



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 10 October 2017 at 6.30pm

Minutes

Report Index

The following reports were considered:

9.	Reports	
9.1	38 Muriel Street Niddrie (Lot 299 on LP 010094) - Construction of three dwellings	6
9.2	30-32 Lincoln Road, Essendon (Land in PC 106165) - Use and development of a Child care centre with associated business identification signage and alteration of access to a road in a Road Zone (Category 1)	10
9.3	2-8 Lamb Street, Moonee Ponds - Construction of thirteen dwellings and a reduction to the visitor car parking requirement	17
9.4	43 Fletcher Street, Essendon (Lot 1 TP753799H) - Construction of a multi-storey building, use of the land for dwellings and a reduction in car parking requirements.....	22
9.5	7 Fisher Parade, Ascot Vale (Lot 2 on PS 601617G) - Alteration and additions to existing building to allow for two dwellings and a fence in a Design and Development Overlay (DDO1 and DDO2) and a Public Acquisition Overlay (PAO2).....	31
9.6	17 Leake Street, Essendon (Lot 3 on LP 41248 and Lot 2 on TP 21043B) - Construction of a multi storey building within a Design and Development Overlay (DDO10), reduction in the car parking requirement and waiver of the loading bay requirement.	32
9.7	34 Bulla Road, Strathmore (Lot 4 LP10839) - Construction of six dwellings in a Design and Development Overlay (DDO3), a reduction in car parking requirements and alteration of access to a road in a Road Zone, Category 1	36
9.8	Update on Notice of Motion No 2017/22 - Footpath Trading.....	36
9.9	Airport West Activity Centre Structure Plan Review - Key Directions and Preferred Options Report.....	37
9.10	Settlers' Cottage Conservation Management Plan.....	37
9.11	Moonee Valley Planning Scheme Amendment C169 - Anomalies - Adoption and Approval Request	38
9.12	Submission to the Proposed Amendments to the Air Navigation (Essendon Airport) Regulations	38
12.	Confidential Reports	
12.1	Windy Hill - Update	39

Minutes of the Ordinary Meeting of Council

Tuesday, 10 October 2017 at 6.32pm
held at the Moonee Valley Civic Centre

PRESENT :

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

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr David Benallack Chief Financial Officer
Mr Steven Lambert Director City Services
Ms Kendrea Pope Director Organisational Performance
Mr Petrus Barry Manager Statutory Planning
Ms Nicole Battle Acting Manager Communications & Governance

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 10 October 2017.

The Mayor welcomed all present and respectfully acknowledged the traditional custodians of this land - the Wurundjeri people of the Kulin Nation, their spirits, ancestors, elders and community members past and present. Council also extends this respect to the elders and descendants of other Aboriginal peoples here today.

The Mayor then recited the Councillor Creed:

“We commit to making positive strategic decisions for the future, remembering we are here to collectively deliver on the broader vision for Moonee Valley in a fair and equitable manner, always showing respect for one another.

Through strong leadership and maturity, we will engage in robust, intelligent debate before coming to informed, evidence-based decisions, being respectful of the outcome once the votes are cast. We will ensure we focus on policy, always mindful our role is to serve our local community.”

2. Apologies

Nil.

The Mayor noted Cr Lawrence was on an Approved Leave of Absence.

3. Confirmation of Minutes

Council Resolution

Moved by Cr Sipek, seconded by Cr Cusack that the Minutes of the Ordinary Meeting of Council held on Tuesday, 26 September 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

4.1 Cr Sharpe declared an indirect conflict of interest in Item 9.8 Update on Notice of Motion 2017/22 – Footpath Trading due to an indirect financial interest.

4.2 Cr Nation declared an indirect conflict of interest in Item 12. 1 – Windy Hill Update. A written disclosure was provided to the Chief Executive outlining the reasons for this conflict.

5. Presentations

Nil.

6. Petitions and Joint Letters

6.1 Issues with excessive bird numbers in Avondale Heights.

Cr Byrne tabled a petition signed by 35 individuals, requesting that Council provide assistance to residents in Glenside Street, Avondale Heights in relation to the impact of large numbers of pigeons being housed in a residential location.

7. Public Question Time

Ms Sharon Mumford of Strathmore asked the following questions:

Question 1

It has been 5 weeks since residents heard from VicRoads, could MVCC please update the Strathaird Street community of the nature of discussions or any plans to meet with VicRoads to advocate on our behalf?

Response:

The Chief Financial Officer, David Benallack provided the following response:

As you are aware, multiple discussions have been held with VicRoads over many months in relation to this issue. VicRoads is very aware of Council's position and they are also very aware of the concerns that have been expressed by local residents.

As it stands, VicRoads has given us absolutely no indication that it is willing to deviate from its current course of action, which is to sell Strathaird Reserve, having deemed it to be surplus to its current requirements.

