



City of
Moonee Valley

Planning & Citizens Meeting

Tuesday, 7 February 2012

Minutes

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The following reports were considered:

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Minutes of the Planning & Citizens Meeting

Tuesday, 7 February 2012 at 7.10pm
held at the Moonee Valley Civic Centre

PRESENT

Members: Cr Jim Cusack Mayor
 Cr Miriam Gillis
 Cr Jan Chantry
 Cr Paul Giuliano
 Cr Ange Kenos
 Cr James Rankin
 Cr Narelle Sharpe

Officers: Mr Neville Smith Chief Executive
 Mr Bryan Lancaster Director City Works & Development
 Mr Leigh Kelly Acting 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
 Mr Henry Bezuidenhout Manager Strategic & Statutory Planning
 Mr Ralph Anania Manager Governance & Local Laws

Opening

The Mayor, Cr Cusack, opened the meeting and welcomed all present to the Planning & Citizens Meeting of Tuesday, 7 February 2012.

1. Apologies

An apology for non-attendance was received for Cr Cornish.

Leave of Absence

Moved by Cr Giuliano, seconded by Cr Rankin that leave of absence be granted to Cr John Sipek for all meetings from 7 to 24 February 2012 inclusive.

CARRIED

2. Confirmation of Minutes

Moved by Cr Chantry, seconded by Cr Rankin that the Minutes of the Planning and Citizens Meeting of Council held on Tuesday, 6 December 2011 be confirmed.

CARRIED

3. Declarations of Conflict of Interest

Cr Rankin declared a Conflict of Interest in Committee Report No. 9.1, given his employment and work with Telco companies.

4. Presentations

Nil.

5. Petitions and Joint Letters

Nil.

6. Reports

6.1 82 McIntosh Street, Airport West (Lot 1238 on PS 009053) – Construction of four double storey dwellings.

File No: MV/458/2011

Author: Planner

Directorate: City Works & Development

Ward: Rose Hill

Minute No: PC2012/01

Motion

Moved by Cr Kenos, seconded by Cr Gillis that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/458/2011 for the construction of four, double storey dwellings at 82 McIntosh Street, Airport West (Lot 1238 on PS009053) on the following grounds:

1. The proposed development does not sufficiently comply with 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; and
 - b) Unacceptable building bulk and scale.
2. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clauses 55.02-1 (Neighbourhood Character) and 21.05-3 (Objectives and Strategies – Urban Design) of the Moonee Valley Planning Scheme.

LOST

Alternative Motion

Moved by Cr Giuliano, seconded by Cr Sharpe that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/458/2011 for the construction of three double storey dwellings at 82 McIntosh Street, Airport West (Lot 1238 PS 009053) 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) Fences on the east and west boundaries are to taper down at the front of the site to allow clear site lines to the foot path and street in both directions in accordance with Condition 11 of this permit.
 - b) An annotation on the plans showing that the internal fences between Dwellings 1-3 will be a minimum of 1.8 metres in height.
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 further written consent of the Responsible Authority.
3. Prior to the issue of an Occupancy Permit, all retaining 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 the written consent of the Responsible Authority.
5. 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.
6. 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.
7. Standard concrete vehicular crossings must be constructed to suit the proposed driveways in accordance with the Responsible Authority's standard specification and any vehicle crossings 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.

8. Paving abutting an adjacent property must be provided with a 150mm high concrete kerb.
9. All drainage works must be in accordance with the requirements of Moonee Valley City Council's Engineering Services Department and to the satisfaction of the Responsible Authority.
10. The obscured glazing and privacy screens as shown on the endorsed plans must be installed prior to the occupancy permit being issued for the development.
11. Prior to the issue of an Occupancy Permit, a timber paling fence of 1.8 metres in height must be erected along the east, west and south boundaries. The fence is to taper down at the front of the site to maintain sight lines. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
12. All piping and ducting, excepting for guttering and rainwater downpipes, above the ground floor storey of the building must be concealed to the satisfaction of the Responsible Authority.
13. The street tree(s) must not be removed or replaced without the written consent of the Responsible Authority. The replacement is to be to the satisfaction of the Responsible Authority. All fees associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and must be undertaken prior to the issue of an Occupancy Permit to the satisfaction and requirements of the Responsible Authority.
14. 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.
15. 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.

