



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 20 December 2011

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 20 December 2011 at 7.03pm
held at the Moonee Valley Civic Centre

PRESENT

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

Officers: Mr Neville Smith Chief Executive
Mr Bryan Lancaster Director City Works & Development
Mr Anthony Smith Director Corporate Services
Mr Stuart Gillespie Executive Manager Citizen Services & Information Management
Mr Tony Ball Executive Manager Community Services
Mr Scott Widdicombe Executive Manager Environment & Lifestyle
Mr Ralph Anania Manager Governance & Local Laws

1. Opening

The Mayor, Cr Cusack, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 20 December 2011.

2. Apologies

An apology for non-attendance was received for Cr James Rankin.

3. Confirmation of Minutes

Moved by Cr Sipek, seconded by Cr Chantry that the Minutes of the Ordinary Meeting of Council held on Tuesday, 15 November 2011 and the Minutes of the Statutory Meeting of Council held on Tuesday 29 November be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Council Resolution

Moved by Cr Kenos, seconded by Cr Gillis that Standing Orders be suspended to allow an external presentation to be made.

CARRIED

The Mayor announced that Philip Pandongan was the winner of Moonee Valley's Youth Voice Award and presented him with his award.

In addition, the Mayor also took the opportunity to acknowledge that Ahmed Dini, had recently been announced as the winner of Australia's Local Hero Category (Victoria) for the Australia Day Awards.

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sipek that Standing Orders be resumed.

CARRIED

6. Petitions And Joint Letters

6.1 Parking Restrictions in Daisy Street, North Of Miller Street

File No. 63/004/002

Minute No. 2011/149

Cr Chantry tabled a petition signed by 28 individuals, requesting that Council introduce 4 hour parking restrictions, Monday to Friday in Daisy Street, between Miller St and Florence St.

6.2 Car Parking Configuration – Centreway East Keilor

File No. 11/653727

Minute No. 2011/150

Cr Kenos tabled a petition signed by 161 individuals requesting that Council change the parking bays at the Centreway Mall in East Keilor to 45 degrees to allow for safer entry and exiting and also to reduce rear end collisions and time to access parking bays.

In tabling a petition, the Appropriate Officer is required to undertake the necessary action and if necessary provide a further report to Council.

7. Public Question Time

Nil.

8. Reports By Mayor And Councillors

File No. FOL/10/357

Minute No. 2011/151

Council Resolution

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

CARRIED

9. Council Reports

9.1 103 Holmes Road, Moonee Ponds (Lot 3 on PS 002140) - Construction of a three storey building with a basement level for the purposes of fourteen dwellings.

File No: MV/21611/2010

Author: Town Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No 2011/152

Council Resolution

Moved by Cr Gillis, seconded by Cr Chantry that Council issue a Notice of Refusal to Grant a Permit in relation to Planning Permit Application No. MV/21611/2010 for the construction of a three storey building with a basement level for the purposes of fourteen dwellings at 103 Holmes Road, Moonee Ponds, Lot 3 on PS 002140, on the following grounds:

1. The proposal fails to satisfy the objectives set out in Clause 21.05 of the Moonee Valley Planning Scheme by way of building bulk and articulation.
2. The proposal fails to meet the objectives of Clause 55.02-1 (Neighbourhood Character) as the proposal represents a poor design response and does not appropriately respect or respond to the prevailing character of the area.
3. The proposal fails to meet the objectives of Clause 55.03-2 (Building Height) as the proposal does not respect the existing neighbourhood character and has the potential to affect the integrity of the adjoining heritage listed dwellings.
4. The proposal fails to meet the requirements of Clause 55.04-1 (Side and Rear Setbacks) as the development is of a scale and bulk which does not accord with the characteristics of the locality.

CARRIED

9.2 1 Hillside Terrace, Ascot Vale - Construction of two double storey dwellings

File No: MV/21464/2010
Author: Town Planner
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2011/153

Council Resolution

Moved by Cr Gillis, seconded by Cr Sipek that with respect to an Application for Review against Council's failure to determine the application within the prescribed time and subsequent resolution to refuse to grant a permit, Council resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application based on the amended plans prepared by Jontian Group dated October 2011, that if Council were in a position to decide on the application, that the decision would have been to issue a Notice of decision to Grant a Permit for Application No. MV/21464/2010 subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The first floor of both dwellings to have a minimum floor to ceiling height of 2.4 metres.
 - b) The provision of an internal dividing fence between the secluded private open spaces of Dwelling 1 and Dwelling 2, with a minimum height of 1.8 metres.
2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to the issue of an Occupancy Permit, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority.

