



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 14 February 2017 at 6.30pm

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 14 February 2017 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT :

Members: Cr Andrea Surace Mayor
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence
Cr Nicole Marshall
Cr John Sipek

Officers: Mr Bryan Lancaster Chief Executive Officer
Ms Gail Conman Director City Services
Ms Kendrea Pope Director Organisational Performance
Ms Natalie Reiter Director Planning & Development
Ms Michele Leonard Senior Manager Corporate & Community Services
Mr Troy Delia Senior Coordinator Legislative Services & Support

1. Opening and Councillor Creed

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 14 February 2017.

2. Apologies

Apologies for non-attendance were received for Cr Nation and Cr Sharpe.

3. Confirmation of Minutes

Minute No: 2017/001

Moved by Cr Sipek, seconded by Cr Lawrence that the Minutes of the Ordinary Meeting of Ordinary held on Tuesday, 20 December 2016 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Nil

5. Presentations

Nil

6. Petitions and Joint Letters

Nil

7. Public Question Time

Question:

Ms Pasqual of Essendon has asked the following:

Is the fact that precedents have been set in the past sufficient reason to continue to approve development after development and in doing so, degrade Cooper Street (which currently comprises 50% multi-dwelling sites) and its enjoyment for existing residents even further? How much is enough? Will development continue to eat away the street until there is nothing left to develop? Is that the ultimate target?

Surely the state objectives should be applied to areas that can sustain a population increase. Cooper Street is simply exhausted.

Response:

The Chief Executive Officer responded that Council appreciates the significant infill development that has taken place in Cooper Street Essendon over the past twenty years, with 25 dwellings added in recent years. In the past decade Council has considered a number of applications, refusing dwellings generally of a height greater than double storey with no approvals exceeding more than 5 dwellings per lot. Council notes the 23 units at 146-148 Cooper Street was approved by VCAT in 2014 and 6 units at 49-51 Cooper Street was approved by VCAT in 2003.

Development has been greatest at the north end of Cooper Street, north of Market Street since this area is particularly attractive for its proximity to amenities on Keilor Road. As you will be aware, consistent with Plan Melbourne, the Planning Scheme supports multi-dwelling development in established areas close to public transport and economic activity.

There are 107 detached dwellings in Cooper Street and 113 Multi-dwelling developments. So almost 50/50 in the development patterns in Cooper Street and Council will continue to work to minimise the intensity of development of these blocks to 2 storey dwellings.

However, each individual application has to be considered on its individual merits and compliance with the Planning Scheme. The State Government will soon be releasing its updated strategic direction for residential development as Plan

Melbourne Refresh which will guide the future of infill development in the Melbourne Metropolitan area and Council will also be undertaking further strategic work to manage growth within Moonee Valley.

8. Reports by Mayor and Councillors

Nil

9. Reports

9.1 **Avondale Heights Community Garden Lease - Land at Rear of 2-22 River Drive, Avondale Heights - Lease Renewal**

File No: FOL/16/130

Author: Gary Mills
Coordinator Property Management

Directorate: City Services

Ward: Rosehill

Minute No: 2017/02

Council Resolution

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

1. Renew the lease with the Avondale Heights Community Garden Inc for occupation and use of River Drive Reserve, 2-22 River Drive, Avondale Heights for a further term of three years commencing 1 April 2017 until 31 March 2020.
2. Authorises the Chief Executive Officer to execute the deed of lease renewal.

CARRIED UNANIMOUSLY

9.2 **19-21 Park Street & 2-4 Smith Street, Moonee Ponds (Lot 1 TP 216316F, Lot 1 TP 401597M, Lot 2 PS 338924M, Lot 1 PS 338924M) - Construction of a multi-storey building comprising dwellings along with removal and variation of easements**

File No: FOL/17/11

Author: Matt Spozio
Principal Planner/Appeals Advocate

Directorate: Planning & Development

Ward: Myrnong

Minute No: 2017/03

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council, with respect to an Application for Review against Council's failure to decide the application within the prescribed time, resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, the decision would have been to issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/848/2015 for the construction of a multi-storey building comprising dwellings, along with removal and variation of easements at 19-21 Park Street and 2-4 Smith St, Moonee Ponds (Lot 1 TP 216316F, Lot 1 TP 401597M, Lot 2 PS 338924M, Lot 1 PS 338924M), on the following grounds:

