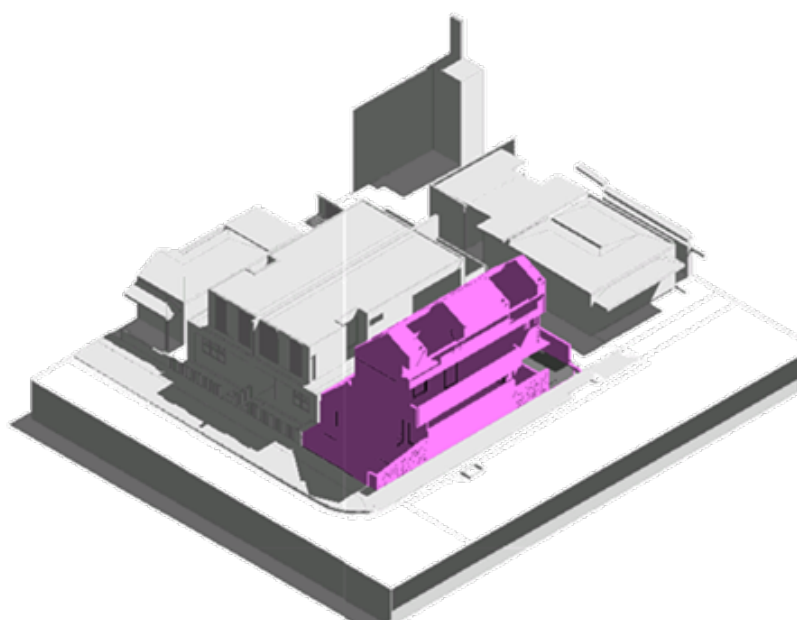
9AM



10AM



11AM

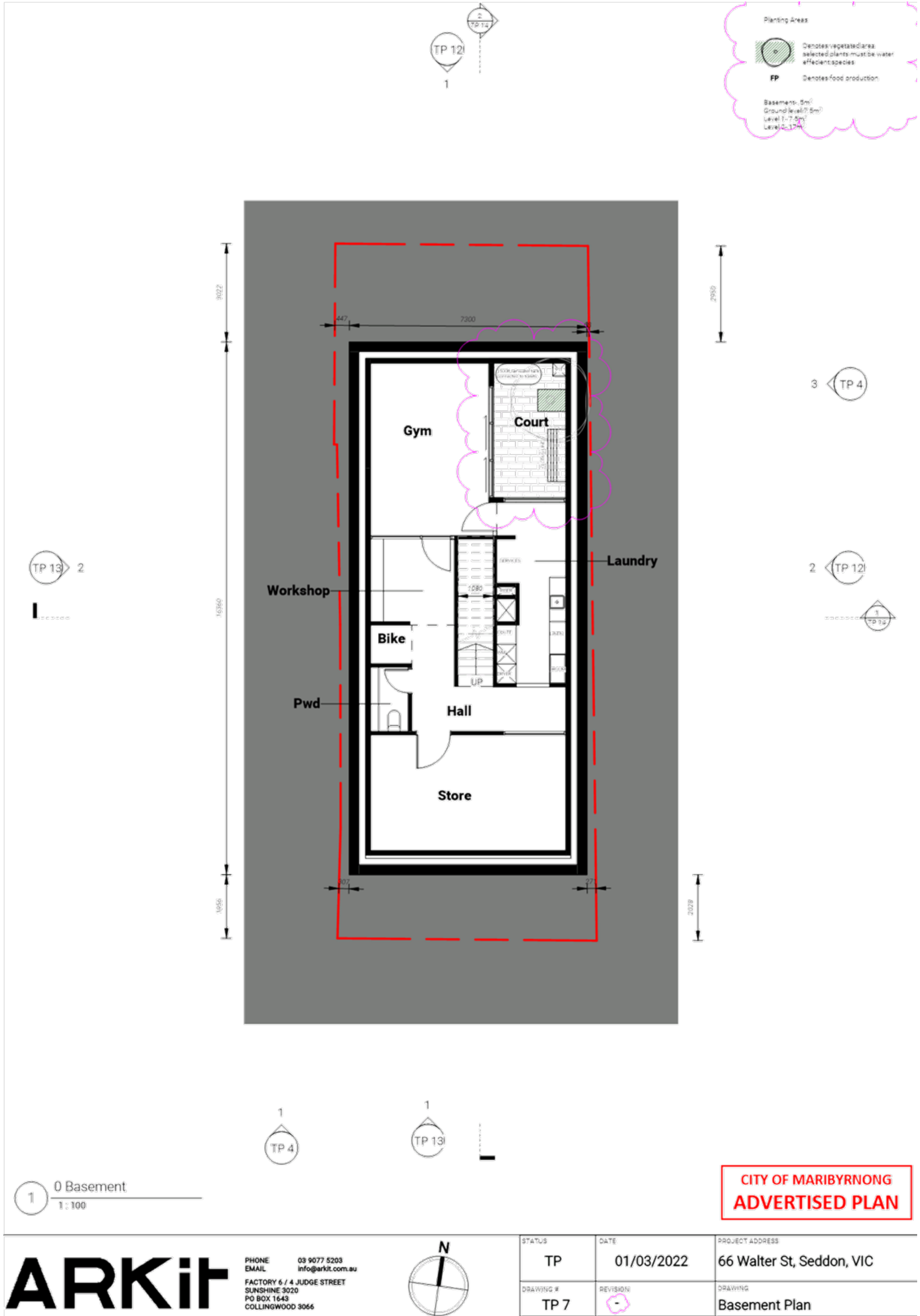


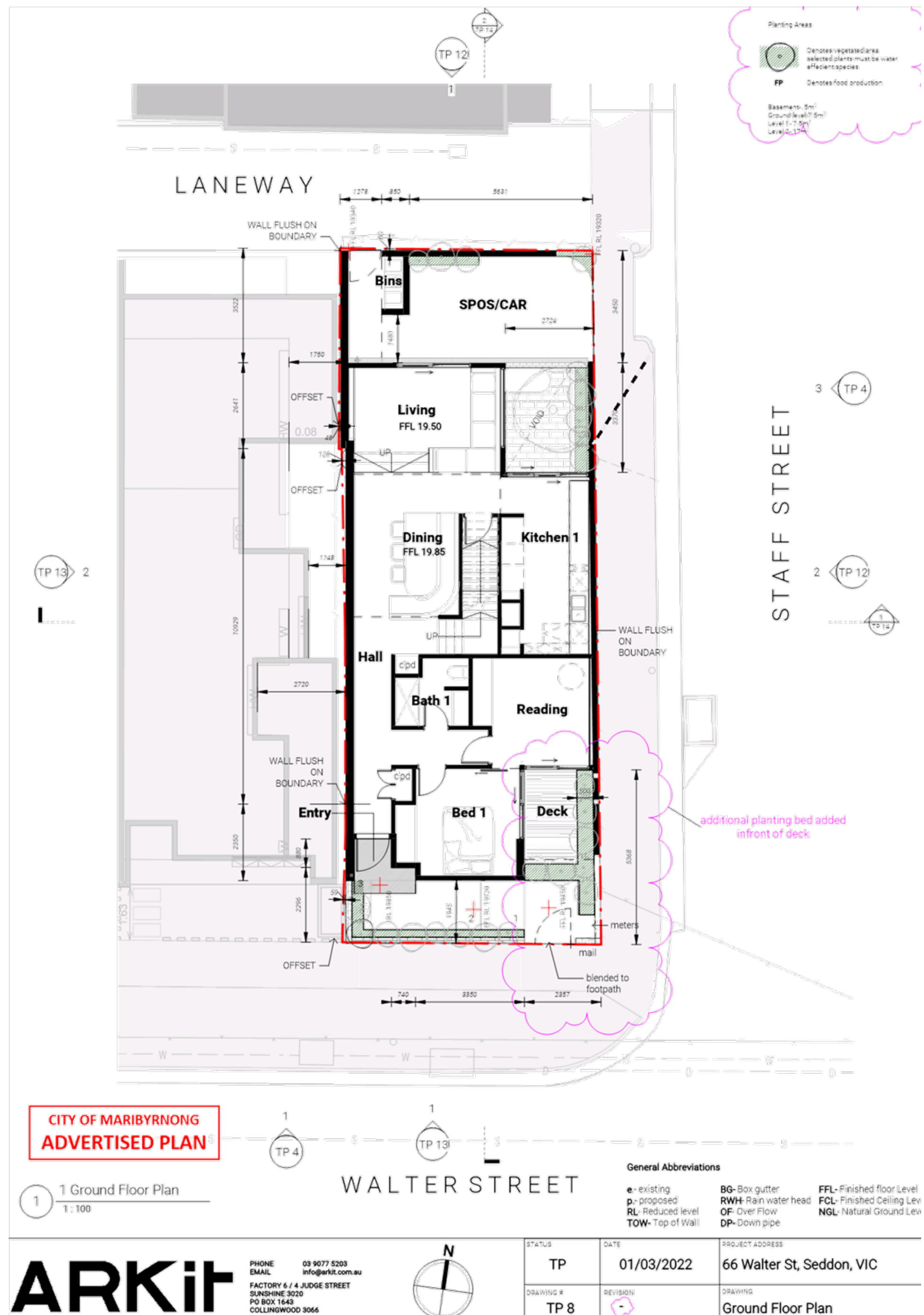
12PM

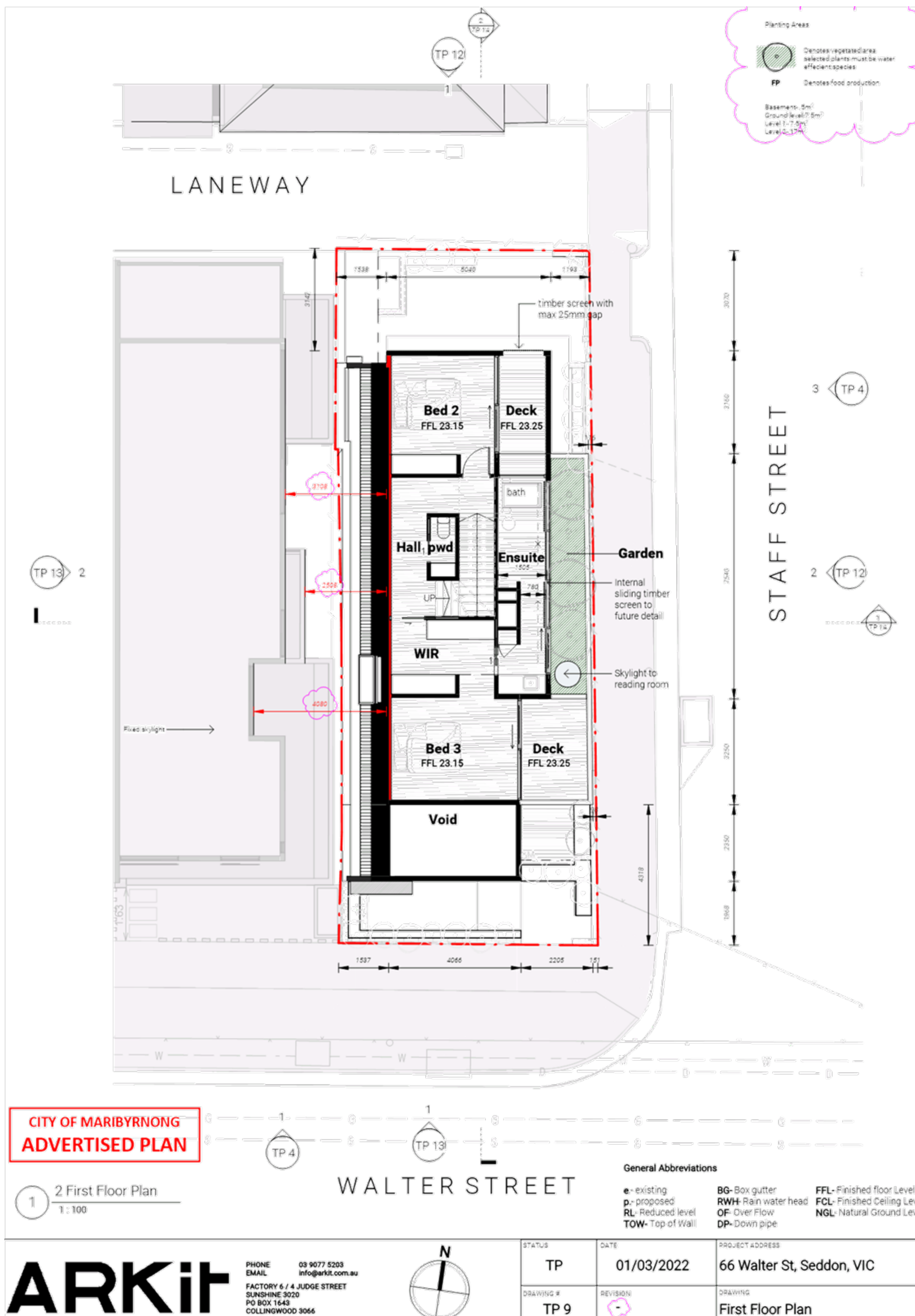
CITY OF MARIBYRNONG  
