

Minutes

Development Assessment Panel (Public)

Wednesday, 17 April 2019

5.00pm

Report Index

The following reports were considered:

4. Planning Application MV/601/2018 – 33 Dean Street, Moonee Ponds

Minutes of the Development Assessment Panel Meeting

Wednesday 17 April 2019 at 5.00pm
held at Council Chambers, Moonee Valley Civic Centre

DAP Committee:	Petrus Barry	Manager Statutory Planning (Chair)
	Christina Collia	Coordinator Strategic Planning
	Damir Agic	Strategic Transport Planner
	Don Ambegoda	Coordinator Development Engineering
	Kosta Smirnis	Principal Engineer
	Matt Spozio	Coordinator Statutory Planning
	Terry Taleb	Coordinator Statutory Planning

Officer: Lachlan Orr Senior Statutory Planner

1. Opening and Purpose of Meeting

The Manager of Statutory Planning, Mr Petrus Barry, opened the meeting and welcomed all present to the Development Assessment Panel (DAP) Public Meeting of Wednesday, 17 April 2019.

Moonee Valley City Council respectfully acknowledges 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, who may be here today.

This public DAP meeting is being held following consideration of the decision making procedure for the Moonee Valley Racecourse development applications at the Ordinary Council Meeting on 9 April 2019, where it was resolved to:

- a. Revoke the instrument of delegation for the Moonee Valley Racing Club (MVRC) Planning Assessment Special Committee which had been established pursuant to Section 86 of the *Local Government Act 1989*;
- b. Modify the Statutory Planning Protocols (July 2018) at 5.3.2 through the addition of the following provision:

Planning Applications and/or determination of Council's position for VCAT in relation to applications over the Moonee Valley Racecourse may be assessed by officers, despite fitting into the above 'Major Projects' definition, or deemed to be

controversial (as per section 5.3.3 below), at an open session of Council's Development Assessment Panel (DAP) and determined under delegation. This provision will have effect until such time as there is a quorum of non-conflicted Councillors.

- c. Agree the Planning Permit Applications submitted by Moonee Valley Racing Club pursuant to the *Planning and Environment Act 1987* will be briefed to non-conflicted Councillors, providing an opportunity for Councillors to represent the views of the community, but be decided under Delegation in accordance with the amended Statutory Planning Protocols in (b) above.
- d. Request the Chief Executive Officer, prior to exercising delegations in accordance with (b) and (c), above, provide Councillor updates in relation to the applications, and subsequent to decision making, appropriately communicate decisions to the community.
- e. Update the Statutory Planning Protocols by replacing all Team Leader references with Coordinator and Coordinator with Senior Coordinator.

This DAP meeting has been called in accordance with the above resolution, to determine the permit application for the second stage of the Moonee Valley Racecourse development.

2. Apologies

Leanne Wilson	Manager Technical Services
Vera Mitrovic-Misic	Senior Coordinator Statutory Planning

3. Declarations of Conflict of Interest

Nil.

4. Planning Application MV/601/2018 – 33 Dean Street, Moonee Ponds - Construction of a building and construction and carrying out of works associated with an apartment development

Author: Lachlan Orr
Senior Statutory Planner

Directorate: Planning and Development

Resolution:

Moved by Kosta Smirnis, seconded by Terry Taleb, that Council officers (acting under delegation and in accordance with the Statutory Planning Protocols) issue a Planning Permit in relation to Planning Permit Application No. MV/601/2018 for the construction of a building and construction and carrying out of works associated with an apartment

development at 33 Dean Street, Moonee Ponds (Lot B on PS805188R), subject to the following conditions:

Endorsement 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 design of apartment types 2C, 3D and 3E modified to comply with Standard D17 of Clause 55.05-1 (Accessibility) of the Moonee Valley Planning Scheme;
 - b) The allocation of all external storage areas clearly noted to comply with Standard D20 of Clause 58.05-4 (Storage) of the Moonee Valley Planning Scheme;
 - c) The allocation of car parking to each dwelling and to visitors, with a notation that each space will be line-marked accordingly;
 - d) A notation that the pedestrian visibility splay is to comply with Clause 52.06-9 of the Moonee Valley Planning Scheme;
 - e) A notation that the loading area is to be appropriately line marked to enable each space to be utilised;
 - f) Amendments or alternative treatments such as convex mirrors to improve sightlines at locations where visibility is limited within the basement car park, such as intersecting points with solid walls and the bottom of ramps;
 - g) A maximum gradient of 1:6.5 provided to the ramp to accommodate waste and loading vehicles in accordance with AS2890.2:2002 or alternative design solution to the satisfaction of the Responsible Authority;
 - h) A notation that surfaces within parking areas are graded appropriately in relation to drainage discharge points as required by AS2890.1-2004;
 - i) A notation that appropriate direction signage will be provided for visitor bicycle spaces;
 - j) The location of the main bedroom door in apartment type 3E;
 - k) The canopy above the main building entry clearly shown on the northern elevation;
 - l) Sectional details of the access steps and ramp to the main building entry;