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 shall contact the Moonee Valley City Council's Services regarding legal point of discharge, new crossings, build over easements etc.
- No on street parking permits will be provided to the occupiers of the subject site.

- 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.

CARRIED

6.2 Amendment C109 - Review of Heritage Overlay (HO) Precincts

File No: FOL/11/457

Author: Strategic Planner

Directorate: City Works & Development

Ward: Buckley & Myrnong

Minute No: PC2012/02

Committee Resolution

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

1. As the Planning Authority for Amendment C109 to the Moonee Valley Planning Scheme and having considered all the submissions received, endorse the proposed technical modifications and update the citations and maps within the proposed Permit Exemptions Policy – Moonee Valley Review of Heritage Overlay Precincts (2011) in accordance with the relevant information received from submitters.
2. Request the Minister for Planning to appoint a Panel to consider submissions to Amendment C109, in accordance with Part 8 of the Planning and Environment Act 1987.
3. Receive a further report to consider the Panel's recommendations.

CARRIED

6.3 Amendment C115 - Development of 88 Holmes Road and 11-39 Derby Street, Moonee Ponds

File No: FOL/11/1050

Author: Strategic Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: PC2012/03

Committee Resolution

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

1. Seek authorisation from the Minister for Planning to prepare Moonee Valley Planning Scheme Amendment C115.
2. Subject to obtaining Ministerial consent, exhibit Moonee Valley Planning Scheme C115, including artist's impression which demonstrates potential street impact.
3. Following the completion of the exhibition of the Moonee Valley Planning Scheme Amendment C115, a further report to be presented to Council.

CARRIED

6.4 Moonee Valley Next Generation 2035

File No: FOL/11/1377

Author: Manager Community Development

Directorate: Municipal

Ward: Citizen Services & Information Management

Minute No: PC2012/04

Committee Resolution

Moved by Cr Gillis, seconded by Cr Chantry that Council endorse the approach to establish Moonee Valley Next Generation 2035.

CARRIED

Reports Considered En Bloc

Minute No: PC2012/05

Committee Resolution

Moved by Cr Giuliano, seconded by Cr Rankin that the recommendations contained in reports:

- 6.5 Proposed Part Road Discontinuance Adjacent 24-26 Laurence Ave, Airport West;
 - 6.6 Proposed Part Road Discontinuance Adjacent 25 Dover and 18 Sturt Sts, Flemington; and
 - 6.7 Proposed Sale of Land Abutting 33-35 Hall St, Moonee Ponds;
- be adopted by Council.

CARRIED

6.5 Proposed Part Road Discontinuance - Adjacent 24 -26 Laurence Avenue, Airport West

File No: FOL/11/306

Author: Acting Manager Properties & Legal Services

Directorate: Corporate Services

Ward: Rose Hill

Minute No: PC2012/05

Committee Resolution

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

1. Note after having given notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 to the *Local Government Act* 1989 of a proposal to discontinue a 42m² section of road abutting 24 and 26 Laurence Avenue, Airport West contained on Certificate of Title Volume 7168 Folio 421 and shown on the plan in Appendix B, no written submissions were received.
2. Is of the opinion that the subject road is no longer reasonably required for public use and that it should be discontinued and sold by private treaty to the owners of 24 and 26 Laurence Avenue, Airport West.
3. Publish a notice, pursuant to clause 3(a) of Schedule 10 to the Local Government Act 1989 in the Victorian Government Gazette.
4. Authorise the Chief Executive to execute the transfer and other associated documents.