ADVERTISED PLAN



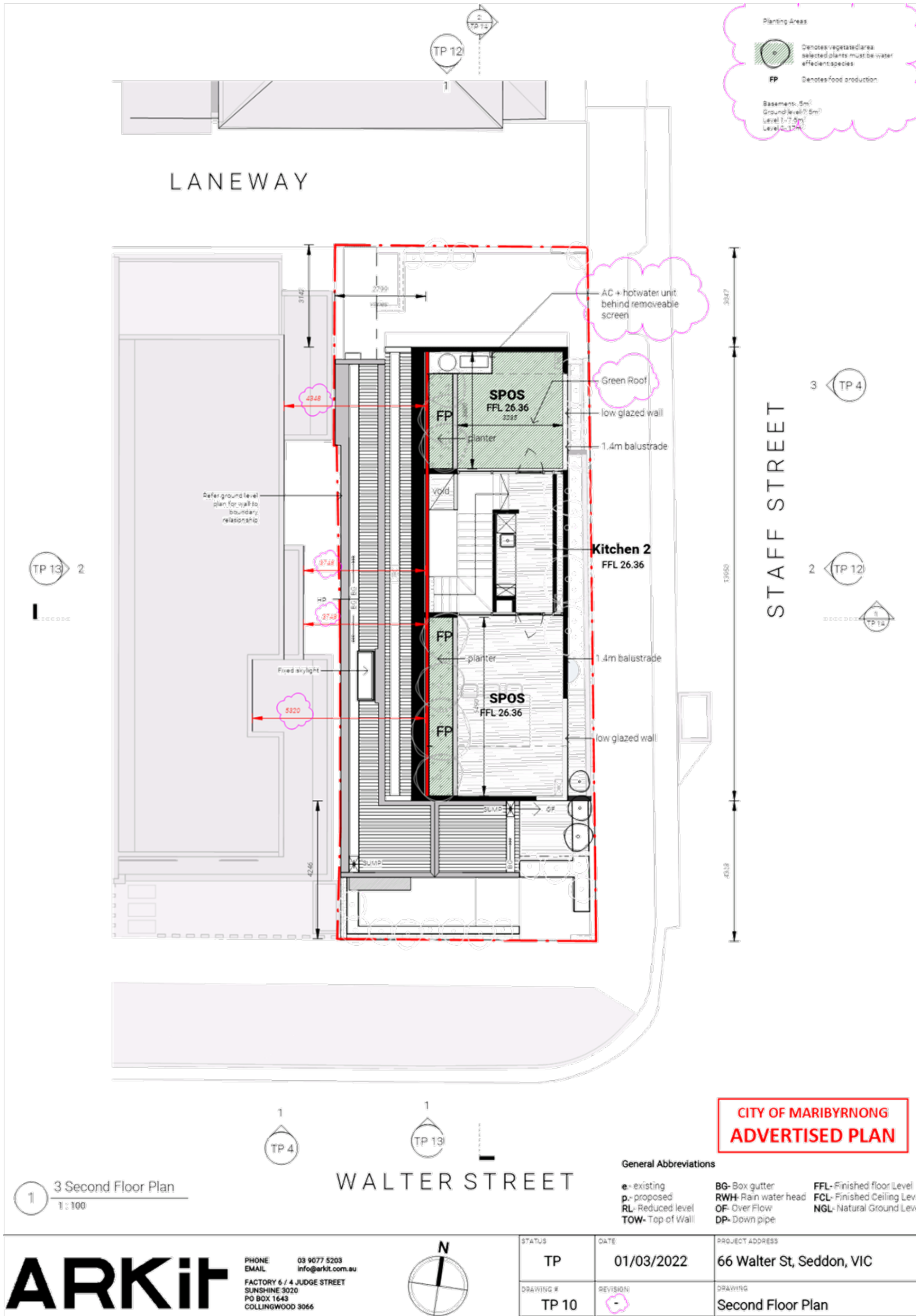
Agenda Item 6.1 - Attachment 4



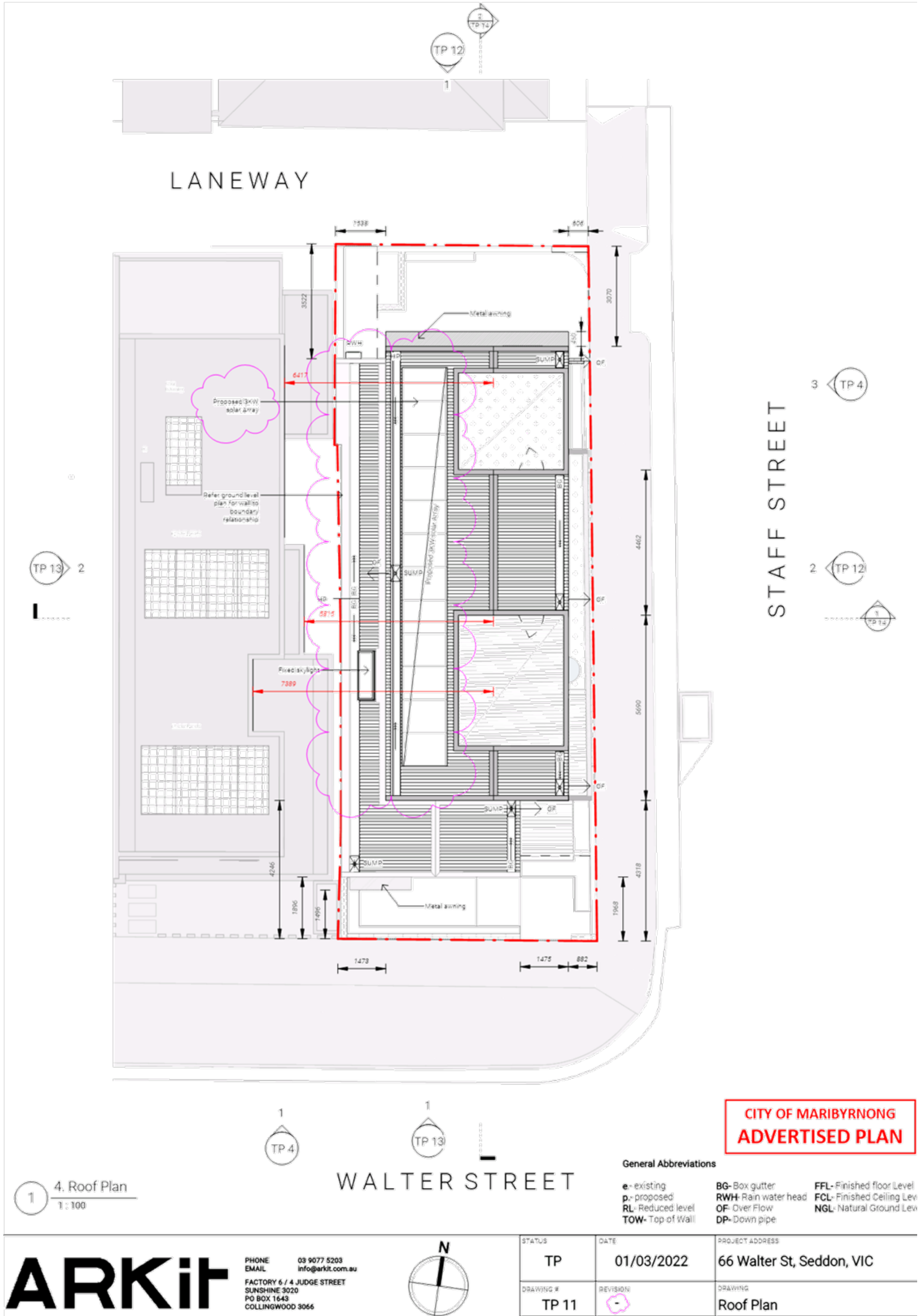






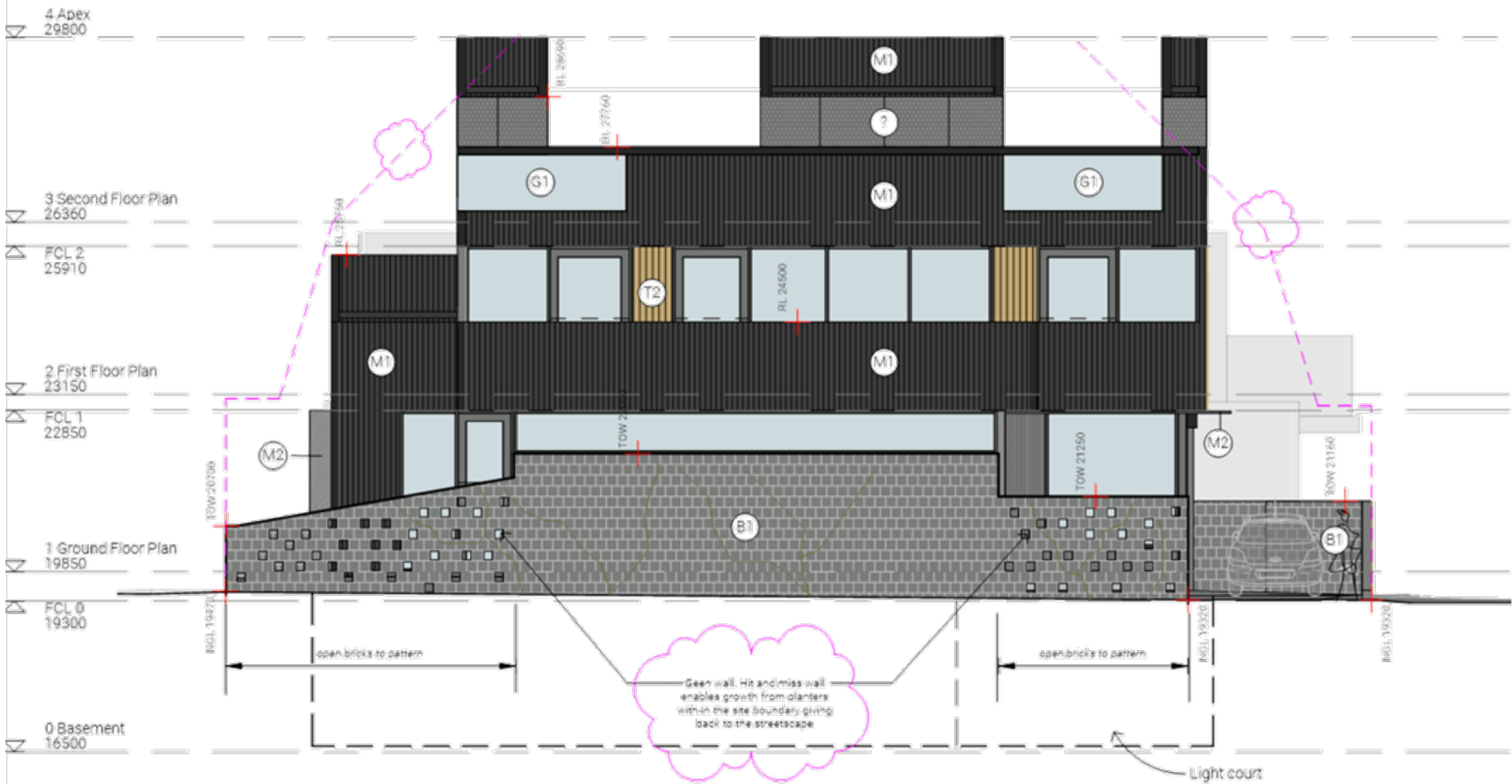








1 Proposed North Elevation  