For all of the reasons that have already been outlined to you and the other members of your group, Council is not prepared to purchase Strathaird Reserve on the terms currently being proposed by VicRoads, although we would be open to the possibility of negotiating a long term lease. And we, of course, would be more than happy for the land to be gifted to Council from VicRoads. So whilst we do want to see the land retained as public space, until VicRoads is prepared to consider either of these two options, the ball is very much with them.

Behind the scenes we will, however, continue to work with other Victorian Councils that are experiencing similar issues in order to demand that all of these parcels of surplus land are gifted to impacted Councils at no cost to local ratepayers. You and the other members of your group will, of course, be kept informed of any developments as they occur.

Question 2

The MVCC response also stated that the situation had been referred to the Office of the Hon. Robin Scott MP, Minister for Finance for consideration.

Have there been any developments or discussions with the Minister for Finance?

Response

The Chief Financial Officer, David Benallack provided the following response:

A follow-up letter from the Mayor has been sent to the Minister for Finance within the last few days. At this stage, no response from the Minister has been received.

Question 3

The MVCC response stated that MVCC was yet to receive a response from other ministers.

Has MVCC followed up with these Ministers?

Response

The Chief Financial Officer, David Benallack provided the following response:

A follow-up letter has also been sent to the Honourable Luke Donnellan who is the Victorian Minister for Roads and Road Safety. At this stage, a response from the Minister is yet to be received.

8. Reports by Mayor and Councillors

Nil.

9. Reports

9.1 38 Muriel Street Niddrie (Lot 299 on LP 010094) - Construction of three dwellings

File No: FOL/17/11

Author: Alexia Paterson
Statutory Planner

Directorate: Planning & Development

Minute No. 2017/277

Council Resolution

Moved by Cr Byrne, seconded by Cr Gauci Maurici that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/13/2017 for the construction of three dwellings at 38 Muriel Street, Niddrie (Lot 299 on LP 010094), subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Any modifications required in accordance with Condition 7.
 - b) Mail boxes to have a maximum height of 1.2 metres;
 - c) Rear pedestrian gate from access way for Dwelling 2;
 - d) Relocate Dwelling 3 garage eastern pedestrian door to south-east corner of garage;
 - e) Swap Dwelling 3 rainwater tank and bins location with each other;
 - f) Dwelling's 1 and 2 porch heights to comply with Standard B6 of Clause 55-03-1 (Street setback) of the Moonee Valley Planning Scheme;
 - g) A BESS report in accordance with Condition 6;
 - h) A note on all floor and elevation plans stating: "Refer to endorsed Sustainable Design Assessment and BESS Report for all ESD commitments and requirements";
 - i) The location and details of all Water Sensitive Urban Design measures outlined within the approved STORM Rating Report shown on Ground Floor Plan;
 - j) A notation overhead storage areas must be a minimum height of 1.5m above ground level;
 - k) A notation, on all relevant plans, in accordance with Condition 17; and
 - l) A Landscape plan in accordance with Condition 15.

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

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
4. A minimum 30 days prior to any building or works commencing, a WSUD Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

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

5. A maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) inspection frequency;
 - b) cleanout procedures;
 - c) as installed design details/diagrams including a sketch of how the system operates; and
 - d) a report confirming completion and commissioning of all WSUD Response treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

6. Prior to or simultaneously with the submission of Condition 1 plans, submit a 'published' version of BESS Report # 6488 prepared by Eminent Designs dated 14 February 2017.
7. Before the development starts, a land/building survey report prepared by a suitably qualified person to the satisfaction of the Responsible Authority

must be submitted to and approved by the Responsible Authority, detailing the impact of Dwelling 3 on the existing plunge pool at 40 Muriel Street, Niddrie abutting the west property title boundary of the subject site

The provisions, recommendations and requirements of the land/building survey report must be implemented and complied with to the satisfaction of the Responsible Authority.

8. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

11. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
12. 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.
13. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

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

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

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

14. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s)

in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and 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.

15. Before the buildings approved by this permit are occupied, all fencing must be erected along the property boundaries in accordance with the endorsed plans and to the satisfaction of the Responsible Authority

16. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and a digital copy must be provided. The landscape plan must be generally in accordance with the plans submitted with the application but modified to show:

a) Any changes required by Condition 1 of this permit.

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

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

17. 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.

18. The following street tree/nature strip protection measures must be undertaken:

a) the nature strip and street tree located within the Muriel Street frontage of the land must be barricaded out using portable cyclone fencing for the duration of the construction. Costs of such fencing must be borne by the developer and/or permit holder;

b) no pruning of the nature strip and street tree located within the Muriel Street frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and

c) no building materials are to be stacked and/or dumped on any nature strip during construction.