- m) A notation on the roof plan that the communal roof terrace must not include any roofing or any other structures which protrude above the mandatory maximum building height;
- n) A landscape plan in accordance with Condition 5;
- o) A notation that the vertical planters are to be maintained in accordance with Condition 7;
- p) Notations on the plans to accord with the Sustainable Management Plan required by Condition 11; and
- q) The reinstatement of the redundant vehicle crossing near the north-western corner of the stage boundary in accordance with Condition 29.

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. Prior to the commencement of any works, a Staging Plan of Precinct 9 (Racecourse Residential and Mixed Use Precinct) must be submitted to and approved by the Responsible Authority. The approved development must accord with the approved Staging Plan to the satisfaction of the Responsible Authority in accordance with Section 173 Agreement AQ569425F.
- 4. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority for the extension of the pedestrian link along the western side of the building to Thomas Street. The plan may be prepared in conjunction with the plan required under planning permit MV/222/2018, as amended.

The Public Lighting Plan must be in accordance with the City of Moonee Valley's Sustainable Lighting Guidelines, must show lighting provided with a power supply to each light underground and must provide street lighting to the Australian Standard for residential street lighting.

When approved, the Public Lighting Plan will be endorsed and will then form part of this permit. Public Lighting must be provided in accordance with the endorsed Public Lighting Plan.

- 5. Before the development commences, and before any trees or vegetation are removed amended landscape plans prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The amended landscape plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Any changes as required by Condition 1 of this permit;

- b) A complete and fully detailed planting schedule, including structural design details, to be undertaken in consultation with and to the satisfaction of Council's Landscape and Open Space Unit;
- c) Details of surface treatments to accessways and pedestrian thoroughfares; and
- d) An appropriate irrigation system.

When approved the amended landscape plans will be endorsed and will form part of this permit. Landscaping in accordance with the endorsed landscape plans must be completed before the development is occupied.

- 6. 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.
- 7. Before the development starts, a Landscape Maintenance Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Landscape Maintenance Plan must be prepared by a person with suitable qualifications to the satisfaction of the Responsible Authority and must provide recommendations and set out actions required to protect the health and ensure the ongoing upkeep of landscaping throughout the development, particularly the vertical planters.

When approved, the Landscape Maintenance Plan will be endorsed and will form part of this permit, and the ongoing actions contained within must be carried out to the satisfaction of the Responsible Authority.

- 8. Before the development commences, an amended Sustainable Management Plan, inclusive of Water Sensitive Urban Design report, must be submitted to and approved by the Responsible Authority. The Sustainable Management Plan must be generally in accordance with the one prepared by Ark Resources dated 4 October 2018, updated as required by Condition 1 and should achieve all minimum requirements, meet best practice standards and be to the satisfaction of the Responsible Authority for approval.

Upon approval the Sustainable Management Plan will be endorsed as part of this planning permit. The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

- 9. Before the development commences, 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) Arrangements for the provision and allocation of car spaces to accord with the endorsed development plans;
- b) The management of resident and visitor parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the entrance and directional signage;
- c) The management of the waste and loading zone to minimise impacts on the operation of the car park and Right of Way, and to ensure appropriate vehicles utilise the zone;
- d) Ventilation and lighting of parking areas, entries and exits;
- e) A requirement that no charge be made for car parking without the consent of the Responsible Authority;
- f) The access points to be provided with appropriate signage and line marking; and
- g) Traffic calming measures for inclusion within the accessways and car parking areas as appropriate.

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.

10. Before the development commences, 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 generally in accordance with the plan submitted with the application but modified as follows:
- a) Any changes as required by Condition 1 of this permit; and
 - b) Scaled waste management plans in accordance with Section 10 of Moonee Valley City Council's 'Waste Management Plans – Guidelines for Applicants', illustrating collection vehicle access and any associated turning circles.

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, 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 and the relevant requirements at Clause 6.0 of Schedule 1 to Clause 37.08 (Activity Centre Zone) of the Moonee Valley Planning Scheme.

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.

12. 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 WSUD 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.
13. 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.

Drainage conditions

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 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.