1 : 100



2 Proposed East Elevation  
1 : 100

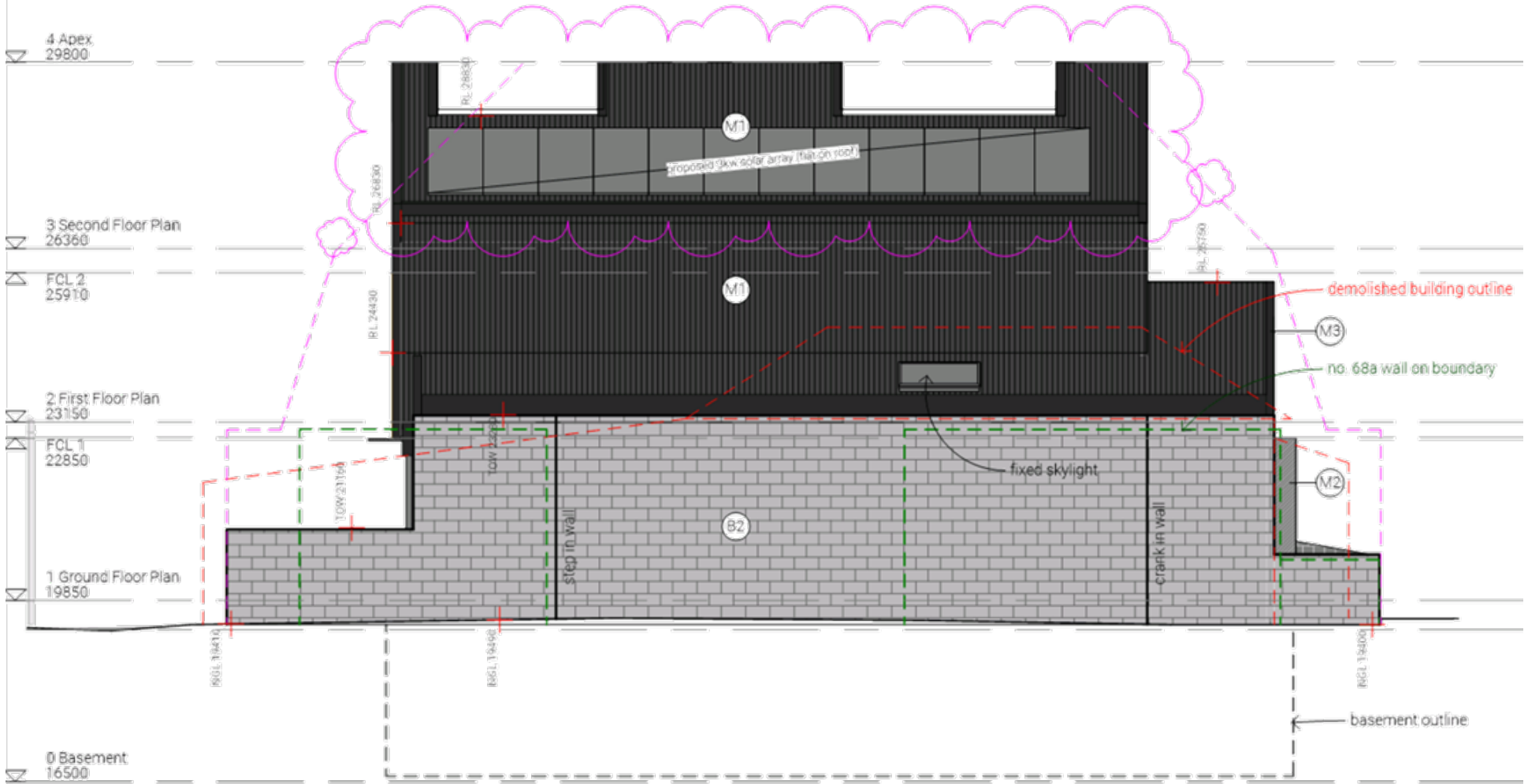
**Note**  
All glazed windows and doors to be double glazed, with a minimum  
• U value 4.8  
• SHGC 0.51