5. 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.
6. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
7. All piping and ducting, excepting for gutters and rainwater downpipes, above the ground floor storey of the building must be concealed to the satisfaction of the Responsible Authority.
8. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
9. The street tree(s) must not be removed or replaced without the written consent of the Responsible Authority. The replacement is to be to the satisfaction of the Responsible Authority. All fees associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and must be undertaken prior to the issue of an Occupancy Permit to the satisfaction and requirements of the Responsible Authority.
10. 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.
11. Each dwelling is to have a separate drainage system and discharge point.
12. All stormwater runoff from the development is to drain via an underground drainage system and discharge to the Council drainage pit in the front of the property along Hillside Terrace.
13. 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.
14. Buildings or works must not be commenced (and trees or vegetation must not be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the

Responsible Authority. The landscape plan(s) must be generally in accordance with the plans submitted for endorsement but modified to show:

- a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
- b) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design.
- c) Planting on the land comprising trees and shrubs capable of:
 - i) Providing a complete garden scheme.
 - ii) Softening the building bulk.
 - iii) Providing some canopy trees for landscape perspective. Selected canopy trees must be capable of reaching a mature minimum height of 4 metres.
 - iv) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.
- d) The proposed design features such as paths, paving, lawn and mulch.
- e) 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.
- f) The use of drought tolerant species.
- g) All trees on the land that are proposed to be removed or destroyed.

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

15. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
16. This permit will expire if:-
 - a) the development does not start within two (2) years of the date of issue of this permit, or
 - b) the development is not completed within four (4) years of the date of issue of this permit.

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.

- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Department regarding legal point of discharge, new crossings, building over easements etc.
- This property is located within a Heritage Overlay control area. Planning permission is required for any additional works to the site in accordance with Clause 43.01 of the Moonee Valley Planning Scheme.
- No on street parking permits will be provided to the occupiers of the subject site.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Department and to the satisfaction of the Responsible Authority.

CARRIED

**9.3 15 Esmale Street, Strathmore (Lot 260 on PS 011110)
Construction of three dwellings.**

File No: MV/370/2011
Author: Planner
Directorate: City Works & Development
Ward: Buckley
Minute No: 2011/154

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/370/2011 for the construction of three dwellings at 15 Esmale Street, Strathmore (Lot 260 PS011110) subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The deletion of the proposed "butterfly" roof forms for each of the dwellings and their replacement with gabled roof forms. The pitch of the roofs must be to the satisfaction of the Essendon Airport.
 - b) The garage of Dwelling 1 is to be setback 8.45 metres from the front property boundary with no subsequent changes to the clear internal dimensions of the garage.
 - c) The fence associated with the ground floor patio of Dwelling 1, in the front setback, reduced to a height of 1.5 metres from the finished floor level of the patio and must have a minimum transparency of 25%.
 - d) The gravel surface integrated into the access ways deleted.

- e) As a result of Condition 1c) the access ways are to provide semi-porous material(s) to break up the concreted surfacing.
- f) A level of 20% permeability must be achieved on the site and a notation placed on the permit accordingly.
- g) Vehicles exiting the garage of Dwelling 3 must be able to make a forward movement out of the common access way.
- h) Alterations to Dwelling 3 to accommodate the changes required by Condition 1g).
- i) The balcony associated with Dwelling 2 must comply with Standard B23 (Internal Views Objective) of Clause 55.04-7 of the Moonee Valley Planning Scheme.
- j) The proposed crossover is to be constructed as a double crossover with No.13 Esmale Street.
- k) The location of the mailboxes.

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Before the issuing of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
5. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
6. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
7. Prior to the issue of an Occupancy Permit, the existing service pit which is in conflict with the proposed crossover must be relocated to the satisfaction of the relevant servicing authority and the Responsible Authority. All costs associated with the relocation of the existing utility pole must be borne by the permit holder.

8. An on-site stormwater detention system (OSD) must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of buildings and works a drainage layout plan, together with computations and manufacturing specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
9. All piping and ducting, excepting for gutters and rainwater downpipes, above the ground floor storey of the building must be concealed to the satisfaction of the Responsible Authority.
10. The development must be provided with external lighting capable of illuminating access to each garage, car parking spaces 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.
11. Building or works must not be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plans when endorsed shall form part of this permit. This plan must show:
 - a) Accord with the condition 1 requirements of this permit.
 - b) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
 - c) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design.
 - d) Planting within and around the perimeter of the site comprising trees and shrubs capable of:
 - i) Providing a complete garden scheme
 - ii) Softening the bulking bulk
 - iii) Providing some upper canopy for landscape perspective.
 - iv) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings
 - e) The proposed design features such as paths, paving, lawn and mulch.
 - f) 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.
 - g) The provision of two canopy trees within the front setback of Dwelling 1 and one canopy tree in the each of the areas of private open space for Dwellings 2 and 3 capable of reaching a mature height of 4.0 metres.

Landscaping in accordance with this approved plan and schedule shall be completed prior to the occupation of the dwellings and thereafter maintained to the satisfaction of the Responsible Authority.

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

ESSENDON AIRPORT CONDITIONS

12. Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of the Australian Standard AS 2021-2000, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Australia International Ltd.
13. Should any activity occur above 100m AHD (eg cranes during construction) approval will be required from Essendon Airport. At this height the Airports (Protection of Airspace) Regulations 1996 takes effect.