1. The proposal fails to meet the strategies contained within Clause 21.06-1 (Neighbourhood Character) and Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme and would result in a development that:
 - a) fails to appropriately respond to its location and the surrounding context; and
 - b) fails to provide a high standard of internal amenity for residents.
2. The development would present a visually dominant and unsympathetic built form character to the area and will have an adverse effect on the residential amenity of neighbouring land.
3. The proposal fails to satisfy the following standards contained within Clause 55 (Two or more dwellings on a lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
 - a) Clause 55.03-1 (Street Setback Objective);
 - b) Clause 55.03-2 (Building Height Objective);
 - c) Clause 55.03-3 (Site Coverage Objective);
 - d) Clause 55.03-4 (Permeability Objective);
 - e) Clause 55.03-10 (Parking Location Objective);
 - f) Clause 55.04-2 (Walls on Boundaries Objective);
 - g) Clause 55.05-4 (Private Open Space Objective); and
 - h) Clause 55.05-5 (Solar Access to Open Space Objective).
4. The proposal will cause adverse traffic impacts on the surrounding area which will be substantial and unreasonable.
5. The proposal represents an overdevelopment.

CARRIED UNANIMOUSLY

**9.3 54 Cooper Street, Essendon (Lot 114 on TP 002735) -
Construction of four dwellings**

File No: FOL/17/11
Author: Justin Scriha
Senior Statutory Planner
Directorate: Planning & Development
Ward: Buckley
Minute No: 2017/04

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/906/2015 for the construction of four dwellings at 54 Cooper Street, Essendon (Lot 114 on TP 002735) subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. 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) The south-facing ground floor study windows to Dwellings 2 and 3 to be double glazed.
 - b) The sill heights of the south-facing ground floor study windows to Dwellings 2 and 3 to be no higher than 1.4 metres.
 - c) The selected louvre screens must be no more than 25% transparent in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
 - d) A 1.8 metre high dividing fence provided between the secluded private open space areas of Dwellings 2 and 3.
 - e) The setback of the kitchen/dining room wall from the northern title boundary of Dwelling 1 increased by 470mm to comply with Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme.
 - f) Dimensions of the proposed storage areas shown on the plans, ensuring compliance with Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme.
 - g) The over-bonnet storage areas to have a minimum height of 1.5 metres above finished floor level.
 - h) Rubbish bin storage areas to be relocated from the secluded private open space areas of all dwellings, to a location which allows convenient access to the road network.

- i) Existing and proposed vehicle crossings to be constructed/modified in accordance with Council's Vehicle Crossings Policy.
- j) Pedestrian visibility splays to be provided adjacent to either side of both accessways in accordance with Clause 52.06-8 (Design Standards for Car Parking).
- k) A minimum of two on-street car spaces to be retained on Cooper Street and car parking bays on Cooper Street to be re-lined in accordance with Australian Standards.
- l) Any stormwater treatment measures and notations as a result of Conditions 3 and 7.
- m) All BESS treatment measures and associated notations shown on the relevant plans as a result of Condition 4 in accordance with Clause 21.04 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct BESS report.
- n) A notation on the plans that all services boxes in the frontage is to not exceed 1.2 metres in height.
- o) The southern boundary fence to taper to a height of 1.2 metres within the frontage of the site.

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

2. Except with the prior written consent of the Responsible Authority, the layout of the land 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.
3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. An amended BESS assessment report must be submitted simultaneously with the submission of amended plans and STORM report in accordance with Conditions 1 and 3. The BESS Assessment must comply with Clause 21.04 (Sustainable Environment) of the Moonee Valley Planning Scheme and must accord with the amended STORM report.
5. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. 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.

7. 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 plan must include, but is not limited to:
- a) Hours of construction;
 - b) Parking and traffic movement of all workers and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
 - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - k) Arrangements for chemical storage;
 - l) Noise and vibration control;
 - m) Risk assessment;
 - n) Works timetable; and
 - o) Number of workers expected to work on the site at any one time.

