



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

**Tuesday, 19 July 2011**

**Minutes**

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# Minutes of the Ordinary Meeting of Council

Tuesday, 19 July 2011 at 7.02pm  
held at the Moonee Valley Civic Centre

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## PRESENT

**Members:** Cr John Sipek Mayor  
Cr James Rankin  
Cr Jan Chantry  
Cr Shirley Cornish  
Cr Jim Cusack  
Cr Miriam Gillis  
Cr Paul Giuliano  
Cr Ange Kenos  
Cr Narelle Sharpe

**Officers:** Mr Neville Smith Chief Executive  
Mr Bryan Lancaster Director City Works & Development  
Mr Anthony Smith Director Corporate Services  
Mr Stuart Gillespie Executive Manager Citizen Services & Information Management  
Mr Tony Ball Executive Manager Community Services  
Mr Scott Widdicombe Executive Manager Environment & Lifestyle  
Ms Yvonne Hansen Acting Manager Governance

### 1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 19 July 2011.

### 2. Apologies

Nil.

### 3. Confirmation of Minutes

Moved by Cr Cusack, seconded by Cr Rankin that the Minutes of the Ordinary Meeting of Council held on Thursday, 23 June 2011 be confirmed.

**CARRIED**

### 4. Declarations of Conflict of Interest

Nil.

### 5. Presentations

Nil.

**6. Petitions And Joint Letters**

**6.1 Traffic Concerns - The Parade, Ascot Vale**

**File No.** 63/020/011

**Minute No.** 2011/74

Cr Rankin tabled a joint letter signed by 42 residents requesting that Council consider introducing a 'no right turn' condition for vehicles turning into The Parade, Ascot Vale from Epsom Road, Ascot Vale during 7.00am to 9.00am in order to reduce the increased traffic flows during these times.

**6.2 Installation of Speed Humps, Amis Crescent, Keilor East**

**File No.** 63/001/041

**Minute No.** 2011/75

Cr Kenos tabled a joint letter signed by 60 individuals seeking the installation of speed humps to help support the newly established pedestrian crossing located in Amis Crescent, Keilor East.

*In tabling the joint letters, the Appropriate Officers are required to undertake the necessary action and if necessary provide a further report to Council.*

Cr Jan Chantry tabled a letter opposing the YMCA's proposal for use of the former Fire Station situated on the corner of Bulla Road and Woodland Street, Essendon.

**7. Public Question Time**

Mr Fred McNulty of Strathmore asked the following questions in relation to the application for 61 Willonga Street, Strathmore:

**Question:**

The applicant's submission indicates that the angle of inclination from the landing to the garage is 19.147°:

- a) Is 19.147° slope an acceptable steepness (in other words, does it meet the necessary criteria)? and
- b) Has Council given due consideration to the fact that the 2009 VCAT ruling made it clear that although amendments may be made to meet some regulations the site is not and will never be suited to dual occupancy?

**Response:** Neville Smith, Chief Executive

The Australian Standard AS/NZS 2890.1 states that the maximum gradient of domestic driveways shall be 1 in 4 or 25 %. The proposed grade is less the maximum grade specified and therefore complies with this standard. Also the standard notes that limiting driveway grades to 25% maximum may not be practical in some locations and in those cases a professionally qualified person with appropriate experience may be required to make a judgement. Council's engineers have assessed the proposal and have no concerns with the grade proposed.

In relation to the previous VCAT decision, a thorough analysis of the VCAT order was made as part of the planning assessment (refer Council report). It is noted that the Tribunal member advised that: "It may be that the site constraints are such that site is only suitable for one dwelling." It is acknowledged that the site has constraints including topography and limited site area. However, the changes in comparison to the proposal previously considered by the Tribunal, include:

- increased setbacks,
- reduction to the building height, and
- alterations to the design detail of the proposal, such as the removal of the pergola/roofing structures (measuring over 3m in height) over the balconies facing the street, the creation of a central pedestrian entrance to the dwellings, and the provision of hipped roof forms.