19. 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 six (6) months afterwards the owner or occupier of the land may make a written request the Responsible Authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

Permit Notes:

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works
- Before the development starts, the permit holder must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.

For: Crs Byrne, Cusack, Gauci Maurici, Nation, Marshall, Sharpe, Surace

Against: Cr Sipek

CARRIED

9.2 **30-32 Lincoln Road, Essendon (Land in PC 106165) - Use and development of a Child care centre with associated business identification signage and alteration of access to a road in a Road Zone (Category 1)**

File No: FOL/17/11

Author: Lachlan Orr
Senior Statutory Planner

Directorate: Planning & Development

Minute No. 2017/28

Council Resolution

Moved by Cr Marshall, seconded by Cr Gauci Maurici that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No.

MV/23/2017 for the use and development of a Child care centre with associated business identification signage and alteration of access to a road in a Road Zone (Category 1) at 30-32 Lincoln Road, Essendon (Land in PC 106165), subject to the following conditions:

Use and development conditions

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The street setback of the building, including entry canopy, increased by at least 1 metre;
 - b) The entry canopy reduced so that it has a maximum height of 3.6 metres;
 - c) The deletion of all shade sail structures within the front setback;
 - d) First floor windows provided with obscure glazing or with increased sill height to 1.7 metres from finished floor level;
 - e) The balustrading enclosing the first floor terrace play area to be obscured up to 1.7 metres from finished floor level;
 - f) Acoustic fencing provided along the side and rear boundaries increased to a height of 2.4 metres;
 - g) A notation on the plans stating 'Refer to endorsed SDA, BESS and STORM reports for detailed ESD and WSUD requirements and commitments, including maximum lighting specifications and selection of building materials, fittings and fixtures';
 - h) Water efficient landscaping to be installed project wide as per endorsed BESS report;
 - i) All materials, paints and sealants to be low VOC/formaldehyde and all timbers to be from sustainable sources as per the endorsed Sustainable Design Assessment;
 - j) A notation that the bicycle racks are to be constructed in accordance with the relevant standards;
 - k) A notation that the car spaces will be appropriately signed and line-marked in accordance with Conditions 18 and 19;
 - l) A landscape plan in accordance with Condition 25; and
 - m) The requirements of VicRoads Conditions 27 and 28.When approved these plans become the endorsed plans of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate from Monday to Friday between the hours of 6:30am and 7:00pm.

4. Except with the prior written consent of the Responsible Authority, no more than 140 children may be present on the land at any time.
5. The amenity of the area must not be detrimentally affected by the use of land, through:
 - a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil;
 - d) Presence of vermin;or in any other way, to the satisfaction of the Responsible Authority.
6. Noise emitted from the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1).
7. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.
8. Before the development starts, the Acoustic Assessment prepared by Renzo Tonin and Associates dated 23 March 2017 must be modified as required by Condition 1 of this permit and submitted to the Responsible Authority for endorsement. When approved, the Acoustic Assessment will be endorsed and will form part of this permit and must be implemented to the satisfaction of the Responsible Authority.
9. Before the development starts, the Sustainable Design Assessment (SDA) prepared by Frater Consulting dated 3 April 2017, inclusive of the approved BESS Report and STORM assessment, is to be submitted to the Responsible Authority for endorsement and will form part of this permit.
10. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the plan prepared by Leigh Design dated 23 March 2017.

When approved, the Waste Management Plan will be endorsed and will form part of this permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.

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

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

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

13. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:

- a) Inspection frequency;
- b) Cleanout procedures;
- c) As installed design details/diagrams including a sketch of how the system operates; and
- d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

14. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
15. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
16. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
17. The existing street trees must not be removed or damaged as a result of the permitted development.
18. Prior to the issue of an Occupancy Permit, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:

- a) Constructed;
- b) Available for use in accordance with the endorsed plans;
- c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
- e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,

in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:

- a) Be maintained and made available for such use; and
- b) Not be used for any other purpose,

to the satisfaction of the Responsible Authority.

- 19. Prior to the issue of an Occupancy Permit, signs must be erected in association with the staff and non-staff car parking hereby provided, allowing for the identification of the staff and non-staff car park, to the satisfaction of the Responsible Authority.
- 20. Prior to the issue of an Occupancy Permit, the concrete vehicular crossing must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and 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.

- 21. 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.
- 22. Stormwater runoff from the development must drain via an underground system and discharge to the kerb and channel in front of the land. If discharge to the kerb and channel via gravity is not possible, the discharge

to the kerb and channel in front of the land must be via a dual pump system in accordance with AS3500.3.2. 2003, Section 9.