16. Prior to the commencement of buildings and works, a drainage layout plan, including stormwater outlets and legal points of discharge, must be prepared and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority. Plans to include a drainage system design, in accordance with the approved Drainage Strategy, prepared by a Civil/Hydraulics Engineer, together with submitted computations for approval as follows:
- a) The drainage system design is to include provision for the discharge of stormwater from the land controlled around its limits by means of a designed underground piped drainage system discharging to a legal point of discharge (for the development) as approved by the Responsible Authority and to prevent any discharge onto any adjacent properties or streets;
 - b) The drainage system design and layout is to address all minor and major stormwater runoff from the land to the satisfaction of the Responsible Authority i.e. 1 in 10 year ARI underground piped system and a major 1 in 100 year ARI system with designed overland and/or other approved major flow paths; and
 - c) The drainage system design and layout is to address and demonstrate that all minor stormwater flows up to a 1 in 10 year ARI will be captured to drain via the underground drainage system to the satisfaction of the Responsible Authority.
17. Before the dwellings are occupied, the owner must, at its own cost, undertake and complete the above work (refer to Condition 14 and 16) to the satisfaction of the Responsible Authority.
18. Upon practical completion of drainage works including any deferred works to the satisfaction of the Responsible Authority, the Developer must lodge a maintenance bond to the value of 5% of the cost of the works. The maintenance bond will be

held and the defects liability period will continue for twelve (12) months from the date of the Responsible Authority's approval of practical completion of the works.

19. Prior to signing off at practical completion of the drainage works the owner shall submit for approval As Constructed plans of the completed drainage works. In addition the consultant is to provide a digital document showing the overall extent of works of the project.
20. The developer must maintain the new road, drainage and associated civil construction works for a period of twelve (12) months with a 12 months defects liability period applying from the date of the Responsibility Authority's approval of practical completion of work. After a 12 months defects liability period, the developer must notify the Responsible Authority to enable an end of defect liability period (EDLP) inspection after which the maintenance security bond will be refunded subjected to:
 - a) The satisfaction of the Responsible Authority for acceptance of the works for future care and maintenance;
 - b) The Responsible Authority receiving "As Constructed" drawings as per Condition 16 and 19.

Head, Transport for Victoria condition

21. Unless otherwise agreed in writing with the Head, Transport for Victoria prior to the occupation of the development, item no. 14 within Table 9.2 Proposed Transport Infrastructure Staging within the endorsed GTA Consultants Integrated Transport Plan must be completed to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Development conditions

22. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
23. 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.
24. 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 buildings.
25. The plant area and equipment on the roof of the buildings must be screened in a manner to complement the appearance of the buildings and be to the satisfaction of the Responsible Authority.
26. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater 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.

27. Before the existing street trees are removed to facilitate the new crossover, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the trees must be undertaken to the requirements and satisfaction of the Responsible Authority. Any replacement trees planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street trees must be borne by the permit applicant and their replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.
28. The existing street trees, other than those referenced in the previous conditions, must not be removed or damaged as a result of the permitted development to the satisfaction of the Responsible Authority.
29. Prior to the issue of an Occupancy Permit, the concrete vehicular crossings 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.

30. 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.

Expiry condition

31. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within three (3) years from the date of issue of this permit; or
- b) The development is not completed within five (5) 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.
- No on street parking permits will be provided to the occupiers of the land.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following: $C_w=0.4$, $t_c=10\text{mins}$, $t_{so}=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development C_w or $C_w=0.80$.
- 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.

- The pump system is to be in accordance with AS3500.3:2003 Section 9 and is to be installed by a person with suitable qualifications to the satisfaction of the Responsible Authority.
- Council will not be responsible for any damage to the land or neighbouring properties in the event that the pump system fails due to mechanical failure, exceedance of maximum design rainfall or otherwise. Property owner/s may face liability for any damage to neighbouring properties as a result of such failure.
- The use of an underground pump system is only considered an interim measure. Should an easement drain be constructed in future via a Special Charge Scheme, the owner may be required to contribute to the cost of the construction of an easement drain.
- 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.
- 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.
- 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 development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council's online system at <http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx> or in person at 9 Kellaway Avenue, Moonee Ponds.
- In responding to Condition 16, Council's Development Engineering Unit recommends that the As Constructed drawings are in accordance with A - SPEC requirements. For more information on A-SPEC requirements, visit www.a-specstandards.com.au.
- The provision of electric vehicle charging facilities for residents within the basement levels should be investigated in the preparation of the required Car Parking Management Plan.

CARRIED UNANIMOUSLY

5. Close Of Meeting

The meeting concluded at 5.30pm.

**PETRUS BARRY
CHAIRPERSON**