END ESSENDON AIRPORT CONDITIONS

14. This permit will expire if:

- a) The use and development does not start within two (2) years of the date of this permit; or
- b) The use and development is not completed within four (4) years of the date of this permit.

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before the commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- All works within the road reserve shall be in accordance with the requirements of the Moonee Valley City Council's Engineering Services Department.
- No on street parking permits will be provided to the occupiers of the subject site
- The OSD is to limit the rate of stormwater discharge from the property to pre-development levels (C=0.4, tc=5mins, ARI 1in5). An ARI of 1in10 shall be used for storage and the greater of post development C or C=0.80.
- The development should take into consideration the fact that aircraft can operate from Essendon Airport 24 hours per day, seven days per week. The Airport is used as a base for emergency services (Police, Air Ambulance and Royal Flying Doctor Service) for Melbourne and rural Victoria and, accordingly, air traffic after 2300 hours and before 0600 hours is a reality.

CARRIED

**9.4 45 Sydney Street, Ascot Vale (Lot 1 on TP 150908S) -
Construction of three double storey dwellings.**

File No: MV/21660/2010
Author: Planner
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2011/155

Council Resolution

Moved by Cr Gillis, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/21660/2010 for the construction of three double storey dwellings at 45 Sydney Street, Ascot Vale (Lot 1 TP 150908S) subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The provision of a pitched roof on the eastern elevation ground floor level of Dwellings 2 and 3 in front of the car spaces to break up the built form of the sheer walls.
 - b) The side fence of Dwelling 1 facing Adelaide Street, setback 6.1 metres from Sydney Street to provide clear site lines of the footpath for pedestrian safety.
 - c) The secluded private open space of Dwelling 1 reconfigured in accordance with Condition 1 b).
 - d) The internal fence between the front of Dwellings 2 and 3 reduced in height to a maximum of 1 metre to provide clear sight lines of the footpath.
 - e) Materials and colours to be in accordance with the plans submitted to Council on the 18 October 2011.
2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without further written consent of the Responsible Authority.
3. Before the Issuing of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.

5. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency and the Responsible Authority.
6. An on-site stormwater detention system (OSD) must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of buildings and works a drainage layout plan, together with computations and manufacturing specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
7. Buildings and works must not be commenced (and no trees or vegetation shall be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plans when endorsed shall form part of this permit. This plan must show :
 - a) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
 - b) Buildings, Outbuildings and trees in neighbouring allotments that would affect the landscape design.
 - c) Planting within and around the perimeter of the site comprising trees and shrubs capable of:
 - i) Providing a complete garden scheme.
 - ii) Softening the building bulk.
 - iii) Proving some upper canopy for landscape perspective.
 - iv) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.
 - d) The proposed design features such as paths, paving, lawn and mulch.
 - e) 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.

Landscaping in accordance with this approved plan and schedule shall be completed prior to the occupation of the dwelling and thereafter maintained to the satisfaction of the Responsible Authority.

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

8. Prior to the occupation of the development hereby permitted, all landscaping (including trees, shrubs and lawn) must be completed in accordance with any approved landscape plan to the satisfaction of the Responsible Authority.

9. This permit will expire if:

- a) The use and development does not start within two (2) years of the date of this permit; or
- b) The use and development is not completed within four (4) years of the date of this permit.

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before the commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- All works within the road reserve shall be in accordance with the requirements of the Moonee Valley City Council's Engineering Services Department.
- No on street parking permits will be provided to the occupiers of the subject site.
- The OSD is to limit the rate of stormwater discharge from the property to pre-development levels (C=0.4, tc=5mins, ARI 1in5). An ARI of 1in10 shall be used for storage and the greater of post development C or C=0.80.

CARRIED

9.5 6 Kitson Crescent, Airport West - Construction of three double storey dwellings

File No: MV/411/2011
Author: Senior Town Planner
Directorate: City Works & Development
Ward: Rose Hill
Minute No: 2011/156

Council Resolution

Moved by Cr Cornish, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/411/2011 for the construction of three double storey dwellings at 6 Kitson Crescent, Airport West (Lot 2 on PS079196) subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the responsible authority. The plans must be drawn to scale, with dimensions, and be generally in accordance

with the plans submitted and assessed with the application but modified to show:

- a) Dwellings 2 and 3 converted into two bedroom dwellings.
- b) The deletion of the tandem car spaces in front of the garages for Dwellings 2 and 3, providing each of the dwellings with a single garage only.
- c) The provision of 4 metres internal turning circles to enable vehicles associated with Dwellings 2 and 3 to turn in order to exit the site in a forward direction.
- d) The deletion of a section of landscaping shown along the west boundary in order to assist the turning movements of vehicles associated with Dwellings 2 and 3.
- e) The garage associated with Dwelling 3 to be constructed so as to be fully dismountable.
- f) Fencing to the east, north and west boundaries constructed to a height of 1.8 metres and to taper down at the site's front boundary so as to preserve appropriate site lines for reversing vehicles.