23. Prior to the issue of an Occupancy Permit, all acoustic boundary fencing must be erected. The cost of such fencing must be met by the permit holder and carried out to the satisfaction of the Responsible Authority.
24. 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.
25. Before the development starts, or any trees or vegetation removed, an amended landscape plan (an electronic copy) 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) Any changes required by Condition 1 of this permit; and
 - b) Planting along the side and rear boundaries capable of providing screening to prevent views into the neighbouring secluded open space areas.

Once approved these plans become the endorsed plans of this permit. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

26. 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.

End of use and development conditions

VicRoads conditions

27. The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or occupation of the works hereby approved.
28. The crossover must be constructed at least 1m away from any object.

End of VicRoads conditions

Signage conditions

29. The location and details of the signage and any supporting structure shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
30. The advertising signage and any related panel and any supporting structure must be constructed and maintained to the satisfaction of the Responsible Authority.

31. The signage authorised by this permit must not be illuminated or floodlit by internal or external light.
32. Flashing, intermittent or moving light must not be displayed.
33. The signage must not be animated in part or whole.
34. Bunting, streamers and festooning must not be displayed.
35. The signage authorised by this permit must only contain an advertisement which provides or supplies information relating to the business conducted on the land.

End of signage conditions

Expiry conditions

36. This permit for advertising signage will expire fifteen (15) years after the date it is issued.
37. 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 and the use is not commenced within four (4) years of the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

End of expiry conditions

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 Moonee Valley City Council on 9243 8888 regarding legal point of discharge, new crossings, building over easements, etc.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

- No parking permits will be issued to employees or visitors.

CARRIED UNANIMOUSLY

9.3 2-8 Lamb Street, Moonee Ponds - Construction of thirteen dwellings and a reduction to the visitor car parking requirement

File No: FOL/17/11

Author: Lachlan Orr
Senior Statutory Planner

Directorate: Planning & Development

Minute No. 2017/279

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/985/2016 for the construction of thirteen dwellings and a reduction to the visitor car parking requirement at 2-8 Lamb Street, Moonee Ponds (Lot 1 on TP 543426W, Lots 1 and 2 on TP 257357J, Lot 1 on TP 592477B and Lot 1 on TP 444622Y), subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) All structures (at ground and first floor level) and landscaping near the south-eastern corner of the site designed to ensure the abutting laneways maintain a minimum dimension of 3 metres, or 4.2 metres at the intersection, noting the location of existing structures of properties facing McNae Street;
 - b) The open plan living areas of Dwellings 10 to 12 to have a maximum depth of 9 metres from the northern window to the southern wall;
 - c) All internal balcony screening annotated to comply with Standard B23 of Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme;
 - d) Pedestrian visibility splays provided near the accessways of Dwellings 5 and 9, or the provision of mirrors to ensure visibility of pedestrians along the proposed footpath;
 - e) Any doors to storage areas designed so that they do not impact upon minimum internal garage dimensions;
 - f) The double crossover for Dwellings 7 and 8 reduced to 5.5 metres in width;

- g) A minimum distance of 5.4 metres provided between the crossover for Dwelling 6 and the double crossover for Dwellings 7 and 8;
- h) Details (height, materials) of internal fencing;
- i) Any changes as a result of Condition 6 and 16; and
- j) A landscape plan as required by Condition 17.

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

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. A minimum 30 days prior to any building or works commencing, all WSUD Details (relating to the permeable paved surfaces), such as cross sections &/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
- 4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's guideline and templates.

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

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

- 5. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; and
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

6. Before the development commences, an amended Sustainable Design Assessment (SDA) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended SDA shall refer to the endorsed plans. Upon approval the SDA will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SDA to the satisfaction of the Responsible Authority. The SDA must be generally in accordance with the SDA submitted with the application, but modified as follows:

- a) Any changes as a result of Condition 1;

The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

7. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
8. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
9. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
10. Before the buildings approved by this permit are occupied, the concrete vehicular crossing must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the responsible authority and 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.

11. The street tree must not be removed or replaced without the prior written consent of the Responsible Authority. Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and the street tree replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.
12. 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.

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

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

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

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

14. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

15. 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.

16. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be prepared in accordance with Moonee Valley City Council's 'Waste Management Plans – Guidelines for Applicants', and be generally in accordance with the plan submitted with the application but modified as follows:

- a) Provision for private collection for all residential waste; and
- b) Any changes as required by Condition 1 of this permit.

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

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

17. Before the development starts, or any trees or vegetation removed, an amended landscape plan (an electronic copy) 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) Any changes as a result of Condition 1.