These changes were considered significant enough by the assessing officer to warrant a recommendation in support of the proposal.

**8. Reports By Mayor And Councillors**

**File No.** FOL/10/357

**Minute No.** 2011/76

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Kenos that the reports by the Mayor and Councillors be received.

**CARRIED**

**9. Report on Advisory Committees**

Nil.

**10. Notices of Motion**

Nil.

## 11. Reports

### 11.1 21 Balmoral Ave, Strathmore (Lot 60 PS 008887) - Construction of three double storey dwellings

**File No:** MV/4/2011  
**Author:** Senior Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2011/77

#### Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/4/2011 for the construction of three dwellings (two double storey and one single storey) at 21 Balmoral Avenue, Strathmore, (Lot 60 on PS 008887), subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) The deletion of the second level from Dwelling 3. All required modifications must be undertaken so to ensure compliance with Clause 55 of the Moonee Valley Planning Scheme.
  - b) The double crossovers associated with Dwellings 1 and 2 to be reduced to single crossovers with a maximum width of 3m.
  - c) The crossover associated with Dwelling 1 to be consolidated with the existing crossover at No. 19 Balmoral Avenue.
  - d) Details of all internal and external fencing including details of any fence which delineates the front yard of Dwellings 1 and 2.
  - e) Complete dimensions of the secluded open space area of Dwelling 3.
  - f) A schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roof, fascias, windows frames, fences and paving.
  - g) All obscure glazed windows to be clearly delineated to be fixed or provided with a maximum opening of 100mm.
  - h) The relocation of the Telstra pit a minimum of 1m from the proposed crossover of Dwelling 1. The cost of the relocation must be borne by the owner and to the satisfaction of the Relevant Authority.

- i) The carport associated with Dwelling 3 is to be a readily removable lightweight structure including all structural members and roofing.
- j) The concrete slab associated with the garage of Dwelling 3 to include 'saw cuts' where it extends over the easement. Such a notation must be placed on the plans.

Once approved these plans become the endorsed plans of this permit.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to any building or works commencing, a Construction Management Plan must be submitted to and approved by the Responsible Authority detailing the construction activity proposed. The plan must include, but not be limited to:
  - a) Hours of construction.
  - b) Parking and traffic movement of all workers' vehicles and construction vehicles.
  - c) Scaffolding and hoarding for the site.
  - d) Allocated areas for loading and unloading.
  - e) Site evacuation plan and procedure.
  - f) Occupational health and safety policy.
  - g) Hazard identification and control.
  - h) Environmental management and waste minimisation.
  - i) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility.
  - j) On site stormwater contamination.
  - k) Chemical storage.
  - l) Noise and vibration.
  - m) Risk assessment.
  - n) Works timetable.
  - o) Number of workers expected of work on the site at any one time.

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

4. Prior to the issue of an occupancy permit for the development all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
6. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the buildings.

7. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
8. The car parking areas and access ways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable). The car park area and driveways must be maintained to the satisfaction of the Responsible Authority.
9. The footpath is to be constructed within the laneway in accordance with the Moonee Valley City Council Drawing No.34 (Standard Reinforced Concrete Paving for Right of Ways). All costs associated with the construction of the footpath must be borne by the permit holder.

The footpath must not exceed 1.2m in width and to have no kerb and channel but the path be raised to the satisfaction of the Responsible Authority.

Prior to the commencement of buildings and works, detailed engineering drawings to show the construction of the footpath are to be submitted to and approved by the Responsible Authority. The footpath is to be surveyed and designed by a qualified surveyor/civil engineer respectively. The plans are to indicate, existing surface levels, proposed surface levels and construction of the footpath in accordance with the requirements of Moonee Valley City Council Drawing.