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. All piping and ducting, excepting for gutters and rainwater downpipes, above the ground floor storey of the building must be concealed to the satisfaction of the Responsible Authority.
5. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
6. Buildings or works must not be commenced (and trees or vegetation must not be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the responsible authority. The landscape plan must propose suitable and non-invasive species for those areas which are located within the easement. Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied. After completion of the landscaping it must be maintained in good order to the satisfaction of the Responsible Authority.
7. 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.

8. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
9. 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.
10. Prior to the issue of an Occupancy Permit, all boundary fencing which appears on the endorsed plans must be installed to the satisfaction of the Responsible Authority. The cost of such fencing must be met by the permit holder and carried out to the satisfaction of the Responsible Authority.
11. The existing street tree located within the abutting section of road reserve to the site must not be removed or damaged as a result of the permitted development.
12. Prior to the commencement of buildings and works (including the construction of crossovers), a report prepared by a qualified arborist must be submitted to the Responsible Authority for approval, unless otherwise consented to by the Responsible Authority. The report must assess the location of the proposed crossover in relation to an existing street tree located within the abuttal of the road reserve to the site and provide recommendations to minimise any damage to the health of the existing street tree as a consequence of the proposed crossover. Once considered satisfactory and approved by the Responsible Authority, the report will be endorsed under the planning permit. Once endorsed the findings of the report must be undertaken to the satisfaction of the Responsible Authority and all approved works in relation to the construction of the crossover are to be supervised by a qualified arborist. All costs and responsibilities associated with the commissioning of the report, the undertaking of the report's findings and arborist supervision must be borne by the permit holder.
13. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
14. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible

Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.

15. This permit will expire if:

- a) The development does not start within two (2) years of the date of issue of this permit; or
- b) The development is not completed within four (4) years of the date of issue of this permit.

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Department regarding legal point of discharge, new crossings, building over easements etc.
- No on street parking permits will be provided to the occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $+c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=80$.

DIVISION CALLED

A Division was called and voting was as follows:

FOR: Crs Giuliano, Gillis, Cornish, Chantry and Cusack.

AGAINST: Crs Kenos, Sharpe and Sipek.

MOTION CARRIED

9.6 9 Odin Street, Strathmore (Lot 969 on LP14088) - Construction of two attached double storey dwellings.

File No: MV/409/2011

Author: Town Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2011/157

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/409/2011 for the Construction of two attached double storey dwellings at 9 Odin Street, Strathmore (Lot 969 LP014088)) subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the responsible authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The word “unit” replaced with “dwelling”.
 - b) The floor to ceiling heights of the first floor level of each dwelling to be a maximum of 2.4 metres.
 - c) The use of translucent film to the first floor windows of each dwelling in lieu of obscure glazing.
 - d) All first floor windows provided with translucent film to be fixed or awning style with a maximum opening of 150mm.
 - e) A notation on the plan that the existing Sewer Entry Pit within the proposed crossover is to be constructed as a grated pit with heavy duty grate to the satisfaction of the relevant Responsible Authority.
 - f) The existing street tree to be removed and replaced in a suitable location within the nature strip to the satisfaction of the Responsible Authority.

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
5. The translucent film associated with the first floor windows, as shown on the endorsed plans, must be installed prior to the occupation of the building.
6. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
7. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority’s standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of

the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits.

Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

8. Provision must be made for the drainage of the land including landscaped and pavement area. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
9. The development must be provided with external lighting capable of illuminating access to the car parking spaces 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.
10. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Plans which accord with the site layout plan for endorsement as a consequence of Condition 1 of this permit.
 - b) A planting schedule to show the number and species of proposed plants including pot size at planting and height and spread at maturity.
 - c) The provision of two canopy trees within the front setback of Dwelling 1. Such trees must be capable of reaching 4.0 metres in height.
 - d) The proposed design features such as paths, paving, lawn and mulch.
 - e) The inclusion of drought tolerant species.

Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

11. 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.
12. Prior to the removal of the existing street tree to facilitate the new crossover, the applicant shall advise the Responsible Authority of the method and safety measures to be implemented. The removal of the tree must be undertaken to the requirements and satisfaction of the Responsible Authority.

13. This permit will expire if:-

- a) The development does not start within two (2) years of the date of issue of this permit, or
- b) The development is not completed within four (4) years of the date of issue of this permit.

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Department regarding legal point of discharge, new crossings, building over easements etc.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Department and to the satisfaction of the responsible authority.
- A permit must be obtained from Council for all vehicular crossings.
- Prior to the commencement of any buildings and works, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal of the street tree. Please contact Council on 9243 8888 to speak with Council's Arborist, a minimum of 3 weeks prior to the removal of the street tree.
- No on street parking permits will be provided to the occupiers of the subject site.