CARRIED

6.6 Proposed Part Road Discontinuance - Adjacent 25 Dover and 18 Sturt Streets, Flemington

File No: FOL/PR8207

Author: Acting Manager Properties & Legal Services

Directorate: Corporate Services

Ward: Myrnong

Minute No: PC2012/05

Committee Resolution

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

1. Note after having given notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 to the *Local Government Act* 1989 of a proposal to discontinue a 8m² section of road abutting 25 Dover Street and 18 Sturt Street, Flemington contained in Certificate of Title Volume 1042 Folio 225 and shown as Lot 1 and 2 on the plan in Appendix B, no written submissions were received.
2. Is of the opinion that the subject road is no longer reasonably required for public use and that it should be discontinued and sold by private treaty to the owners of 25 Dover Street and 18 Sturt Street, Flemington.

3. Publish a notice, pursuant to clause 3(a) of Schedule 10 to the Local Government Act 1989 in the Victorian Government Gazette.
4. Authorise the Chief Executive to execute the transfer and other associated documents.

CARRIED

6.7 Proposed Sale of Land Abutting 33-35 Hall Street, Moonee Ponds

File No: 41/3/86

Author: Acting Manager Properties & Legal

Directorate: Corporate Services

Ward: Buckley

Minute No: PC2012/05

Committee Resolution

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

1. Commence statutory procedures pursuant to sections 189 and 223 of the *Local Government Act* 1989 ('the Act') to sell the combined 65.1m² parcels of land (subject land) 2.13m x 17.79m at the front of 33 – 35 Hall Street and 1.53m x 17.79m at the rear of the property, Moonee Ponds contained in certificates of Title Volume 8304 Folio 063 and Volume 9197 Folio 837 shown highlighted in Appendix A.
2. Establish a Committee of Council comprising all Councillors pursuant to section 223(1) (c) of the Act to consider any written submissions received and to hear submissions when requested, in accordance with section 223 of the Act.
3. Authorise the Chief Executive to fix the date and time for the above Committee meeting, if required.

CARRIED

7. Notices of Motion

7.1 Notice of Motion No. 2012/01

Title: Seat belt installation for wheelchair bound patrons on buses

From: Cr Jan Chantry

Ward: Municipal

File No: FOL/12/66

Minute No: PC2012/06

Committee Resolution

Moved by Cr Chantry, seconded by Cr Gillis that Council write to the Victorian Department of Transport and Moonee Valley's principal bus operator, Ventura Bus Lines seeking their support to further improve the level of accessibility and safety for immobile patrons on buses, by making provision for seat belts for wheelchair bound patrons.

CARRIED

7.2 Notice of Motion No 2012/02

Title: Improvements to tram route no.59 along Mt Alexander Road, Flemington
From: Cr Jan Chantry
Ward: Municipal
File No: FOL/12/66
Minute No: PC2012/07

Committee Resolution

Moved by Cr Chantry, seconded by Cr Gillis that Council write to VicRoads and Yarra Trams congratulating them on the track realignment and platform stop improvement works in Mt Alexander Road, Flemington and the professional manner that alternative arrangements were implemented during major works and the minimal impact on the Airport West Route 59 service patrons.

CARRIED

8. Urgent Business

Nil.

9. Confidential Report

Committee Resolution

Moved by Cr Sharpe, seconded by Cr Kenos that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss matters which the Council or special committee considers would prejudice the Council or any person.

CARRIED

Cr Rankin had declared a Conflict of Interest in Committee Report No. 9.1 and therefore he left the meeting before any discussion had taken place on the item.

Consideration of Confidential Report

9.1 After Hours Telephone Service Review

Committee Resolution

Moved by Cr Sharpe, seconded by Cr Kenos that Council resume in Open Committee.

CARRIED

The meeting concluded at 7.57pm.

CONFIRMED

**CR JIM CUSACK
CHAIRPERSON**