- General Abbreviations**
- e- existing
  - p- proposed
  - RL- Reduced level
  - TOW- Top of Wall
  - BG- Box gutter
  - RWH- Rain water head
  - OF- Over Flow
  - DP- Down pipe
  - FFL- Finished floor Level
  - FCL- Finished Ceiling Level
  - NGL- Natural Ground Level

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1 Proposed South Elevation  
1 : 100



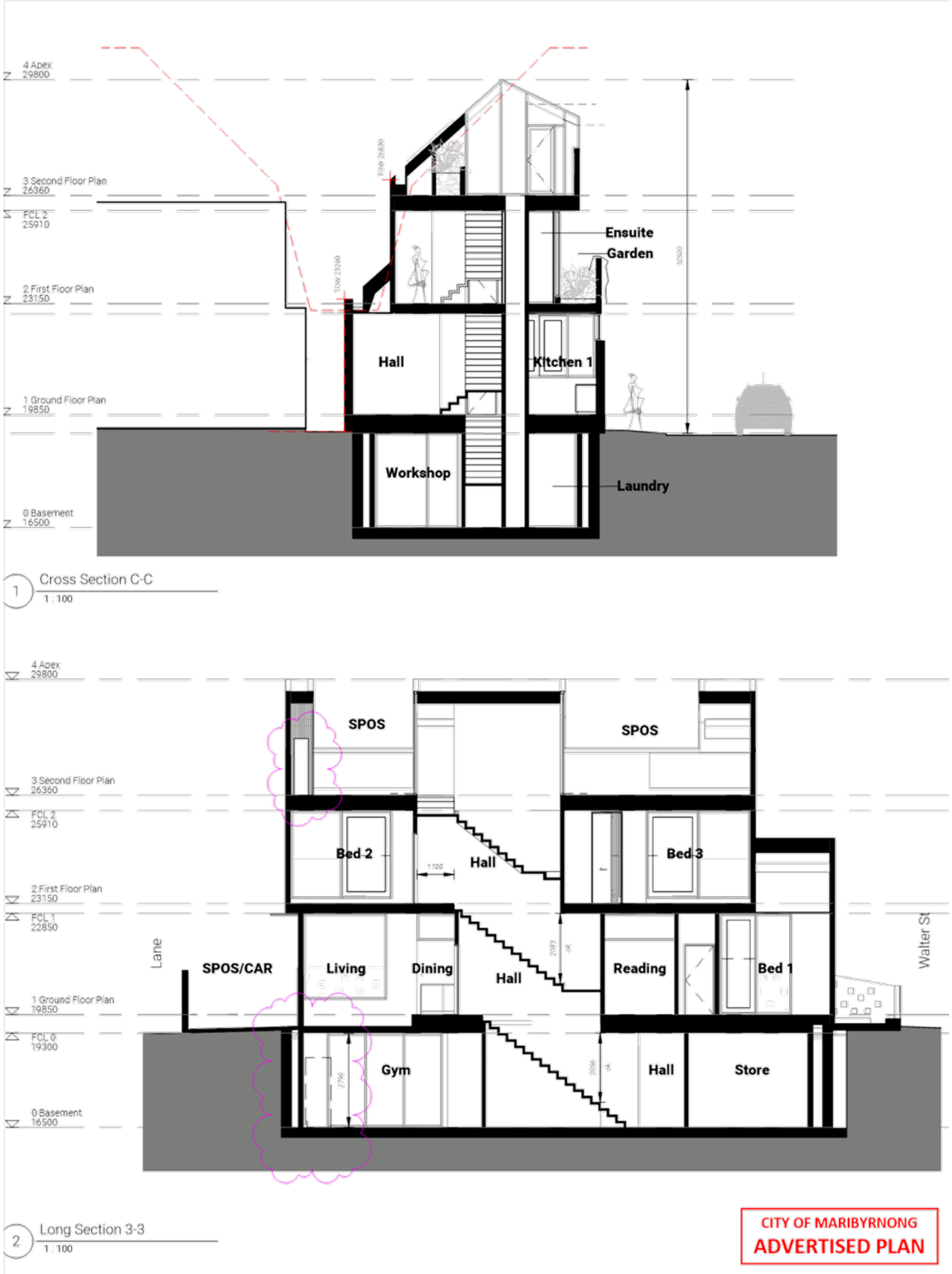
2 Proposed West Elevation  
1 : 100

CITY OF MARIBYRNONG  
ADVERTISED PLAN

**Note**  
All glazed windows and doors to be double glazed, with a minimum  
• U value 4.8  
• SHGC 0.51

**General Abbreviations**  
e- existing  
p- proposed  
RL- Reduced level  
TOW- Top of Wall  
BG- Box gutter  
RWH- Rain water head  
OF- Over Flow  
DP- Down pipe  
FFL- Finished floor Level  
FCL- Finished Ceiling Lev  
NGL- Natural Ground Lev








Materials Board


M1

Corrugated cladding and roofing. Flashings and cappings to match. Monument






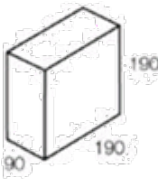
M2




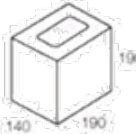
Powder coated metal finish. Monument




B1

Solid square brick with hollows as located on TP13








As scoped on TP13


B2

Standard blockwork wall




E1

Cement Sheet. Cement look. Equitone Tectiva or similar




T1

Shiplap Timber Cladding




T2

Timber Batten Cladding. Max 25mm Gap



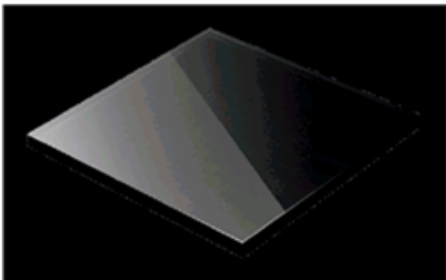
G1

Glass. Tint to future report



G2

Glass. Black out glass



CITY OF MARIBYRNONG  
ADVERTISED PLAN

Agenda Item 6.1 - Attachment 4

CLAUSE 54.02 - NEIGHBORHOOD CHARACTER		
OBJECTIVE	STANDARD	
<b>A1</b> <b>Neighborhood Character</b> <i>To ensure that the design respects the existing neighborhood character or contributes to a preferred neighborhood character.</i> <i>To ensure that the design responds to the features of the site and the surrounding area.</i>	<b>A1</b> <i>The design response must be appropriate to the neighborhood and the site. The proposed design must respect the existing or preferred neighborhood character and respond to the features of the site.</i>	<b>A1 - COMPLIES</b> Refer TP1-4
<b>A2</b> <b>Integration with Street</b> <i>To integrate the layout of development with the street.</i>	<b>A2</b> <i>Dwellings should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Dwellings should be designed to promote the observation of abutting streets and any abutting public open spaces.</i>	<b>A2 - COMPLIES</b> Refer TP1-4
CLAUSE 54.03 - SITE LAYOUT AND BUILDING MASSING		
<b>A3</b> <b>Street setback</b> <i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighborhood character and make efficient use of the site.</i>	<b>A3</b> <i>Walls of buildings should be set back from streets:</i> <i>-At least the distance specified in a schedule to the zone, or</i> <i>-If no distance is specified in a schedule to the zone, the distance specified in Table A1.</i> <i>Porches, pergolas and veranda's that are less than 3.6 meters high and eaves may encroach not more than 2.5 meters into the setbacks of this standard.</i>	<b>A3 - COMPLIES</b> Refer TP1-4
<b>A4</b> <b>Building Height</b> <i>To ensure that the height of buildings respects the existing or preferred neighborhood character.</i>	<b>A4</b> <i>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land:-</i> <b>Maximum specified = 11 meters</b> <i>A building may exceed the maximum building height by up to 1 meter if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 meters, is greater than 2.5 degrees.</i>	<b>A4 - COMPLIES</b> Refer TP1-4.
<b>A5</b> <b>Site Coverage</b> <i>To ensure that the site coverage respects the existing or preferred neighborhood character and responds to the features of the site.</i>	<b>A5</b> <i>The site area covered by buildings should not exceed:</i> <i>-The maximum site coverage specified in a schedule to the zone, or</i> <i>- If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</i>	<b>A5 - Does not comply.</b> The existing residence does not comply with the standard of this design and the majority of the site is built over. This proposal provides an improvement over the current design.  Although the site does not comply with the standard, it complies with the objectives. additional open space is provide to the upper levels. Garden spaces and planters on upper levels.  <ul style="list-style-type: none"><li>• Site Area <b>167m<sup>2</sup></b></li><li>• Proposed building area <b>125m<sup>2</sup></b></li><li>• Coverage = <b>74%</b></li></ul>
<b>A6</b> <b>Permeability</b> <i>To reduce the impact of increased Stormwater run-off on the drainage system. To facilitate on-site Stormwater infiltration.</i>	<b>A6</b> <i>The site area covered by pervious surfaces should be at least:</i> <i>-The minimum area specified in a schedule to the zone; or</i> <i>- If no minimum area is specified in a schedule to the zone, 20 per cent of the site.</i>	<b>A6 - COMPLIES</b> <ul style="list-style-type: none"><li>• Site Area <b>167m<sup>2</sup></b></li><li>• Permeable area= <b>38m<sup>2</sup></b></li><li>• Proposed Permeability <b>22%</b></li></ul>