CARRIED

9.7 17 West Court, Airport West (Lot 177 on PS 042270) - Construction of four dwellings

File No: MV/27/2011
Author: Senior Town Planner
Directorate: City Works & Development
Ward: Rose Hill
Minute No: 2011/158

Council Resolution

Moved by Cr Giuliano, seconded by Cr Gillis that council issue a notice of decision to grant a permit in relation to Planning Permit Application No. MV/27/2011 for the construction of four dwellings at 17 West Court, Airport West, Lot 177 on PS042270 subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The deletion of the first floor level from Dwelling 4. All required modifications must be undertaken so to ensure compliance with Clause 55 of the Moonee Valley Planning Scheme.
 - b) The internal elevations of each dwelling.
 - c) The eastern and southern perimeter fencing to be 1.8m in height above the Natural Ground Level.
 - d) Elevations of the proposed 1m high front fence.
 - e) A detailed schedule of materials, colours and finishes.
 - f) Notation on the plans stating that the garage associated with Dwelling 4 is to be a readily removable lightweight structure including all structural members and roofing.
 - g) The concrete slab associated with the garage of Dwelling 4 to include 'saw cuts' where it extends over the easement.
2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to the issue of an occupancy permit for the development all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
5. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the buildings.
6. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
7. The car parking areas and access ways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable). The car park area and driveways must be maintained to the satisfaction of the Responsible Authority.
8. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a

minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

9. Provision must be made for the drainage of the land including landscaped and pavement area. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
10. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
11. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
12. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit.
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
 - c) The use of drought tolerant species.
 - d) The planting of tree species within the front setback including not less than two canopy tree located along the street frontage with a minimum mature height of 4 metres.
 - e) Features such as paths, paving and accessways.

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.

13. Prior to the occupation of the development hereby permitted, all landscaping, (including trees, shrubs and lawn) must be completed in accordance with any approved landscape plan to the satisfaction of the Responsible Authority.
14. Prior to the occupancy permit being issued, all new boundary fences as identified on the endorsed plans must be constructed to the satisfaction of the Responsible Authority. The cost associated with the construction of the boundary fences must be borne by the owner /permit holder.
15. This permit will expire if:-
 - a) the development does not start within two (2) years of the date of issue of this permit, or
 - b) the development is not completed within four (4) years of the date of issue of this permit.

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's engineering Services Department regarding legal point of discharge, new crossings, building over easements etc.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Department and to the satisfaction of the Responsible Authority.
- No on-street carparking permit will be issued to residents of the proposed development.
- It is the responsibility of the developer to verify the exact location and condition of the Council easement and barrel drain prior to the commencement of any works.
- The On-Site Detention (OSD) is to limit the rate of stormwater discharge from the property to pre-development levels ($C=0.4$, $t_c=5$ mins, ARI 1in5). An ARI of 1in10 shall be used for storage and the greater of post development C or $C=0.80$. A drainage layout prepared by a Civil Engineer together with computations for the On Site Detention System and manufacturers specifications are to be submitted to this department for approval.

DIVISION CALLED

A Division was called and voting was as follows:

FOR: Crs Giuliano, Gillis, Chantry Cusack and Sharpe.

AGAINST: Crs Cornish, Kenos, and Sipek.

MOTION CARRIED

9.8 27-29 Strelton Avenue Strathmore (Lot 2 on PS 095571) - Buildings and works comprising the construction of three dwellings.

File No: MV/142/2011
Author: Planner
Directorate: City Works & Development
Ward: Buckley
Minute No: 2011/159

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sipek that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/142/2011 for Buildings and Works comprising the construction of three dwellings (construction of a new three storey dwelling and conversion of existing dwelling into 2 dwellings, including the construction of an additional storey) subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The entry to Dwelling 3 to be setback a minimum of 6.6 metres from the Strelton Avenue property boundary.
 - b) The porch element of Dwelling 3 to be setback a minimum of 4.5 metres from the Strelton Avenue property boundary.
 - c) The driveway to Dwelling 3 reconfigured to reduce the extent of concrete and maximise the landscaping area.
 - d) Deletion of the rumpus room of Dwelling 3.
 - e) The first and second floor wall on the east elevation of Dwelling 3 to create improved visual interest through the use of selected materials and finishes.
 - f) The first floor of dwelling 3 to be a minimum:
 - i) 7.7 metres setback from the south boundary.
 - ii) 1.5 metres setback from the east boundary.
 - g) The second floor of Dwelling 3 to be a minimum:
 - i) 13.7 metres setback from the south boundary.
 - ii) 3.7 metres setback from the east boundary.
 - h) All first and second floor habitable room windows to be screened in accordance with Standard B22 (Overlooking) of Clause 55.04-6 of the Moonee Valley Planning Scheme.