Construction of the footpath as specified in this permit must be satisfactorily completed upon the issue of an Occupancy Permit for the approved development. The footpath is to be constructed and properly drained to the satisfaction of the Responsible Authority.

10. Provision must be made for the drainage of the land including landscaped and pavement area. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
11. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
12. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.

13. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
  - a) Plans which accord with the site layout plan for endorsement as a consequence of Condition 1 of this permit.
  - b) A planting schedule to show the number and species of proposed plants including pot size at planting and height and spread at maturity.
  - c) The inclusion of a canopy tree within the front yard of Dwellings 1 and 2.
  - d) The inclusion of drought tolerant species.
  - e) An automatic drip system to be installed.
  - f) The proposed design features such as paths, paving, lawn and mulch.Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.
14. Prior to the occupation of the development hereby permitted, all landscaping, (including trees, shrubs and lawn) must be completed in accordance with any approved landscape plan to the satisfaction of the Responsible Authority.
15. Prior to the occupancy permit being issued, all new boundary fences as identified on the endorsed plans must be constructed to the satisfaction of the Responsible Authority. The cost associated with the construction of the boundary fences must be borne by the owner /permit holder.
16. This permit will expire if:-
  - a) the development does not start within two (2) years of the date of issue of this permit; or
  - b) the development is not completed within four (4) years of the date of issue of this permit

Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

**Permit Notes**

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's engineering Services Department regarding legal point of discharge, new crossings, building over easements etc.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Department and to the satisfaction of the Responsible Authority.
- A Legal Point of Discharge is required for any development of this site.

- No on-street carparking permit will be issued to residents of the proposed development.
- It is the responsibility of the developer to verify the exact location and condition of the Council easement and barrel drain prior to the commencement of any works.
- The On-Site Detention (OSD) is to limit the rate of stormwater discharge from the property to pre-development levels (C=0.4, tc=5mins, ARI 1in5). An ARI of 1in10 shall be used for storage and the greater of post development C or C=0.80. A drainage layout prepared by a Civil Engineer together with computations for the On Site Detention System and manufacturers specifications are to be submitted to this department for approval.

**CARRIED**

**11.2                    17 Creswell Avenue, Airport West (Lot 315 on PS008376) -  
Construction of three dwellings (two double storey and one  
single storey dwelling).**

**File No:**                MV/99/2011  
**Author:**                Town Planner  
**Directorate:**        City Works & Development  
**Ward:**                    Rose Hill  
**Minute No:**         2011/78

**Council Resolution**

Moved by Cr Kenos, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/99/2011 for the Construction of three dwellings (two double storey and one single storey dwelling) at 17 Creswell Avenue, Airport West (Lot 315 on PS008376) subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) The width of the internal accessway associated with Dwelling 1 to be 3m.
  - b) The bedroom 3 window associated with Dwelling 1 and the bedroom 2 windows associated with Dwelling 2 to be obscure glazed, fixed or restricted opening to 100mm, to 1.7m in height from finished floor level.
  - c) The bedroom 1 window associated with Dwelling 3 to be double glazed.

- d) The accurate Relative Levels (RL) associated with this development, measured from Natural Ground Level (NGL). Such levels must not exceed 74.46m (AHD).
- e) The crossover associated with Dwelling 1 to be constructed as a double crossover with the adjoining property.
- f) The deletion of the landscaping strip for a distance of 8m along the southern boundary, adjacent to the single car garage associated with Dwelling 3.
- g) The replacement of the Colorbond front fence with a 900mm high fence with a design and style that compliments the existing and surrounding streetscape.

Once approved these plans become the endorsed plans of this permit.

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 4. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 5. The privacy screens as shown on the endorsed plans must be installed prior to the occupancy permit being issued for the development.
- 6. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
- 7. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
- 8. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.

9. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
10. Prior to the Occupancy Permit being issued for the development all boundary fences must be constructed as per the endorsed plans. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
11. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
12. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
  - a) Plans to accord with Condition 1 of this permit.
  - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
  - c) The use of drought tolerant species.
  - d) The provision of a canopy tree within the front setback of Dwelling 1 which is able to achieve a minimum mature height of 4 metres.
  - e) Features such as paths, paving and accessways.
  - f) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems.

Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.
13. Prior to the occupation of the development hereby permitted, all landscaping, including trees, shrubs and lawn, shall be planted to the satisfaction of the Responsible Authority.
14. The dwelling must be constructed so as to comply with any noise attenuation measures required by Section 3 of Australian Standard AS 2021 – 2000, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia International Ltd.

15. Once construction commences, any structure or building activity (eg construction cranes) on the subject land, either permanent or temporary, must not penetrate prescribed airspace surfaces without approval of Essendon Airport.
16. This permit will expire if:-
  - a) The development does not start within two (2) years of the date of this permit; or
  - b) The development is not completed within four (4) years of the date of this permit.

Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

**Permit Notes**

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's engineering Services Department regarding legal point of discharge, new crossings, building over easements etc.
- All stormwater runoff from the development is to drain via an underground drainage system and discharge to the existing drainage system.
- A permit must be obtained from Council for all vehicular crossings.
- No on street parking permits will be provided to the occupiers of the subject site.
- The On Site Detention System is to limit the rate of stormwater discharged from the property to pre-development levels (C=0.4, tc=5mins, ARI 1in5). An ARI of 1in10 shall be used for storage and the greater of post development C or C=0.80.
- It is the responsibility of the developer to verify the exact location and condition of the easement drain prior to the commencement of any works.
- All landscaping proposed over any MVCC drainage easement must be submitted and approved by Councils Urban Design Department.

**CARRIED**

**11.3                    58 Creswell Avenue, Airport West (Lot 278 LP8376) -  
Construction of three double storey dwellings**

**File No:**                MV/21296/2010  
**Author:**                Town Planner  
**Directorate:**        City Works & Development  
**Ward:**                    Rose Hill  
**Minute No:**        2011/79

**Council Resolution**

Moved by Cr Cornish seconded by Cr Kenos that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/21296/2010 for the construction of three dwellings (two double storey and one single storey) at No.58 Creswell Avenue, Airport West, Lot 278 LP8376, subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) The deletion of the second level from Dwelling 3. All required modifications must be undertaken so to ensure compliance with Clause 55 of the Moonee Valley Planning Scheme.
  - b) Units 1, 2 and 3 to be labelled as Dwellings 1, 2 and 3 respectively.
  - c) The Finished Floor Levels and Finished Ceiling Levels for each dwelling on the elevation plans.
  - d) The first floor north facing 'retreat' windows associated with Dwelling 1 to be treated/screened in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
  - e) The first floor south facing 'bedroom 3' window associated with Dwelling 1 to be treated/screened in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
  - f) The window sill height of all first floor north and south facing habitable room windows from their respective finished floor levels.
  - g) All obscure glazed windows to be fixed or provided with a maximum opening of 100mm.
  - h) The maximum overall height of the development to be no more than 79.66m AHD.

Once approved these plans become the endorsed plans of this permit.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
5. The privacy screens as shown on the endorsed plans must be installed prior to the issue of an Occupancy Permit.
6. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
7. All vehicle access points must be located a minimum of 1.0 metres from any infrastructure including service pits. Alternatively such assets must be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in associated with relocation and/or amendment must be incurred at the owner's cost to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
8. Provision must be made for the drainage of the land including landscaped and pavement area. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
9. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
10. Prior to the issue of an Occupancy Permit, a timber paling fence must be erected along the northern, eastern and southern boundaries. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
11. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.

12. Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of the Australian Standard AS 2021-2000, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Australia International Ltd.
13. Once construction commences, any structure or building activity (e.g. construction cranes) on the subject land, either permanent or temporary, must not penetrate prescribed airspace surfaces without approval of Essendon Airport.
14. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
  - a) Plans which accord with the site layout plan for endorsement as a consequence of Condition 1 of this permit.
  - b) The proposed design features such as paths, paving, lawn and mulch.Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.
15. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
16. This permit will expire if:-
  - a) the development does not start within two (2) years of the date of issue of this permit; or
  - b) the development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

#### **Permit Notes**

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's engineering Services Department regarding legal point of discharge, new crossings, building over easements etc.

- The OSD is to limit the rate of stormwater discharge from the property to pre-development levels (C=0.4, tc=5mins, ARI 1in5). An ARI of 1in10 shall be used for storage and the greater of post development C or C=0.80. A drainage layout prepared by a Civil Engineer together with computations for the On Site Detention System and manufacturers specifications are to be submitted to this department for approval.
- The rear wall of Dwelling 3 is proposed to be constructed on the property boundary abutting an easement with 59 Elstone Avenue. A Build over Easement application will need to be submitted for Council approval.
- A permit must be obtained from Council for all vehicular crossings.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Department and to the satisfaction of the Responsible Authority.
- No on street parking permits will be provided to the occupiers of the subject site.

**CARRIED**

**11.4                      61 Willonga Street, Strathmore (Lot 2, PS 443359F) -  
Construction of two dwellings**

**File No:**                MV/21039/2010  
**Author:**                Senior Town Planner  
**Directorate:**        City Works & Development  
**Ward:**                    Buckley  
**Minute No:**         2011/80

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Chantry that Council resolves to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/21039/2010 for the construction of two dwellings at 61 Willonga Street, Strathmore (Lot 2, PS 443359F) on the following grounds:

1. The proposed development does not sufficiently comply with the provisions of Municipal Strategic Statement (MSS) relating to Clause 21.05 (Built Environment) of the Moonee Valley Planning Scheme as the proposed development would result in:
  - a) A large-scale development which is not responsive to the surrounding context and fails to appropriately address the adjoining residential interfaces.
  - b) Unacceptable building bulk, height and scale.

2. The bulk, scale, form and layout of the proposal fails to meet Clause 55.02 of the Moonee Valley Planning Scheme (Neighbourhood Character and Infrastructure Objectives), as it does not respect the character of the existing neighbourhood or integrate well with the street.
3. The internal accessway does not provide for safe or efficient vehicular movements, contrary to Clause 55.03-9 Access objectives and Clause 55.03-10 Parking location objectives of the Moonee Valley Planning Scheme.  
Before any future applications, a Section 173 Agreement or a carriage way easement be created prior to any application.
4. The location of the accessway and parking is an unsympathetic and inappropriate design response that would result in unacceptable noise and amenity impacts to adjacent residential land, contrary to Clause 55.04-8 Noise impacts objective of the Moonee Valley Planning Scheme.
5. The proposed design does not comply with the objectives and standards associated with the following ten Clauses of ResCode:
  - a) 55.02-1 – Neighbourhood Character
  - b) 55.06-4 – Site Services
  - c) 55.02-5 - Integration with Street Objective
  - d) 55.03-5 - Energy Efficiency Objective
  - e) 55.03-7 - Safety Objective
  - f) 55.03-8 - Landscaping Objective
  - g) 55.03-9 - Access Objective
  - h) 55.03-11 - Parking Provision Objective
  - i) 55.04-1 - Side and Rear Setbacks Objective
  - j) 55.06-1 - Design Detail Objective
6. The development is not site responsive and would represent an over development of the land.

**CARRIED**

**11.5 Planning Scheme Amendment C113 - 2 Vida Street, Aberfeldie**

**File No:** FOL/11/687  
**Author:** Strategic Research and Planning Officer  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2011/81

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Sharpe that Council:

1. Seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C113.
2. Request the Minister for Planning to exempt Council from the notice requirements of Section 19 of the Planning and Environment Act 1987, in accordance with Section 20(2) of the Planning and Environment Act 1987.
3. Receive a further report at the end of any notification required.