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.

8. 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.

- 9. Floor levels shown on the endorsed plans must not be altered or modified without the prior 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 objective) 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 storm water down pipes 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.
- 12. Before the buildings approved by this permit are 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; and
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving),

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:

- e) Be maintained and made available for such use; and
 - f) Not be used for any other purpose,
to the satisfaction of the Responsible Authority.
13. 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.
14. The following street tree/nature strip protection measures must be undertaken;
- a) The nature strip and street tree located within the Cooper Street frontage of the land must be barricaded out using portable cyclone fencing for the duration of the development. 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 Cooper 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.
15. 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.
16. 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, 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 include computations and location of stormwater outlets and legal points of discharge.
- When approved, the Drainage Layout Plan will form part of this permit.

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

17. A Council drain (minimum 300mm dia uPVC or FRC or 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 buildings approved by this permit are occupied, as constructed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

18. Prior to the issue of an Occupancy Permit, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
19. 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 land.
20. Before the development starts, and before any trees or vegetation are removed a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and an electronic copy must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit.
 - b) The provision of a canopy tree within the front setback of Dwelling 1 which is able to achieve a minimum mature height of 4 metres.

- c) 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.
- d) The use of drought tolerant species.
- e) Features such as paths, paving and accessways.
- f) 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.
- g) An appropriate irrigation system.

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

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

- 21. 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.
- 22. 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 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.
- No on street parking permits will be provided to the occupiers of the land.

- 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.
- 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 $C=0.80$.
- Prior to, during and at completion of the works outlined in Condition(s) (17-19), staged inspections must be arranged with Moonee Valley City Council's Engineering Services Unit.

For: Crs Surace, Byrne, Cusack, Marshall, Sipek

Against: Crs Gauci Maurici, Lawrence

CARRIED

**9.4 1/44 Bowes Avenue, Airport West (Lot 1 on PS525023L) -
Use of the land as a medical centre and a reduction to
the car parking requirements**

File No: FOL/17/11

Author: Grant Michell
Senior Statutory Planner

Directorate: Planning & Development

Ward: Rosehill

Minute No: 2017/05

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/210/2016 for the use of the land as a medical centre and a reduction to the car parking requirements at 1/44 Bowes Avenue, Airport West (Lot 1 on PS525023L), subject to the following conditions:

1. Before the use 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) Directional signage not exceeding 0.3sqm and that does not include any commercial information, clearly indicating the location of patient parking.

- b) The layout of the site clearly indicating all rooms and their purpose consistent with the use as a medical centre and all car spaces on-site and their allocation; and
- c) Signage to be erected prohibiting unauthorised parking associated with the use on the premises.

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

2. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord within the endorsed plan and must not be altered or modified.
3. The use of the site must only be used as a medical centre (chiropractic clinic), unless with the prior written consent of the Responsible Authority.
4. Except with the written consent of the Responsible Authority, no more than one (1) medical practitioner may practice from the subject site at any one time.
5. Except with the written consent of the Responsible Authority, the use must only occur between the following hours:
 - a) Monday, Tuesday and Thursday: 3:00pm to 7:00pm;
 - b) Wednesday and Friday: 9:00am and 12:00pm; and
 - c) Saturday: 9:00am to 4pm.
6. Except within the written consent of the Responsible Authority, the subject site must not be used for any other medical service other than as a chiropractic clinic.
7. 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).
8. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
9. Upon the commencement of the use hereby permitted, 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
 - e) In any other way,

to the satisfaction of the Responsible Authority.

10. This permit will expire if:

- a) The use does not start within two (2) years of the date of this permit;
or
- b) The use is discontinued for a period of two (2) years.

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.

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.
- 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.
- All car parking on-site is associated with the use of the land as a medical centre and any changes to the use of the site, including as a dwelling, will require further assessment under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.