- i) A schedule of all external materials and finishes. The schedule shall show the materials, colour (including colour samples) and finish of all external walls, roof, fascias, window frames and paving (including car parking surfacing).
2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to the issue of an Occupancy Permit, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority.
5. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
6. All required screening devices and obscured windows as shown on the endorsed plans must be installed prior to the occupation of the dwellings.
7. All piping and ducting, excepting for gutters and rainwater downpipes, above the ground floor storey of the building must be concealed to the satisfaction of the Responsible Authority.
8. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
9. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
10. An overland flow path may exist due to the steep nature of the site. For this reason the permit holder must provide a cut off drain inside the property of 27-29 Strelton Avenue, Strathmore to the satisfaction of the Responsible Authority.
11. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1 metre from any infrastructure including service pits. Alternately, such assets may be incorporated into the crossover with the written consent of the

Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

12. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must be to the satisfaction of the Responsible Authority:
 - a) be provided and completed prior to the commencement of the development hereby permitted;
 - b) thereafter be maintained;
 - c) be made available for such use at all times and not used for any other purpose;
 - d) be properly formed to such levels that it can be used in accordance with the endorsed plan;
 - e) be drained and sealed with an all weather seal coat.
13. Buildings or works must not be commenced (and trees or vegetation must not be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the responsible authority. Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied. After completion of the landscaping it must be maintained in good order to the satisfaction of the Responsible Authority.
14. 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.
15. Prior to any building or works commencing, a Construction Management Plan must be submitted to and approved by the Responsible Authority detailing the construction activity proposed. The plan must include, but not be limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;

- i) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- j) On site stormwater contamination;
- k) Chemical storage;
- l) Noise and vibration;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected of work on the site at any one time.

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

- 16. 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 to the satisfaction of the Responsible Authority.
- 17. Any new boundary fencing, as nominated on the endorsed plans be constructed prior to the occupation of the dwellings to the satisfaction of the Responsible Authority. The cost of construction associated with the fence is to be borne by the developer/owner
- 18. This permit will expire if:-
 - a) the development does not start within two (2) years of the date of issue of this permit, or
 - b) the development is not completed within four (4) years of the date of issue of this permit.

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Department regarding legal point of discharge, new crossings, building over easements etc.
- No on street parking permits will be provided to the occupiers of the subject site.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Department and to the satisfaction of the responsible authority.

- All stormwater runoff from the development is to drain via an underground drainage system and discharge to the easement drain to the rear of the property via an On Site Detention System. The OSD is to limit the rate of stormwater discharge from the property to pre-development levels (C=0.4, tc=5mins, ARI 1in5). An ARI of 1in10 shall be used for storage and the greater of post development C or C=0.80. A drainage layout prepared by a Civil Engineer together with computations for the On Site Detention System and manufacturers specifications are to be submitted to this department for approval.
- The proposed FFL's of the basement are lower than natural surface level. This may result in the property being subject to inundation. Council will not be responsible for any inundation of properties where FFL's or basements are constructed below the natural surface level. It is recommended the owner/developer construct a suitable drainage and or pumping system within the property to accommodate any inundation.
- Council will not accept any modifications to existing levels within the road reserve. Any change in levels to match existing surface levels along the property boundary line must be made within the property boundary.
- The nature strip and kerb and channel must be reinstated to the satisfaction of the responsible authority where the crossover is proposed to be reduced to a 3.0m width (min).

CARRIED

9.9 Amendment C100 - Consideration of Submissions

File No: FOL/10/402
Author: Senior Strategic Planning Officer
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2011/160

Council Resolution

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

1. Request the Minister for Planning to appoint a Panel in accordance with Section 23(1)(b) of the Planning and Environment Act 1987 to consider submissions in respect to Amendment C100.
2. Receives a further report following receipt of the Panel Report and recommendations for consideration.

CARRIED

9.10 Amendment C112 - Consideration of Submissions

File No: FOL/11/645
Author: Strategic Planner
Directorate: City Works & Development
Ward: Rose Hill
Minute No: 2011/161

Council Resolution

Moved by Cr Kenos, seconded by Cr Giuliano that Council defer the matter pending further consultation with the owners of 6 Craig Street and the Friends of Steele's Creek, before it being presented to Council for a final determination.

CARRIED

Cr Sipek left the meeting at 7.50pm and returned at 7.53pm.

9.11 Adoption of Keilor Road Built Form Guidelines and Review of Keilor Road and North Essendon Structure Plans and Amendment C117

File No: FOL/10/1808-2
Author: Strategic Research and Planning Officer
Directorate: City Works & Development
Ward: Buckley
Minute No: 2011/162

Motion

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

1. Receive and note the feedback collected over the public exhibition period.
2. Rescind the adopted North Essendon and Keilor Road Activity Centre Structure Plans 2008.
3. Adopt the Keilor Road and North Essendon Activity Centre Structure Plans 2011, as provided in Appendix C and D (separately circulated) respectively, with the exclusion of numbers 5-31 Hotham Avenue, Niddrie.
4. Adopt the Keilor Road Built Form Guidelines 2011, as detailed in Appendix E (separately circulated) to this report, with the following amendments:

Rear Setback

Where the rear of a lot abuts the rear of a residential property:

- A 4 metre minimum setback to the rear boundary with the wall to be no greater than 4 metres in height.