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**CITY OF MARIBYRNONG  
ADVERTISED PLAN**

<div><div><div>ARKit</div></div><div><div>PHONE: 03 9077 5203 EMAIL: info@arkit.com.au</div><div>FACTORY 6 / 4 JUDGE STREET SUNSHINE 3020 PO BOX 1643 COLLINGWOOD 3066</div></div></div>	<table><tr><td>STATUS</td><td>DATE</td><td>PROJECT ADDRESS</td></tr><tr><td>TP</td><td>01/03/2022</td><td>66 Walter St, Seddon, VIC</td></tr><tr><td>DRAWING #</td><td>REVISION</td><td>DRAWING</td></tr><tr><td>TP 17</td><td>-</td><td>Clause 54 Response</td></tr></table>	STATUS	DATE	PROJECT ADDRESS	TP	01/03/2022	66 Walter St, Seddon, VIC	DRAWING #	REVISION	DRAWING	TP 17	-	Clause 54 Response
	STATUS	DATE	PROJECT ADDRESS										
TP	01/03/2022	66 Walter St, Seddon, VIC											
DRAWING #	REVISION	DRAWING											
TP 17	-	Clause 54 Response											

Agenda Item 6.1 - Attachment 4

CLAUSE 54.04 - AMENITY IMPACTS		
OBJECTIVE	STANDARD	
<b>A13</b> <b>North Facing Windows</b> <i>To allow adequate solar access to existing north-facing habitable room windows.</i>	<b>A13</b> <i>If a north-facing habitable room window of an existing dwelling is within 3 meters of a boundary on an abutting lot, a building should be setback from the boundary 1 meter, plus 0.6 meter for every meter of height over 3.6 meters up to 6.9 meters, plus 1 meter for every meter of height over 6.9 meters, for a distance of 3 meters from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i>	<b>A13 - COMPLIES</b>
<b>A14</b> <b>Overshadowing Open Space</b> <i>To ensure buildings do not unreasonably overshadow existing secluded private open space.</i>	<b>A14</b> <i>Where the sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square meters with minimum dimension of 3 meters, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 PM on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</i>	<b>A14 - COMPLIES</b> refer to <b>TP 6+7</b>
<b>A15</b> <b>Overlooking objective</b> <i>To limit views into existing secluded private open space and habitable room windows</i>	<b>A15</b> <i>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 meters (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 meters above floor level .</i>	<b>A15 - COMPLIES</b> No windows, balconies, terraces, decks or patios are proposed that will permit direct views to SPOS and habitable room windows of an existing dwelling within a horizontal distance of 9 meters, per the standard.

CITY OF MARIBYRNONG  
ADVERTISED PLAN



Agenda Item 6.1 - Attachment 4

CLAUSE 54.05 - ON-SITE AMENITY AND FACILITIES		
OBJECTIVE	STANDARD	
<b>A16</b> <b>Daylight to new windows objective</b> To allow adequate daylight into new habitable room windows.	<b>A16</b> A window in a habitable room should be located to face: An outdoor space clear to the sky or a light court with a minimum area of 3 square meters and minimum dimension of 1 meter clear to the sky, not including land on an abutting lot, or A verandah provided it is open for at least one third of its perimeter, or A carport provided it has two or more open sides and is open for at least one third of its perimeter.	<b>A16 - COMPLIES</b> All proposed habitable rooms have been designed with glazing and access to clear sky in accordance with these standards.
<b>A17</b> <b>Private open space objective</b> To provide adequate private open space for the reasonable recreation and service needs of residents..	<b>A17</b> A dwelling should have private open space of an area and dimensions specified in a schedule to the zone. If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square meters or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square meters. At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square meters and a minimum dimension of 3 meters at the side or rear of the dwelling with convenient access from a living room.	<b>A17 - COMPLIES</b> <b>Basement</b> court= 9sqm <b>Ground</b> entry + garden- 17sqm bed deck- 6sqm north yard- 25sqm <b>Level 1</b> Garden- 7sqm bed 2 deck -5sqm bed 3 deck-6sqm <b>Level 2</b> SPOS= 30sqm+planters  Total = 105sqm
<b>A18</b> <b>Solar access to open space objective</b> To allow solar access into the secluded private open space of a new dwelling.	<b>A18</b> The private open space should be located on the north side of the dwelling, if practicable. The southern boundary of secluded private open space should be set back from any wall on the north of the space at least (2 + 0.9h) meters, where 'h' is the height of the wall.	<b>A18 - COMPLIES</b> The SPOS is located at the north side of the proposed dwelling.
CLAUSE 54.06 - DETAILED DESIGN		
<b>A19</b> <b>Design detail objective</b> To encourage design detail that respects the existing or preferred neighbourhood character.	<b>A19</b> The design of buildings, including: Facade articulation and detailing, Window and door proportions, Roof form, and Verandahs, eaves and parapets, should respect the existing or preferred neighbourhood character. Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	<b>A19 - COMPLIES</b> The residential scale, proportion, and rhythm of the street scape is retained through the careful articulation of building mass, using void, setback, and materials to define and highlight variation in the composition. Refer to rendered image, elevations and material palette for further information.
<b>A20</b> <b>Front fences objective</b> To encourage front fence design that respects the existing or preferred neighbourhood character..	<b>A20</b> A front fence within 3 meters of a street should not exceed: The maximum height specified in a schedule to the zone, or If no maximum height is specified in a schedule to the zone, the maximum height specified in Table A2. Table A2: Streets in Road Zone (Category 1) = Max height 2m Other streets = Max height 1.5m	<b>A20 - COMPLIES</b> The proposed front fence is 1.2m high in proportion to the neighbouring property fences.
<div>CITY OF MARIBYRNONG ADVERTISED PLAN</div>		





Corner of Walter & Staff

CITY OF MARIBYRNONG  
ADVERTISED PLAN

Corner Staff & Lane







Staff St Elevations

CITY OF MARIBYRNONG  
ADVERTISED PLAN

Staff St- Roof top







Walter St Elevation

CITY OF MARIBYRNONG  
ADVERTISED PLAN  
Lane Elevation



**Agenda Item 6.2****MARIBYRNONG FLOOD REVIEW SUBMISSION**

**Director:**                      **Laura Jo Mellan**  
   **Director Planning and Environment Services**

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**PURPOSE**

To seek Council's endorsement of a submission to the Maribyrnong River Flood Review (Attachment 2).

**ISSUES SUMMARY**

- On Friday 14 October 2022, 525 properties in Maribyrnong Township were impacted by the flooding of the Maribyrnong River.
- A significant number of community have been impacted by this event and the extent of the health, social and economic impacts are still not fully understood.
- Council's submission to the Maribyrnong River Flood Review seeks to challenge the narrow scope of the review, in particular the specific exclusion of policy responses and mitigations measures.
- Council's submission addresses the impact of the flood event noting that the rebuild and recovery processes are still underway, Flood Modelling and Warnings, Flemington Racecourse Wall, Flooding and Land use Planning and Melbourne Water's role in Emergency Management
- As outlined in Attachment 2, there are number of areas that the review needs to provide clear recommendations regarding to ensure that flood hazards and the impacts of future events can be minimised.

**ATTACHMENTS**

1. Maribyrnong Flood Review Terms of Reference
2. Maribyrnong Flood Review: Maribyrnong City Council Submission

**OFFICER RECOMMENDATION**

**That the City Development Delegated Committee endorses the submission to the Maribyrnong River Flood Review at Attachment 2.**

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**Agenda Item 6.2****BACKGROUND**

On Friday 14 October 2022, 525 properties in Maribyrnong Township were impacted by the flooding of the Maribyrnong River. This included people's homes, businesses and important community organisations such as places of worship. A significant number of community have been impacted by this event and the extent of the health, social and economic impacts are still not fully understood.

Following the flood event the Victorian Government announced that an Independent Review of the Maribyrnong River Flood event would be undertaken. The Terms of Reference for the review were released in late 2022 with the public invited to make submissions from the 17 January - 17 March 2023. The final report by the Review Panel is expected to be provided in September 2023.

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

The Maribyrnong River Flood Review is being undertaken by an Independent Review Panel. The public were invited to make submissions to the review over a 2 month period from 17 January to 17 March 2023. The Review Panel will consider all relevant submissions and may conduct follow up sessions with individual submitters as required. The Review Panel will then provide a report to Melbourne Water. Melbourne Water will then provide to state government and release publicly. The final report is expected to be provided in September 2023.

The scope of the review is detailed in the Maribyrnong Flood Review Terms of Reference (Attachment 1) and is narrow in its scope with the following elements in scope:

- Describe the specific effects of the flood event
- Confirm the duration and extent of this riverine Flood Event.
- Identify and describe any predictions or modelling relevant to the Flood Event.
- Provide analysis of the impact of the Flood Event compared with predictions or modelling, and the basis for any potential differences.
- Consider other matters relating to hydrology, topography and population that may have made a material contribution.
- The Flemington Racecourse flood wall, specifically examining whether the Flemington Racecourse flood protection wall contributed to the extent and duration of the Flood Event and review the efficacy of Melbourne Water's proposed conditions of approval and mitigation measures relating to the wall and their implementation.
- Assess the characteristics of the rainfall event(s) across the catchment leading to the Flood Event, including consideration of how these compare to historical data, relevant guidelines and flood predictions/modelling that consider climate change
- Recommendations on Melbourne Water's approach to flood modelling and prediction.