For: Crs Surace, Cusack, Gauci Maurici, Marshall

Against: Crs Byrne, Lawrence, Sipek

CARRIED

**9.5 81 Victoria Street, Flemington (Lots 1-11 on PS301808W)
- Construction of five dwellings and reduction in car
parking requirements**

File No: FOL/17/11

Author: Grant Michell
Senior Statutory Planner

Directorate: Planning & Development

Ward: Myrnong

Minute No: 2017/06

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/1025/2016 for the construction of five dwellings and a reduction in car parking requirements at 81 Victoria Street, Flemington (Lots 1-11 on PS301808W), subject to the following conditions:

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

Responsible Authority. 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 under Section 57A and assessed with the application but modified to show:

- a) The first floor balconies on the northern elevation to be fully contained within the title boundaries.
- b) Details of all overlooking screening in accordance with Clause 55.04-6 Standard B22 (Overlooking) of the Moonee Valley Planning Scheme.
- c) All permeable areas and rain garden locations, which accord with the approved STORM report.
- d) Details of all permeable pavings.
- e) All stormwater measures and associated annotations as a result of Condition 3.
- f) All STEPS treatment measures and associated notations shown on the relevant plans as a result of Condition 8 in accordance with Clause 21.04 of the Moonee Valley Planning Scheme.
- g) A notation stating that the existing redundant vehicle crossover on Victoria Street must be reinstated kerb and channel in accordance with Council's Vehicle Crossing Policy.
- h) The re-allocation of the 4sqm of storage located directly opposite the entry of Dwelling 1 to this dwelling.
- i) Pedestrian visibility splays in accordance with Clause 52.06-8 of the Moonee Valley Planning Scheme.
- j) The bin enclosure to have a maximum height of 1.2 metres.

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

2. Except with the prior written consent of the Responsible Authority, the layout of the land 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.
3. An amended STORM assessment report and STEPS report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. 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.

6. 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 plan must include, but is not limited to:
 - a) Hours of construction must read;
 - i) Monday Friday 7.00am to 6.00pm
 - ii) Saturday 9.00am to 1.00pm
 - b) All vehicular movements to and from the site are made only during the hours of 7.00am to 6.00pm Monday to Friday and 9.00am to 1.00pm Saturday;
 - c) Noise from construction or demolition work may occur outside of these times only where allowed by a permit approved by Planning Enforcement;
 - d) Parking and traffic movement of all workers and construction vehicles;
 - e) Scaffolding and hoarding for the site;
 - f) Allocated areas for loading and unloading;
 - g) Site evacuation plan and procedure;
 - h) Occupational health and safety policy;
 - i) Hazard identification and control;
 - j) Environmental management and waste minimisation;
 - k) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
 - l) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - m) Arrangements for chemical storage;
 - n) Noise and vibration control;
 - o) Risk assessment;
 - p) Works timetable; and
 - q) Number of workers expected to work on the site at any one time.

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.

7. 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' User's Guide or a Building Maintenance Guide.

8. The development must incorporate the sustainable design initiatives outlines in the endorsed STEPS Assessment to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plans must not be altered or modified without the prior 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 objective) 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. Before the buildings approved by this permit are 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; and
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving),

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:

- e) be maintained and made available for such use; and
 - f) not be used for any other purpose,
- to the satisfaction of the Responsible Authority.

12. Before the buildings approved by this permit are occupied, concrete vehicular crossings must be constructed to suit the proposed driveways in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.
13. 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.
14. 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.

15. Before the buildings approved by this permit are occupied, all boundary fencing is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
16. 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 land.
17. Before the development starts, and before any trees or vegetation are removed a landscape plan and schedule to the satisfaction of the

Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and an electronic copy must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:

- a) Any changes required by Condition 1;
- b) Planting on the land comprising trees and shrubs capable of providing a complete garden scheme, softening the building bulk, providing some canopy capable of reaching a mature minimum height of 4 metres;
- c) The proposed design features such as paths, paving, lawn and mulch;
- d) 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;
- e) The use of drought tolerant species;
- f) All trees on the land that are proposed to be removed or destroyed;
- g) Planting within the pedestrian visibility splay to be no more than 900mm in height;
- h) The irrigation system proposed.

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

Landscaping in accordance with the endorsed landscape plan and schedule must 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 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.
- Council will not accept any modifications to existing levels within the road reserve or to any R.O.W. Any change in levels to match existing surface levels along property boundary line must be made within the property boundary.
- 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 $C=0.80$.