Once approved these plans become the endorsed plans of this permit. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

18. 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.
19. 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 six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse 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 Moonee Valley City Council on 9243 8888 regarding legal point of discharge, new crossings, building over easements, etc.
- No on-street parking permits will be provided to occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

For: Crs Cusack, Gauci Maurici, Marshall, Nation, Surace

Against: Crs Byrne, Sharpe, Sipek

CARRIED

**9.4 43 Fletcher Street, Essendon (Lot 1 TP753799H) -
Construction of a multi-storey building, use of the land
for dwellings and a reduction in car parking
requirements**

File No: FOL/17/11

Author: William Wheeler
Principal Statutory Planner

Directorate: Planning & Development

Minute No. 2017/280

Recommendation

That Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/807/2016 for the construction of a multi-storey building, use of the land for dwellings and a reduction in car parking requirements at No.43 Fletcher Street, Essendon (Lot 1 TP753799H), subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Deletion of the roof deck/balcony, roof top lobby and associated structures on the roof top level;
 - b) A reduction in the depth of the rear (southern) section of balcony for Apartment B1, to a maximum of 1.0m in width, along the southern interface;
 - c) Deletion of the rear (southern) balcony for Apartment C, with this balcony area replaced with roof ballast;
 - d) All residential and office car parking spaces to be line marked and signed in accordance with the relevant Australian Standards;
 - e) All bicycle parking designed in accordance with the relevant Australian Standards;
 - f) The provision of pedestrian visibility splays in accordance with the requirements of Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
 - g) The redundant vehicle crossover along Nicholson Street reinstated to nature strip, kerb and channel in accordance with Council's 'Vehicle Crossings Policy';
 - h) A prominent note on the floor plans stating the rear laneway is to be

widened and constructed in accordance with the requirements of Condition 15 of this permit;

- i) A prominent note stating all noise attenuation measures are to be implemented as required by the endorsed acoustic report under Condition 23 of this permit;
- j) Details and notations for all Water Sensitive Urban Design (WSUD) treatment measures within the approved STORM Rating Report;
- k) Details of a suitable infiltration system, nominated by a hydraulic engineer, to adequately filter rainwater collected from trafficable areas for the use of flushing toilets within the development;
- l) A prominent note on all floor and elevation plans stating: “Refer to endorsed Sustainable Design Assessment, and associated BESS Report, for all ESD commitments and requirements”;
- m) A detailed schedule of all external materials and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roofing, fascias, window frames, fences and paving; and
- n) A Landscape Plan in accordance with Condition 28.

When approved, these plans will be endorsed and will form part of this permit.

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
- 4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council’s CSMP’s Guidelines and Template. When approved, the CSMP will be endorsed and will form part of this permit. The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.
- 5. A maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:

- a) Inspection frequency;
- b) Cleanout procedures;
- c) As installed design details/diagrams including a sketch of how the system operates; and
- d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

6. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
7. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
9. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority. All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.
10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater downpipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
11. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Available for use in accordance with the endorsed plans;
 - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
 - e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the

ground, in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:

- f) Be maintained and made available for such use; and
 - g) Not be used for any other purpose, to the satisfaction of the Responsible Authority.
12. Before the building approved by this permit is occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
- All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. In addition, all vehicle access points must be located a minimum of 2.0 metres from any tree. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and relevant servicing authority/agency. Subsequent works and costs in association with the relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and Responsible Authority.
13. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- a) Details as to how the car lift is to be regularly maintained and serviced;
 - b) Details of timeframes and measures to be undertaken, to reinstate the car lift back to working order, if the car lift becomes non-operational; and
 - c) Details of measures to be undertaken if the car lift is not operational, so not to provide any additional on-street parking demand.
- When approved, the Car Parking Management Plan will be endorsed and will form part of this permit.
- The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
14. Bicycle parking spaces, access, lockers and compounds must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
15. The Right of Way must be widened and constructed to a 5.5m width (in bluestone) for the entire property length. All costs associated with the

survey, design and construction of the Right of Way must be borne by the permit holder.

Prior to the commencement of buildings and works, detailed engineering drawings to show the widening and construction of the Right of Way are to be submitted to and approved by the Responsible Authority. The Right of Way 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 reinstatement of the Right of Way in accordance with Moonee Valley City Council standards.

Prior to the issue of an Occupancy Permit for the approved development, construction and reinstatement of the Right of Way as specified in this permit must be satisfactorily completed.

Prior to certificate of occupancy, a plan of subdivision reflecting the widened and constructed Right of Way shown as “road” must be submitted to Council and approved by the relevant authority.

16. All structures within the pedestrian visibility splays at each vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
17. 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.
18. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority. Before the development starts a Drainage Layout Plan, including computations and manufacturers' specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

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

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

19. A Council drain (minimum 300mm RCP RRJ) must be constructed to reach the approved point of discharge. Before the development commences, Engineering Design Plans and a Drainage Layout Plan (with computations) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The Engineering Design Plans and Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must accord with Council's Drainage Design Guidelines.

When approved, the Engineering Design Plans and Drainage Layout Plan will be endorsed and will form part of this permit.