**Agenda Item 6.2**

The following matters are identified as being out of the scope of the review:

- Any specific policy responses.
- Future potential mitigation measures such as additional flood walls, levees or dams.
- Overall emergency responses including warnings and evacuation procedures.
- Flood recovery.
- Broad planning matters including planning decisions, frameworks and processes.

Council's submission to the Maribyrnong River Flood Review seeks to challenge the narrow scope of the review, in particular the specific exclusion of policy responses and mitigations measures. An analysis of the impacts of existing policy frameworks and mitigation measures are critical to the review if the Panel are seeking to fully understand the causes and contributions of the flood event.

Whilst it is acknowledged that the recently announced Parliamentary Inquiry is broader in scope and will cover these elements, given the role of Melbourne Water as floodplain manager and as a referral authority for development along the Maribyrnong catchment, the review must consider the land use planning framework and make recommendations on potential changes or reforms as part of this review processes.

The skills required of the panel members in the areas of hydrology and planning mean that they have the technical experience to make recommendations on changes to the land use planning framework which governs development.

Council's submission to the Maribyrnong Flood Review is provided at Attachment 2 and addresses:

- An overview of the impact of the flood event noting that the rebuild and recovery processes are still underway
- Flood Modelling and Warnings
- Flemington Racecourse Wall
- Flood and Land use Planning
- Melbourne Water's role in Emergency Management

As outlined in Attachment 2, there are number of areas that the review needs to provide clear recommendations regarding to ensure that flood hazards and the impacts of future events can be minimised. In summary Council requests that the panel undertake the following:

- Analyse the impact of urban densification, including the Flemington Racecourse wall, along the entire Maribyrnong catchment and the effectiveness of existing planning controls
- Analyse existing stormwater management plans/development services schemes along the catchment to ensure they are factoring in updated modelling and climate change scenarios
- Analyse the effectiveness of current planning controls and policy frameworks in the context of the actual flood impacts
- Consider and model potential flood mitigation measures in the catchment integrated with the analysis of the stormwater management referenced above.

**Agenda Item 6.2**

Recommendations should address, but not be limited to the following areas:

- Changes to modelling and prediction systems and improved transparency for the public on how flood warnings and predications are measured
- A state-wide program to support the community with flood preparedness, similar to the campaigns and education around bushfires
- A state led approach to planning reforms for flooding and broader climate change impacts, similar to the approach taken with the Bushfire Overlays. This will expedite the planning process and enable Melbourne Water to be efficient as it eliminates the need for them to work with each Council on individual planning schemes. This must be done with consideration of the economic and social impacts of any changes on existing properties and communities.
- Identify mitigation measures and treatments for the catchment which can be priorities through the existing Integrated Water Management Forums that exist across the state.

**2. Council Policy/Legislation****Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Strategic Objectives
  - Council will proactively lead our changing City using strategic foresight, innovation, transparent decision making and well-planned and effective collaboration and community engagement to support community and economic growth during the ongoing challenges of the pandemic and beyond.

**Legislation**

*Planning & Environment Act 1987*

*Water Act 1989*

*Emergency Management Act 2013*

**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**

The Maribyrnong River Flood Review is being undertaken by an Independent Panel in respect of the functions and role of Melbourne Water as the flood plain manager. Council is a submitter to an external process as such no specific engagement has been undertaken.



**Agenda Item 6.2**

However, Melbourne Water did engage with the public on the review including online and in-person drop in session with impacts communities. A drop in session was held at Maribyrnong Community Centre on 21 February 2023.

**4. Resources**

Nil.

**5. Environment**

Extreme weather events are predicted to increase as a result of climate change and it is therefore critical that Council continue to advocate to and work with all levels of government and the community to try and address the impacts. This is consistent with Councils adopted *Climate Emergency Strategy 2022-2025*.

**CONCLUSION**

The Maribyrnong River Flood Review, is critical to understanding the causes and contributions to the October 2022 flood event and inform recommendations on improvements across a range of areas from flood modelling and predications to land use planning and community preparedness.

It is therefore recommended that Council endorse the submission at Attachment 2.

# Terms of Reference

## Maribyrnong River Flood Event Independent Review

January 2023

This review is being conducted under the auspices of Melbourne Water in its capacity as floodplain manager as prescribed under the Water Act 1989.

The review relates to the Maribyrnong River Flood Event occurring on 14 October 2022 (**Flood Event**). The Review is focussed on the Flood Event as it relates to the urban catchment of the Maribyrnong River, defined as the part of the river within Greater Melbourne. Greater Melbourne is defined as the area within the Urban Growth Boundary and is marked on the [current map of Greater Melbourne](#) (source: State Revenue Office Victoria [Greater Melbourne and urban zones](#)).

The Maribyrnong River Flood Event Independent Review (**Review**) is a technical review that will report on:

- the causes and contributors to the Flood Event in the urban catchment, including any potential impacts of the Flemington Racecourse Flood Wall on the extent and duration of the Flood Event;
- any impact of prior works or activities in the urban catchment on flood levels and extent during the Flood Event; and
- whether any other matters may have significantly contributed to the Flood Event.

The Review will provide a report to Melbourne Water on the findings and recommendations.

### The Review Panel

The Review will be undertaken by a panel which is to be known as the "Maribyrnong River Flood Event Independent Review Panel" (**The Review Panel**)

1. The Review Panel is to include members with the following skills:
  - a. Hydrology and hydraulic engineering
  - b. Strategic and statutory land use planning
2. The Review Panel is to comprise up to three members, including a Chair (**Review Lead**)
3. The Review Panel may seek external advice as required.

### Background to the Review

Following the Flood Event, the Premier announced that Melbourne Water would undertake a review of the Flood Event and the extent to which the Flemington racecourse flood wall may have contributed to its effects.

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Melbourne Water has committed to establishing an independent and transparent review process.

To this end, Melbourne Water will appoint a qualified and experienced independent person to be the Review Lead, review relevant materials and provide a report. The Review Lead will be supported by independent technical members to advise on any relevant hydrology and technical input to the planning matters relevant to the review, and to undertake a review of any necessary analysis that may be required to inform the review.

### **Scope & Matters to be considered**

#### ***Overall***

The Review should:

1. Describe the specific effects of the Flood Event.
2. Confirm the duration and extent of this riverine Flood Event.
3. Identify and describe any predictions or modelling relevant to the Flood Event.
4. Provide analysis of the impact of the Flood Event compared with predictions or modelling, and the basis for any potential differences.
5. Consider other matters relating to hydrology, topography and population that may have made a material contribution.

#### ***The Flemington Racecourse flood wall***

The Review should:

6. Examine whether the Flemington Racecourse flood protection wall contributed to the extent and duration of the Flood Event.
7. Review the efficacy of Melbourne Water's proposed conditions of approval and mitigation measures relating to the wall and their implementation.

#### ***The rainfall and flood event***

The Review should assess:

8. The characteristics of the rainfall event(s) across the catchment leading to the Flood Event, including consideration of how these compare to:
  - i. historical records
  - ii. the Australian Rainfall and Runoff Guidelines (2019)
  - iii. flood predictions or modelling that accounts for climate change

#### ***Planning for the future***

The Review may provide recommendations in relation to any matter associated with:

9. Melbourne Water's approach to flood modelling and prediction.

#### ***Out of scope***

The following matters are outside the scope of the Review:

1. Any specific policy responses.
2. Future potential mitigation measures such as additional flood walls, levees or dams.
3. Overall emergency responses including warnings and evacuation procedures.
4. Flood recovery.

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### 5. Broad planning matters including decisions, frameworks and processes

#### Method & Timing

STAGES	KEY TASKS
<b>Stage 1: Project setup</b> Oct - Jan 2022	Establishing oversight, Independent Lead, Terms of Reference and Engagement Platforms.
<b>Stage 2: Public submissions</b> Jan '23 - March '23	Receive Public Submissions.
<b>Stage 3: Information and submissions review</b> Feb '23 - May '23	Review Lead considers submissions and considers whether inputs are required from other experts.
<b>Stage 4: Public and expert sessions</b> May '23 - June '23	Review Lead considers/holds expert meetings, consultations or site visits as required.
<b>Stage 5: Report preparation</b> Jul '23 - Aug '23	Review Lead writes up report findings. Melbourne Water may ask questions of clarification only.
<b>Stage 6: Release review findings and recommendations</b> Sep '23	Melbourne Water submit review report to Government. Public release of report.

#### Submissions

The Review Panel will consider all relevant submissions and may conduct one on one interviews, workshops, or hearings with invited submitters. When meeting with submitters a quorum of at least two members, one of whom must be the Chair, must be present.

Melbourne Water will retain written submissions or other supporting documentation provided to it until the Panel Report has been released.

All written submissions will be treated as public documents and will be placed online as part of the Review Panel process, with all personal details redacted unless the Review Panel directs that the material is to remain confidential.

#### Outputs

The Review Lead must produce a written report to Melbourne Water providing:

- an assessment of the matters to be considered as outlined in these Terms of Reference
- a list of persons who made submissions considered by the Review Panel, and
- a list of persons consulted or interviewed by the Review Panel.

Following completion of any report, the Review Panel may deliver an oral briefing to the Melbourne Water Project Control Group.

**Agenda Item 6.2 - Attachment 1**

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**Keep up to date with what's happening**

For more information about this project  
please email:

[maribyrnongriver.floodreview@melbournewater.com.au](mailto:maribyrnongriver.floodreview@melbournewater.com.au)

or visit:

[yoursay.melbournewater.com.au/maribyrnong-river-flood-review](https://yoursay.melbournewater.com.au/maribyrnong-river-flood-review)



Interpreter

For an interpreter, please call the Translating  
and Interpreting Service (TIS National) on:  
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# Maribyrnong River Flood Review Submission Template



## How to use this template

This template has been created to assist you with your email or postal submission to the Maribyrnong River Flood Review. It guides you through what information to provide, based on the scope of the review.