**CARRIED**

**11.6 Activity Centre Zone - Moonee Ponds Activity Centre**

**File No:** 28/014/100  
**Author:** Coordinator Strategic Planning  
**Directorate:** Strategic & Statutory Planning  
**Ward:** Myrnong  
**Minute No:** 2011/82

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Rankin that Council:

1. Seek authorisation from the Minister for Planning to prepare Amendment C100 to the Moonee Valley Planning Scheme, generally in accordance with the following changes:
  - a) Amending the following clauses of the Local Planning Policy Framework:
    - i) Clause 21.05 (Built Form) – providing additional direction on the built form character of the Moonee Ponds Activity Centre by inserting reference to medium and higher density housing.

- ii) Clause 21.06 (Activity Centres) – providing specific objectives and strategies in relation to the Moonee Ponds Activity Centre and inserting the Moonee Ponds Activity Centre Framework Plan into the Clause. In addition, including the Moonee Ponds Activity Centre Structure Plan as a reference document.
  - iii) Clause 21.07 (Economic Development) – updating strategy in relation to key strategic sites.
  - iv) Clause 21.09 (Transport and Access) – updating strategy in relation to the Moonee Ponds public transport interchange.
  - v) Clause 22.01 (Residential Development of Four or More Storeys) – updating the purpose of the policy to reference the Activity Centre Zone.
- b) Deleting Schedule 1 to Clause 37.01 - Special Use Zone that currently relates to land at 756 Mt Alexander Road, Moonee Ponds.
  - c) Introducing a new zone, Clause 37.08 – Activity Centre Zone into the Moonee Valley Planning Scheme.
  - d) Introducing Schedule 1 to the Activity Centre Zone for the Moonee Ponds Principal Activity Centre into the Moonee Valley Planning Scheme.
  - e) Rezoning the majority of land (with the exception of the Moonee Valley Racecourse, land in a Road Zone and land within a Public Use Zone - Transport) within the Moonee Ponds Principal Activity Centre to the Activity Centre Zone – Schedule 1.
  - f) Introducing the Environmental Audit Overlay over land at 2-14 Hinkins Street and 5 Davies Street, Moonee Ponds.
  - g) Deleting Schedule 1 to Clause 43.04 – Development Plan Overlay.
  - h) Removing Design and Development Overlay – Schedule 4 from land within the boundary of the Moonee Ponds Activity Centre.
  - i) Rezoning 29-31 Margaret Street, Moonee Ponds (car park for Moonee Ponds train station) from Residential 1 Zone to Public Use Zone - Schedule 4.
- 2. Subject to obtaining Ministerial consent, exhibit Moonee Valley Planning Scheme Amendment C100.
  - 3. Receive a further report following the exhibition of the amendment.

**CARRIED**

**11.7 Union Road Shopping Centre Parking Study**

**File No:** FOL/10/92  
**Author:** Coordinator Transport  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2011/83

**Council Resolution**

Moved by Cr Cusack, seconded by Cr Gillis that Council:

1. Endorse the Traffic Management Plan (refer Appendix C- separately circulated) for the Union Road Shopping Centre Parking Study for Community Consultation.
2. Prepare a consultation plan for Ward Councillors consideration and agreement in two weeks prior to consultation commencing.
3. Receive a further report on feedback received during the consultation period.

**CARRIED**

**11.8 Airport West Parking Study**

**File No:** FOL/10/328  
**Author:** Coordinator Transport  
**Directorate:** City Works & Development  
**Ward:** Rose Hill  
**Minute No:** 2011/84

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Kenos that Council:

1. Endorse the findings of Airport West Traffic and Parking Study, as presented in this report.
2. Consult with the Bus Company and residents for the development of traffic management measures along Parer Road with the aim of reducing excessive traffic speed.