The drainage must be constructed in accordance with the endorsed Engineering Design Plans and Drainage Layout Plan and the provisions, recommendations and requirements of the endorsed Engineering Design Plans and Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

After the drainage works have been constructed and before the building approved by this permit is occupied, as constructed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

All costs associated with the preparation of the plans and installation and construction of the required drainage works must be borne by the permit holder.

20. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
21. The development must be provided with external lighting capable of illuminating access to the vehicle accessway, car parking spaces and pedestrian entrances. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
22. Noise levels emanating from service equipment on the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).
23. Before the development starts, an acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail the noise attenuation measures required to all habitable rooms within each dwelling to ensure minimal impacts from noise sources external to that dwelling.

When approved, the acoustic report will be endorsed and will form part of the permit.

The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

24. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.
25. The amenity of the area must not be detrimentally affected by the use of land, through:

- a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil; and
 - d) Presence of vermin,
- or in any other way, to the satisfaction of the Responsible Authority.
26. Prior to the commencement of building and works, the Sustainable Design Assessment (SDA) prepared by 'Sustainable Development Consultants' dated 15 March 2017 is to be modified in accordance with Condition 1 and submitted to the Responsible Authority for approval. The associated BESS Report must be a 'published' version, with supporting NatHERS assessment, to the satisfaction of the Responsible Authority. Once approved the Sustainable Design Assessment, inclusive of the BESS Report, is to be implemented and appropriately managed during construction of the proposed building.
27. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' and must be:
- a) Modified in accordance with Condition 1 of this permit.
- When approved, the amended Waste Management Plan will be endorsed and will form part of this permit.
- The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
28. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and an electronic copy must be provided. The landscape plan must be generally in accordance with the plans submitted with the application but modified to show:
- a) Any changes as required by Condition 1 of this permit;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) The use of drought tolerant species;
 - d) Features such as paths, paving and accessways;
 - e) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with

Clause 52.06-8 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and

- f) An appropriate irrigation system.

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

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

29. 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.
30. The existing street trees abutting the subject site along Fletcher Street and Nicholson Street must not be removed or damaged as a result of the permitted development, except with the prior written consent of the Responsible Authority.
31. The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.
32. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years from the date of issue of this permit, or
 - b) The development is not completed and the use is not commenced within four (4) years from the date of issue of this permit.

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
 - Before the development starts, the permit holder must contact Moonee Valley
 - City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme, are exempt from the need for a planning permit).
- No on street parking permits will be provided to the occupiers of the land.

- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation: $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- In the event that car parking spaces or storage cages are separately titled, a condition will be imposed on any future subdivision permit requiring the permit holder to enter into a Section 173 Agreement to ensure the on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or the development.

Cr Marshall foreshadowed a motion in the event that the motion on the floor was lost.

For Crs Gauci Maurici, Nation, Sharpe, Sipek
Against Crs Byrne, Cusack, Marshall, Surace

LOST ON THE CASTING VOTE OF THE CHAIRPERSON

9.4 **43 Fletcher Street, Essendon (Lot 1 TP753799H) - Construction of a multi-storey building, use of the land for dwellings and a reduction in car parking requirements**

File No: FOL/17/11

Author: William Wheeler
Principal Statutory Planner

Directorate: Planning & Development

Minute No. 2017/281

Council Resolution

Moved by Cr Marshall, seconded by Cr Byrne that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/807/2016 for the construction of a multi-storey building, use of the land for dwellings and a reduction in car parking requirements at No.43 Fletcher Street, Essendon (Lot 1 TP753799H), in accordance with the following grounds of refusal:

1. The proposed building height fails to meet the overarching objective and the strategies of Clause 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to positively contribute to the local character and enhance the public realm.
2. The proposed building height fails to meet the objectives and strategies contained within Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond to its location and the surrounding context.
3. The proposal fails to meet the objectives and strategies contained within Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme and would result in a development of a height, scale, massing and setbacks that fails to appropriately respond to its context.
4. The proposal fails to provide sufficient car parking as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and would exacerbate parking problems in the surrounding area.
5. The use of a car lift will exacerbate the traffic movements in and around the site .
6. The proposal will result in adverse traffic impacts on surrounding properties and the wider area, which will be substantial and unreasonable.
7. The proposal represents an overdevelopment of the site.