You can lodge a submission by:

1. Completing this template and sending it to [maribyrnongriver.floodreview@melbournewater.com.au](mailto:maribyrnongriver.floodreview@melbournewater.com.au) (with subject line 'Submission to flood review') or Maribyrnong River Flood Review, PO Box 4342, MELBOURNE, VIC, 3001
2. [Completing the online form on the flood review website](#). The online form contains the same questions as this template but it a guided process.
3. Writing a submission without using the template and sending it to [maribyrnongriver.floodreview@melbournewater.com.au](mailto:maribyrnongriver.floodreview@melbournewater.com.au) or Maribyrnong River Flood Review, PO Box 4342, MELBOURNE, VIC, 3001. If you use your own format, please remember to provide your name, phone number and email.

## What to include in your submission

Submissions should outline:

- your interest in the review
- how you were impacted by the Maribyrnong River flood event
- the issues and information you would like the independent Review Panel to consider.

You can provide supporting documents, such as photos, as part of your submission.

The information you provide in your submission should be within the scope of the review as contained in the [Maribyrnong River Flood Review Terms of Reference](#) and focus on the following factors:

- the causes and contributors to the Flood Event in the urban catchment, including any potential impacts of the Flemington Racecourse Flood Wall on the extent and duration of the Flood Event;
- any impact of prior works or activities in the urban catchment on flood levels and extent during the Flood Event; and
- whether any other matters may have significantly contributed to the Flood Event.

For more information on the scope of the review, visit the Maribyrnong River Flood Review website.

**If you have information to share that is outside of the scope of the review, you can provide this by [Sharing your Story on the Maribyrnong River Flood Review website](#) or at a community information session.**



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# Maribyrnong River Flood Review Submission Form



## Contact information

Your contact details must be included to make a valid submission. For more information on why this information is needed see the Privacy Collection Notice at the end of this form.

Name [Maribyrnong City Council](#)

Phone [03 9688 0266](#)

Email [laurajo.mellan@maribyrnong.vic.gov.au](mailto:laurajo.mellan@maribyrnong.vic.gov.au)

## Your interest in the review

What is your interest in the review? (select one)

- ☐ My property was flooded (complete the section 'How you were impacted')
- ☐ I live close to the areas flooded
- ☒ Other interest, please describe: [Local Government Area impacted by Flood Event](#)

## How you were impacted

Only complete this section if your property was flooded during the Maribyrnong River flood event

### 1. Property address

[Maribyrnong City Council](#)

### 2. Property type:

- ☐ Residence (go to Q3)
- ☐ Investment property (go to Q7)
- ☐ Business (go to Q8)
- ☒ Public asset, e.g park, sportsfield, etc (go to 'Your Submission' section)
- ☐ Other, please describe (then go to 'Your Submission' section)  
[Click or tap here to enter text.](#)

### For residences only

- 3. Is this your usual place of residence? ☐ Yes ☐ No
- 4. Did you have to move out? ☐ Yes (go to Q5) ☐ No (go to 'Submission Details' section)
- 5. If Yes, are you still living elsewhere?  
☐ Yes (go to Q6) ☐ No (go to 'Submission Details' section)
- 6. If Yes, do you intend to return? ☐ Yes ☐ No

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### How you were impacted continued

#### For investment properties only

7. Do you intend to keep or sell the property? ☐ Keep ☐ Sell

#### For businesses only

8. What is your business name? [Click or tap here to enter text.](#)

9. What does your business do? (e.g. café, shop, service station, industry, office, etc)  
[Click or tap here to enter text.](#)

10. Did you have to close your business as a result of the flood?  
☐ Yes (go to Q8) ☐ No (go to 'Your Submission' section)

11. Have you been able to reopen your business yet?  
☐ Yes (go to 'Your Submission' section) ☐ No (go to Q9)

12. If No, do you intend to reopen your business? ☐ Yes ☐ No

### Submission details

Use this section to provide any information that you would like to be considered by the Independent Review Panel.

The information you provide must be relevant to the scope of the review; for more information on the scope of the review refer to page 1 of this template.

If you have information to share that is outside of the scope of the review, you can do this by [Sharing your Story on the Maribyrnong River Flood Review website or at a community information session.](#)

Please note that text boxes will expand as you type. If you are using a printed copy of this form you can attach separate pages. You can also submit supporting information, such as images, with your submission.

Maribyrnong City Council welcomes the opportunity to provide a submission to the Maribyrnong Flood Review. This submission has been prepared by officers and we reserve the right to provide further information following consideration by Council.

#### Scope of the Review

MCC challenges the narrow scope of the review, in particular the specific exclusion of policy responses and mitigation measures. An analysis of the impacts of existing policy frameworks and mitigation measures are critical to the review if the Panel are seeking to fully understand the causes and contributions of the flood event.

It is acknowledged that the recently announced Parliamentary Inquiry is broader in scope and will cover these elements, however given the role of Melbourne Water as floodplain manager and as a referral authority for development along the Maribyrnong catchment, the review must consider the land use planning framework and make recommendations on potential changes or reforms as part of this review processes. The skills required of the panel members in the areas of hydrology and planning mean that they have the technical experience to make recommendations on changes to the land use planning framework which governs development.

## Agenda Item 6.2 - Attachment 2

### **Impact of the flood event on Maribyrnong**

On Friday 14 October 2022, 525 properties in Maribyrnong Township were impacted by the flooding of the Maribyrnong River. This included people's homes, businesses and important community organisations such as places of worship. A significant number of community have been impacted by this event and the extent of the health, social and economic impacts are still not fully understood.

This event is much more than just flood waters entering people's homes and destroying their personal belongings. With 525 properties impacted many residents were and continue to be displaced. Residents have reported feeling scared due to the number of strangers that appeared in their street, going through their personal and sometimes sentimental belongings, feelings of isolation because their streets are empty with so many neighbours still living in alternative accommodation and fear that this will happen again soon because they still do not understand what happened and why.

Many residents have never had an experience like this and are now trying to navigate a complex insurance system or face the prospect of not being able to afford insurance to mitigate the financial impact of a future flood event. Whilst Council will work with residents, and advocate for their needs in recovery, issues such as insurance, finding alternative housing, repairing community assets to be more resilient to future events and ensuring residents have the information they need, in their language, regarding warnings and advice are not within Councils power to change or have been raised as issues for many years by local government. We fear that the hesitation in addressing the broad range of issues raised by our community may limit their ability to recover both financially and emotionally from this event.

Council facilities, recreation reserves, open spaces and transport infrastructure were also significantly impacted and damaged by the floods including Coulson Gardens, Footscray Park and community buildings. A number of community organisations and sporting clubs were also directly impacted by the flood with equipment and facilities damaged. Important community events, such as Diwali, also had to be cancelled as a result of the flooding of Footscray Park.

In addition to the economic costs associated with the restoration and repair of these facilities, some of which is not covered by any recovery fund, the inability for the community to access and use these facilities limits the ability for post-flood social connection, which supports the health and wellbeing of our residents.

There was also public health impacts associated with the flood including contamination to soil and the presence of stagnant water after the flood receded. The long term effects of soil contamination, or perceived soil contamination, and unlikely to be known for quite some time.

The financial cost of the flood in Maribyrnong for Council, property owners, residents and business, community groups is still unknown at this stage given the ongoing clean up and repair.

### **Flood Modelling and Warnings**

In the days leading up to the flood of Friday 14 October 2022, information for the community on VicEmergency and information provided to Council from VicSES, fluctuated between major and minor flooding. The final advice, issued on the afternoon of 13 October



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regarding consequences for Maribyrnong were limited to a flood that would impact the Anglers Tavern and a couple of residential properties.

The first time many residents were told to evacuate was via inconsistently distributed text messages sent in the early hours of 14 October. The river ultimately peaked at 4.2 metres, significantly higher than Melbourne Water predicted the night before (Refer Attachment 1). On the morning of the flood, we saw families escaping flood waters by moving to the roof of their home and having to be evacuated by boat given the speed and level of the river rise. This fluctuation and advice meant that residents were confused and were not sure how they should respond, if they should respond at all. The early morning text messages, delivered between 4-6am, meant that most residents were asleep during the key warning period.

Melbourne Water also have a key role working with Council and the SES to support the community to be flood prepared. This includes predicting flood levels to enable accurate early warning, issuing emergency advice and door-knocking.

Given the immediate and ongoing health and wellbeing, social and economic impacts of environmental disasters on the community, it is critical that the review analyse the existing flood modelling and warning systems to ensure that SES and Council have access to accurate information to respond to and plan for flood events. Melbourne Water has a key role in managing and protecting major waterways, including regulating development outlined in the State Emergency Management Plan (SEMP). Going forward Melbourne Water have a key role to play in supporting community recovery and emergency planning for floods, including supporting community preparedness.

### **Flood Management and Land Use Planning**

The review must analyse the impacts of urban development along the entire catchment of the Maribyrnong and make recommendations on mitigation measures and land use planning changes.

The Maribyrnong Township is affected by the Land Subject to Inundation Overlay (LSIO) as a result of the potential flooding impacts associated with the lower Maribyrnong River. The LSIO means that planning permission is required to construct a new dwelling or to extend an existing dwelling. Importantly, the LSIO does not trigger then need for a planning permit where no changes to the floor level are proposed.