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

Against: Cr Sipek

CARRIED

9.6 277 Mt Alexander Road, Ascot Vale (Lot 1 PS040849) - Construction of a multi level building comprising three additional dwellings in a Design and Development Overlay and a reduction in carparking requirements

File No: FOL/17/11

Author: Justin Scriha
Senior Statutory Planner

Directorate: Planning & Development

Ward: Myrnong

Minute No: 2017/07

Motion

Moved by Cr Lawrence, seconded by Cr Gauci Maurici that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/397/2016 for the construction of a multi-level building comprising three dwellings in a Design and Development Overlay area and a reduction in carparking requirements at 277 Mt Alexander Road, Ascot Vale (Lot 1 PS040849) subject to the following conditions:

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

Responsible Authority. 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) The internal re-arrangement of the existing dwelling in accordance with the plan titled 'Revised internal layout of the existing dwelling' submitted to Council on 22 November 2016.
- b) The provision of an arbor or signage (or similar) along the pedestrian accessway at Mt Alexander Road to provide identification to the new dwellings.
- c) All overlooking screens to comply with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- d) An amended bicycle parking layout demonstrating adequate clearance between the storage units and the wall.
- e) A notation on the plans that the development must be designed in accordance with the Noise Attenuation Measures specified in the report prepared by BRONER Consulting dated 19 April 2016.
- f) Any stormwater treatment measures and notations as a result of Conditions 3 and 6.
- g) All STEPS/BESS treatment measures and associated notations shown on the relevant plans as a result of Condition 4 in accordance with Clause 21.04 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct BESS report.
- h) The provision of swept path diagrams to demonstrate a vehicle can enter and exit the garage.
- i) Any internal reconfiguration as a result of Condition 1 h).
- j) The lift to have a secondary opening to the pedestrian accessway or alternate improved access.
- k) As a consequence of Condition 1 j), the subsequent relocation of the metre boxes.

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

2. Except with the prior written consent of the Responsible Authority, the layout of the land 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.
3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessments must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. An amended STEPS (or BESS) assessment report must be submitted simultaneously with the submission of amended plans and STORM report

in accordance with Conditions 1 and 3. The STEPS/BESS Assessment must comply with Clause 21.04 (Sustainable Environment) of the Moonee Valley Planning Scheme and must accord with the amended STORM report.

5. 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.
6. 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 plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
 - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - k) Arrangements for chemical storage;
 - l) Noise and vibration control;
 - m) Risk assessment;
 - n) Works timetable; and
 - o) Number of workers expected to work on the site at any one time.

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.

7. A maximum of 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;
 - 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' User's Guide or a Building Maintenance Guide.

8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
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 objective) 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. 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.
12. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes 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.
13. 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.

14. 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.

15. 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 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.

16. The plant and equipment on the roof of the building must be screened in a manner to complement the appearance of the building and be to the satisfaction of the Responsible Authority.

17. The development must be provided with external lighting capable of illuminating access to the basement entrance, each car parking space and pedestrian walkways. All car parking facilities are to be well lit in accordance with AS1680.2.1:2008. 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.

18. 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.

19. 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 in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants'.

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.

20. 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 buildings 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.
- 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.
- 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 calculations; $C=0.4$, 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 works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department 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 level within any road reserve or easement.
- No on-street parking permits will be provided to the occupiers of the land.

For: Cr Lawrence

Against: Crs Surace, Byrne, Cusack, Gauci Maurici, Marshall, Sipek

LOST

Council Resolution

Moved by Cr Cusack, seconded Cr Marshall that Council issue a Notice of Decision to Refuse to Grant a permit in relation to Planning Permit Application No. MV 397/2016 for 277 Mt Alexander Rd, Ascot Vale for Construction of a multi level building on the following grounds:

1. Unacceptable traffic amenity on surrounding area;
2. Unacceptable reduced setback at rear than that identified in the DDO; and
3. Inadequate parking provision.

**The foreshadowed motion in the name of Cr Cusack
was put and CARRIED**

10. Urgent Business

Nil

11. Confidential Reports

Nil

12. Close of Meeting

The meeting concluded at 7.33pm.

**CR ANDREA SURACE
CHAIRPERSON**