**CARRIED**

**11.9 Holmes Road Business Precinct Parking Study**

**File No:** FOL/10/328  
**Author:** Coordinator Transport  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2011/85

**Council Resolution**

Moved by Cr Cusack, seconded by Cr Rankin that Council:

1. Endorse the Draft Holmes Road Business Precinct Parking Study, as shown in Appendix B – separately circulated for community consultation with an amendment for Sydenham Street that provides for 1 hour parking and resident permits.
2. Prepare a consultation plan for Ward Councillors consideration and agreement in two weeks prior to consultation commencing.
3. Receive a further report at the conclusion of the consultation that also includes a review of parking options at the medical centre.

**CARRIED**

**11.10 Drainage and Sewerage Reserve on Plan of Subdivision  
LP10509 Niddrie - Consent to Apply for Planning Permit to  
Vest Reserve in Council**

**File No:** PR46644  
**Author:** Coordinator Property Services  
**Directorate:** Corporate Services  
**Ward:** Buckley  
**Minute No:** 2011/86

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Sharpe that Council apply for a planning permit to vest the drainage and sewerage reserves 3, 4 and 5 set aside on LP 10509 and contained on Certificate of Title volume 10087 folio 735 pursuant to section 24A of the *Subdivision Act* 1988.

**CARRIED**

**11.11                    Review of Footpath Trading Policy**

**File No:**                FOL/10/14  
**Author:**                Manager Governance & Local Laws  
**Directorate:**        Corporate Services  
**Ward:**                    Municipal  
**Minute No:**        2011/87

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Rankin that Council:

1. Endorse in-principle, the revised Footpath Trading Policy for the purposes of consulting with and seeking feedback from the Traders Associations, business operators and other interested parties.
2. Receive a further report, following the completion of the consultation period with key stakeholders and other interested persons.

**CARRIED**

**11.12                    Review of Recycling Charitable Collection Bin Policy**

**File No:**                FOL/11/636  
**Author:**                Acting Manager Governance  
**Directorate:**        Corporate Services  
**Ward:**                    Municipal  
**Minute No:**        2011/88

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Cusack that Council:

1. Adopt the “Clothing Recycling Bins” Policy (provided as Appendix A).
2. Rescind the “Recycling Charitable Collection Bins” Policy.
3. Inform the National Association of Charitable Recycling Organisations (NACRO) and all charitable organisations that have Clothing Recycling Bins located within the municipality, in terms of the report.

**CARRIED**

**11.13                    Review of Risk Management Policy**

**File No:**                40/014/006  
**Author:**                Manager Organisational Development  
**Directorate:**        Corporate Services  
**Ward:**                    Municipal  
**Minute No:**        2011/89

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Kenos that Council adopts the revised Risk Management Policy (provided as Appendix A separately circulated).

**CARRIED**

**11.14                    Report on Assemblies of Councillors**

**File No:**                FOL/09/1245  
**Author:**                Acting Manager Governance  
**Directorate:**        Corporate Services  
**Ward:**                    Municipal  
**Minute No:**        2011/90

**Council Resolution**

Moved by Cr Rankin, seconded by Cr Kenos that Council receive and note the written records of Assembly of Councillors, provided as Appendix A, received since the last report to Council in June 2011.

**CARRIED**

**11.15                    Report on Tenders and Contracts Awarded**

**File No:**                18/19/3  
**Author:**                Acting Manager Governance  
**Directorate:**        Corporate Services  
**Ward:**                    Municipal  
**Minute No:**        2011/91

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Giuliano that Council receive and note the report of Council's Tenders Committee and tenders awarded at its meetings held on 14 June 2011 and 12 July 2011.

**CARRIED**

**12. Urgent Business**

Nil.

**13. Confidential Report**

Nil.

The meeting concluded at 8.16pm.

**CONFIRMED**

**CR JOHN SIPEK  
CHAIRPERSON**