- A 6 metre minimum setback to the rear boundary with the wall to be no greater than 7.5 metres in height.
 - A 7 metre minimum setback to the rear boundary with the wall to be no greater than 11 metres in height.
 - Each additional 1 metres of built form above 11 metres must be set back a minimum of a further 0.7 metres from the rear boundary line.
5. Seek Authorisation from the Minister for Planning, to prepare Moonee Valley Planning Scheme Amendment C117.
 6. Exhibit Planning Scheme Amendment C117, subject to authorisation from the Minister for Planning.
 7. Be presented with a further report to consider any submissions following the completion of the exhibition of Moonee Valley Planning Scheme Amendment C117.

LOST ON CASTING VOTE OF CHAIRPERSON

Cr Sharpe left the meeting at 8.17pm.

Alternative Motion

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

1. Receive and note the feedback collected over the public exhibition period.
2. Rescind the adopted North Essendon and Keilor Road Activity Centre Structure Plans 2008.
3. Adopt the Keilor Road and North Essendon Activity Centre Structure Plans 2011, as provided in Appendix C and D (separately circulated) respectively, with the boundaries as per the original version provided by Planisphere, as detailed in Appendix A to this report.
4. Adopt the Keilor Road Built Form Guidelines 2011, as detailed in Appendix E (separately circulated) to this report.
5. Seek authorisation from the Minister for Planning, to prepare Moonee Valley Planning Scheme Amendment C117.
6. Exhibit Planning Scheme Amendment C117, subject to authorisation from the Minister for Planning.
7. Be presented with a further report to consider any submissions following the completion of the Moonee Valley Planning Scheme Amendment C117.

DIVISION CALLED

A Division was called and voting was as follows:

FOR: Crs Giuliano, Gillis, Cornish Cusack and Sipek.

AGAINST: Crs Chantry and Kenos.

ALTERNATIVE MOTION CARRIED

Cr Giuliano left the meeting at 8.29pm and returned at 8.31pm.

9.12 Neighbourhood Character Study - Review of draft precinct profiles for consultation

File No: FOL/11/907
Author: Strategic Planner
Directorate: City Works & Development
Ward: Municipal
Minute No: 2011/163

Council Resolution

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

1. Endorse the Neighbourhood Character Draft Precinct Profiles (Appendix A, separately circulated), Precinct Summary (Appendix B) and Precinct Map (Appendix C, separately circulated) for community consultation.
2. Receive a further report summarising the outcomes of the community consultation process once completed.

CARRIED

9.13 Municipal Parking Strategy

File No: FOL/10/1066
Author: Coordinator Transport
Directorate: City Works & Development
Ward: Municipal
Minute No: 2011/164

Council Resolution

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

1. Notes the community feedback received during the public consultation period and recognises that some of the changes included in the strategy may be challenging, however Council is committed to working with the residents when addressing their concerns during the implementation.
2. Adopt the Municipal Parking Strategy, including the eight management tools, objectives and action plan for implementation.
3. Note the revised Resident Permit Parking Policy allocations as outlined in Appendix 1 (Section 4) of the Municipal Parking Strategy.
4. Write to all individuals and organisations involved with the development of the Municipal Parking Strategy thanking them for their valuable feedback and contribution.

5. Refer for consideration during monthly financial review, \$95,000 to commence immediate implementation of the Municipal Parking Strategy.
6. Refer further allocations of the final Municipal Parking Strategy to future budget considerations.
7. Provide an annual update report on the Implementation Plan progress following a 12 month period from adoption of the Municipal Parking Strategy.

CARRIED

Reports Considered En Bloc

Minute No: 2011/165

Council Resolution

Moved by Cr Sipek, seconded by Cr Chantry that the recommendations contained in reports:

- 10.14 Flemington Hill Traffic and Parking Study;
- 10.15 2011-12 Capital Works Program Status Report December 2011;
- 10.16 Buckley Street Drainage Improvements;
- 10.18 Library and Learning Strategy;
- 10.19 Proposed Granting of Easement – Council Reserve 65 Vanberg Rd, Essendon;
- 10.20 Recreation Reserve on Plan of Subdivision LP86848 Strathmore Heights – Consent to apply for Planning Permit to vets in Council;
- 10.21 Report on Assemblies of Councillors;
- 10.22 Report on Advisory Committees; and
- 10.23 Council Elections 2012;

be adopted by Council.