For: Crs Byrne, Cusack, Gauci Maurici, Marshall, Surace

Against: Crs Nation, Sharpe, Sipek

CARRIED

9.5 **7 Fisher Parade, Ascot Vale (Lot 2 on PS 601617G) -
Alteration and additions to existing building to allow for
two dwellings and a fence in a Design and Development
Overlay (DDO1 and DDO2) and a Public Acquisition
Overlay (PAO2)**

File No: FOL/17/11

Author: Ersin Yuksel
Statutory Planner

Directorate: Planning & Development

Minute No. 2017/282

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/979/2016 for alterations and additions to existing building to allow for two dwellings and a fence in a Design and Development Overlay (DDO1 and DDO2) and a Public Acquisition Overlay (PAO2) at 7 Fisher Parade, Ascot Vale (Lot 2 on Plan of Subdivision 601617G) in accordance with the following grounds:

1. The encroachment of the development does not accord with the purpose of Clause 45 (Public Acquisition Overlay) and subsequently does not allow the land to be maintained for its public purpose.
2. The development does not achieve a sufficient setback from the Maribyrnong River and the river environs.
3. The proposed development will limit Melbourne Water's current and future ability to maintain and rehabilitate the riparian area and bank of the Maribyrnong River.
4. The development is inconsistent with State Planning Policy, including Clauses 12.04-1, 12.04-2, 12.05-1 which seek to protect and enhance the significant river corridors of Metropolitan Melbourne, recognise their environmental sensitive area and natural landscape values
5. The proposed development is inconsistent with the strategic direction for the Maribyrnong River outlined in the Maribyrnong River Valley Design Guidelines (DPCD 2010), and the preferred character of the racecourse length (river flats).
6. The proposed development fails to meet the design objectives of DDO1 (Skyline Area) and DDO2 (Maribyrnong River Protection) in relation to achieving appropriate siting, including the inadequate rear setback to the Maribyrnong River and visual bulk and intrusion of the proposed built form of the rear building.

CARRIED UNANIMOUSLY

9.6 17 Leake Street, Essendon (Lot 3 on LP 41248 and Lot 2 on TP 21043B) - Construction of a multi storey building within a Design and Development Overlay (DDO10), reduction in the car parking requirement and waiver of the loading bay requirement.

File No: FOL/17/11
Author: Lachlan Orr
Senior Statutory Planner
Directorate: Planning & Development
Minute No. 2017/283

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Cusack that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/106/2017 for the construction of a multi storey building within a Design and Development Overlay (DDO10), waiver of the loading bay requirement and reduction in the car parking requirement at 17 Leake Street, Essendon (Lot 3 on LP 41248 and Lot 2 on TP 21043B), subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended

plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

- a) The use of varied colour and material finishes throughout the exposed eastern and western boundary walls to improve visual interest along Leake Street;
- b) Provide roof/sky lights to the kitchen/dining area of Dwelling 2;
- c) The street canopy clearly shown on the Ground Floor Plan including setback from the street tree and kerb;
- d) The privacy screening provided to the south-facing balconies noted as having a maximum transparency of 25%;
- e) A notation on the plans that all services on the roof of the building will be concealed from view both to the street and from neighbouring properties; and any changes as a result of Condition 5.

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

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's guideline and templates.

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

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

4. A maximum 30 days following completion of the building or works, a Water Sensitive Urban Design (WSUD) Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; and
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified

in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

5. Before the development commences, an amended Sustainable Design Assessment (SDA) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended SDA shall refer to the endorsed plans. Upon approval the SDA will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SDA to the satisfaction of the Responsible Authority. The SDA must be generally in accordance with the SDA prepared by Northern Environmental Design dated 26 May 2017, but modified as follows:

- a) Any changes as a result of Condition 1;
- b) Preliminary NatHERS assessments as indicated in the BESS report;
- c) BESS report amended to provide details of the water fixtures, fittings and connections for Dwelling 2; and
- d) Provide manufacturer specifications for the solar hot water system providing a contribution of 70%, or details of an alternative system.

The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

6. Before the development starts, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Green Travel Plan must be generally in accordance with the plan prepared by Northern Environmental Design dated 26 May 2017.

When approved, the Green Travel Plan will be endorsed and will form part of this permit. The provisions, recommendations and requirements (including any ongoing management actions) of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

7. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the plan prepared by Northern Environmental Design dated 26 May 2017.

When approved, the Waste Management Plan will be endorsed and will form part of this permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
11. The existing street tree must not be removed or damaged as a result of the permitted development, to the satisfaction of the Responsible Authority.
12. 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.
13. The development must be provided with external lighting capable of illuminating access to each pedestrian access point. 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.
14. 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 six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse 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 Moonee Valley City Council on 9243 8888 regarding legal point of discharge, new crossings, building over easements, etc.
- No on-street parking permits will be provided to occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by Moonee Valley City Council.

- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

For: Crs Byrne, Cusack, Gauci Maurici, Marshall, Nation, Surace
Against: Crs Sharpe, Sipek
CARRIED

**9.7 34 Bulla Road, Strathmore (Lot 4 LP10839) -
Construction of six dwellings in a Design and
Development Overlay (DDO3), a reduction in car parking
requirements and alteration of access to a road in a
Road Zone, Category 1**

File No: FOL/17/11
Author: William Wheeler
Principal Statutory Planner
Directorate: Planning & Development
Minute No. 2017/284

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Surace that Council, with respect to an Application for Review against Council's refusal to grant a planning permit, resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application that it accepts the modifications shown on amended plans contained within **Appendix D** (separately circulated) and that it now supports the proposal as a result of these changes.

CARRIED UNANIMOUSLY

Having declared a Conflict of Interest in the following Item Cr Sharpe left the meeting here.

**9.8 Update on Notice of Motion No 2017/22 - Footpath
Trading**

File No: FOL/17/11
Author: Brooke Ranken
Coordinator City Compliance
Directorate: City Services
Minute No. 2017/285

Council Resolution

Moved by Cr Cusack, seconded by Cr Sipek that Council note the status report provided in relation to the work undertaken to date on NoM No. 2017/22 Footpath Trading.

CARRIED UNANIMOUSLY

Cr Sharpe returned to the meeting here.

9.9 Airport West Activity Centre Structure Plan Review - Key Directions and Preferred Options Report

File No: FOL/17/11

Author: Edward Crossland
Senior Strategic Planner

Directorate: Planning & Development

Minute No. 2017/286

Council Resolution

Moved by Cr Byrne, seconded by Cr Sipek that Council:

1. Acknowledge the contents of this report and associated appendices.
2. Endorse the Airport West Activity Centre Structure Plan Review - Key Directions and Preferred Options Report (**Appendix A** – separately circulated) for public exhibition for a period of four weeks. *NB: Graphical content and images to be finalised and inserted into the document by Council officers following endorsement.*

CARRIED UNANIMOUSLY

9.10 Settlers' Cottage Conservation Management Plan

File No: FOL/17/11

Author: Josh Gould
Senior Strategic Planner

Directorate: Planning & Development

Ward: Municipal

Minute No. 2017/287

Council Resolution

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

1. Endorse the *Settlers' Cottage Conservation Management Plan* (**Appendix A** – separately circulated) as the guiding document for the conservation and management of the cottage.
2. Use the *Settlers' Cottage Conservation Management Plan* as a guide for determining a permanent location and use for the cottage.

3. Note the feedback received as part of community consultation on the *Draft Woodlands Park and Salmon Reserve Draft Master Plan* regarding the site's suitability as a preferred location for the Settlers' Cottage.
4. Select Woodlands Park as the preferred site for the relocation of the Settlers' Cottage.
5. Note the estimated costs associated with the relocation and refurbishment of the Settlers' Cottage (**Appendix B**), and the need for a full quotation to be obtained once the use and site design are finalised.
6. Delegate Council Officers to develop a plan for the ongoing maintenance and use of the Settlers' Cottage in accordance with the *Settlers' Cottage Conservation Management Plan*.
7. Delegate Council's Strategic Planning Officers to prepare an amendment to the Moonee Valley Planning Scheme (once the relocation and refurbishment is complete), to ensure the heritage overlay applies to the new location of Settlers' Cottage, and to activate 'internal alteration controls' in the schedule to the heritage overlay.

CARRIED UNANIMOUSLY

9.11 Moonee Valley Planning Scheme Amendment C169 - Anomalies - Adoption and Approval Request

File No: FOL/17/11
Author: Justin Scriha
Strategic Planner
Directorate: Planning & Development
Minute No. 2017/288

Council Resolution

Moved by Cr Sharpe, seconded by Cr Sipek that Council defer this report to the next Ordinary Meeting of Council to be held 24 October 2017.

CARRIED UNANIMOUSLY

9.12 Submission to the Proposed Amendments to the Air Navigation (Essendon Airport) Regulations

File No: FOL/17/11
Author: Josh Gould
Senior Strategic Planner
Directorate: Planning & Development
Minute No. 2017/289

Council Resolution

Moved by Cr Sharpe, seconded by Cr Gauci Maurici that Council:

1. Endorse the draft submission to the proposed amendments to the Air Navigation (Essendon Airport) Regulations 2001 (refer **Appendix C**).
2. Forward the submission to the Federal Government's Department of Infrastructure and Regional Development.

CARRIED UNANIMOUSLY

10. Urgent Business

Nil.

12. Confidential Reports

Council Resolution

Moved by Cr Sipek , seconded by Cr Sharpe that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss the following matters:

12.1 Windy Hill - Update

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters; (e) proposed developments AND (f) legal advice.

CARRIED UNANIMOUSLY

Having declared a Conflict of Interest in the following Item Cr Nation left the meeting here.

Council Resolution

Moved by Cr Sipek, seconded by Cr Sharpe that Council resume in open Council.

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 9.02pm.

**CR ANDREA SURACE
CHAIRPERSON**