The result of the existing LSIO control is that dwellings affected by the October 2022 flood are able to be almost entirely demolished down to foundation level, and reconstructed without requiring either Melbourne Water and/or Council permission. Requiring Melbourne Water and/or Council permission would allow consideration of future flooding impacts, with advice given regarding flood preparation and mitigation.

Dwellings currently being reconstructed at the same floor level will be as equally unprepared and/or affected by the impacts of flooding as they were in October 2022. While Council understand this is primarily a decision for the property owner to make, the existing controls are not allowing adequate consideration of future flood events. Council would welcome any review into the existing planning controls to ensure they are fit for purpose.

Further, while the area currently affected by the LSIO was consistent with the areas impacting by recent flood events, the flood levels identified by the LSIO were, in some cases, inadequate to protect homes. The flood data is based on a 1 in 100 year flood event, with the October 2022 flood resulting in flooding above the 1 in 100 year flood levels in

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certain areas. Council would support a state led review of flood levels in the wake of the October 2022 flood event to ensure that identified levels take into account the more frequent and intense weather events likely to occur as a result of climate change.

The flood management plan for the City of Maribyrnong must be reviewed as a matter of urgency and should include at least provide two flood level scenarios:

1. Australian Rainfall & Runoff 2019 (ARR2019 - industry standard)
2. ARR2019 plus additional climate change consideration

This would give an understanding of the 'traditional' flood levels from the model plus a 'climate change' flood level for consideration. This data must be kept current and reviewed annually or bi-annually at a minimum to ensure that everyone understands the potential impacts of the next flood. Melbourne Water must be the primary agency for ensuring the accuracy and relevancy of flood mapping in local planning scheme.

### **Flemington Racecourse Wall**

Maribyrnong City Council objected to the construction of the flood wall at Flemington Racecourse. Council had concerns with the methodology used in the preparation of the hydrology report and therefore the modelling relied upon which concluded that there would be no upstream or downstream impacts as a result of the proposed wall. Council also had concerns with the design of the floodwall and engaged a consultant to undertake a review of the design, which identified various limitations and issues and recommended alternative responses for consideration as part of VCAT submission.

### **Summary of considerations for the Review Panel**

As outlined in the submission above, there are number of areas that the review needs to provide clear recommendations regarding to ensure that flood hazards and the impacts of future events can be minimised. In summary MCC requests that the panel undertake the following:

- Analyse the impact of urban densification, including the Flemington Racecourse wall, along the entire Maribyrnong catchment and the effectiveness of existing planning controls
- Analyse existing stormwater management plans/development services schemes along the catchment to ensure they are factoring in updated modelling and climate change scenarios
- Analyse the effectiveness of current planning controls and policy frameworks in the context of the actual flood impacts
- Consider and model potential flood mitigation measures in the catchment integrated with the analysis of the stormwater management referenced above.

Recommendations should address, but not be limited to the following areas:

- Changes to modelling and prediction systems and improved transparency for the public on how flood warnings and predications are measured
- A state-wide program to support the community with flood preparedness, similar to the campaigns and education around bushfires
- A state led approach to planning reforms for flooding and broader climate change impacts, similar to the approach taken with the Bushfire Overlays. This will expedite the planning process and enable Melbourne Water to be efficient as it eliminates the need for them to work with each Council on individual planning schemes. This must be done with consideration of the economic and social impacts of any changes on existing properties and communities.
- Identify mitigation measures and treatments for the catchment which can be priorities through the existing Integrated Water Management Forums that exist across the state.



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MCC would welcome the opportunity to discuss the contents of this submission with the Panel.

### Privacy collection notice

As part of the submission process you will be asked to provide your name, phone number and email, plus your address if you were directly impacted by flooding.

We're collecting this in case we need to verify or clarify the information you provide, including if the Review Panel wishes to conduct a one on one interview with you. It won't be used for any other purpose.

Our collection, use and disclosure of your personal information is regulated by Victorian privacy laws including the *Privacy and Data Protection Act 2014* (Vic).

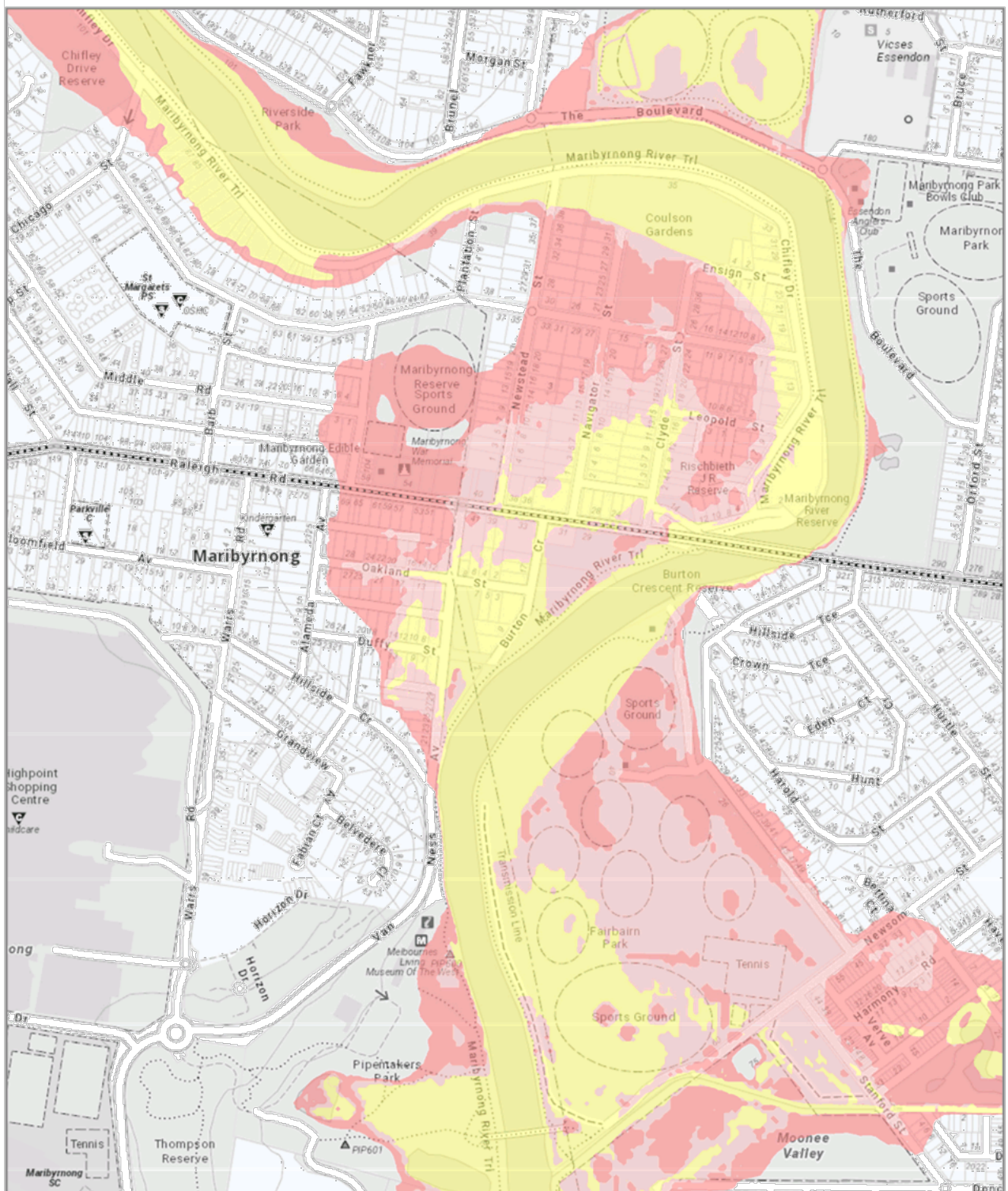
Please note that all submissions are public documents and will be placed online as part of the Review Panel process. Any identifying information will be redacted, and your name and contact information will not be shared.

By making a submission, you consent to Melbourne Water collecting any personal information which you provide in, and with, your submission.

For more information about how Melbourne Water protects your privacy view our [Privacy Policy](#).

## Agenda Item 6.2 - Attachment 2

### SES - Severe Weather Oct - Maribyrnong - Flood Extent 15:34hrs 14 Oct 2022 - A3P 1:7,500



Print Date: 14/10/2022  
Print Time: 15:34:41

PROJECTION: Lambert Conformal Conic  
HORIZONTAL DATUM: GDA 1994  
COORDINATE SYSTEM: GDA 1994/VICGRID94

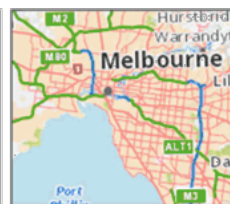


#### Legend

- 15/10/22 00:00hrs - 10% AEP (Moderate)
- 15/10/22 19:00hrs 5% AEP (Major)
- 15/10/22 15:00hrs 2% AEP (Major)

(This map is a computer-generated representation of the data provided. It is not a substitute for a professional survey or other relevant information. The data is provided as a guide only and should not be used for any purpose other than the intended use. The data is provided as a guide only and should not be used for any purpose other than the intended use. The data is provided as a guide only and should not be used for any purpose other than the intended use.)

MXD name: C:\Data\2022\014\proj\2022\014\_1420 SES - SEVERE WEATHER OCT MAPPING - Maribyrnong.mxd  
PG: Right: floodan.mxd  
PG Number: 0602043473



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