CARRIED

9.14 Flemington Hill Traffic and Parking Study

File No: FOL/11/460

Author: Senior Traffic & Transport Engineer

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2011/165

Council Resolution

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

1. Endorse the Recommended Traffic Management Plan for Flemington Hill as shown in Appendix B – separately circulated for community consultation.
2. Endorse the Recommended Parking Management Plan for Flemington Hill as shown in Appendix C - separately circulated for community consultation.
3. Receive a further report at the conclusion of the consultation.

CARRIED

9.15 2011-12 Capital Works Program Status Report December 2011

File No: FOL/11/833

Author: Coordinator Corporate Asset Management

Directorate: City Works & Development

Ward: Municipal

Minute No: 2011/165

Council Resolution

Moved by Cr Sipek, seconded by Cr Chantry that Council approve the revised 2011-12 capital works expenditure forecasts for projects detailed in Appendix A.

CARRIED

9.16 Buckley Street Drainage Improvements

File No: FOL/11/807

Author: Contracts Officer

Directorate: City Works & Development

Minute No: 2011/165

Council Resolution

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

1. Award Contract No. FOL/11/807 – Drainage Improvement Works in Buckley Street, Essendon to Global Contracting Pty Ltd (ABN 17 094 055 811) for the lump sum tendered amount of \$727,351.32 (excluding GST).
2. Advise unsuccessful tenderers of Council's decision.

CARRIED

9.18 Library and Learning Strategy

File No: FOL/11/680

Author: Manager Library & Learning

Directorate: Citizen Services & Information Management

Ward: Municipal

Minute No: 2011/165

Council Resolution

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

1. Adopts the Library and Learning Strategy 2012-2016.
2. Officially launch the Library and Learning Strategy on 14 February 2012 in conjunction with the launch of the National Year of Reading.

CARRIED

**9.19 Proposed Granting of Easement - Council Reserve 65
Vanberg Road, Essendon**

File No: 11/1/126

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Buckley

Minute No: 2011/165

Council Resolution

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

1. Consent to the granting of easement to Melbourne Water over Council land at 65 Vanberg Road, Essendon marked E1 on the plan (refer Appendix B) and contained in certificates of Title Volume 9268 Folio 512 and Volume 9268 Folio 513 ('subject land').
2. Dispose of its interest in part of the subject land to Melbourne Water in accordance with section 191(1) of the *Local Government Act 1989* ('the Act').
3. Notes that Melbourne Water has accepted Council's valuation of \$32,500 (GST excl) as payment for the granting of an easement over the subject land.
4. Authorise the Chief Executive to execute relevant instruments and associated documents on behalf of the Council.

CARRIED

**9.20 Recreation Reserve on PS LP86848 Strathmore Heights -
Consent to Apply for Planning Permit to Vest in Council**

File No: 46333
Author: Acting Manager Building, Property & Legal Services
Directorate: Corporate Services
Ward: Buckley
Minute No: 2011/165

Council Resolution

Moved by Cr Sipek, seconded by Cr Chantry that Council apply for a planning permit to vest the reserve set aside on LP 86848 and contained on Certificates of Title volume 8797 folio 404 and volume 8246 folio 678 pursuant to section 24A of the Subdivision Act 1988.

CARRIED

9.21 Report on Assemblies of Councillors

File No: FOL/09/1245
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2011/165

Council Resolution

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

CARRIED

9.22 Report on Advisory Committees

File No: FOL/11/132
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2011/165

Council Resolution

Moved by Cr Sipek, seconded by Cr Chantry that Council receive and note the following Advisory Committee Meeting Minutes, received since the last report to Council in October 2011:

1. Arts & Culture Community Advisory Committee – Appendix A;
2. Fairbairn Park Master Plan Implementation Reference Group – Appendix B; and
3. Moonee Valley Integrated Waterways Advisory Committee – Appendix C.

CARRIED

9.23 Council Elections 2012

File No: FOL/11/912
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2011/165

Council Resolution

Moved by Cr Sipek, seconded by Cr Chantry that Council notes the report on Council Elections 2012.

CARRIED

9.17 Ormond Park Master Plan

File No: FOL/09/953
Author: Coordinator Open Space & Urban Design
Directorate: Environment & Lifestyle
Ward: Myrnong
Minute No: 2011/166

Council Resolution

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

1. Adopt the Ormond Park Master Plan for implementation.
2. Refer funding to implement the Master Plan to the Ten Year Capital Work Plan.
3. Review sporting use and tenancy arrangements for Ormond Park as part of Moonee Valley's Future Directions Soccer Plan.

CARRIED

10. Notices of Motion

10.1 **Notice Of Motion No. 2011/46**

Title: After Hours Service

From: Cr Miriam Gillis

Ward: Municipality

File No: FOL/11/135

Minute No: 2011/167

Council Resolution

Moved by Cr Gillis, seconded by Cr Giuliano that the Chief Executive prepare a report for the Planning & Citizens Meeting to be held 7 February 2012, exploring different options for the delivery of Council's After Hours Service, namely the use of internal resources and/or a local provider.

CARRIED

11. Urgent Business

Nil.

12. Confidential Report

Nil.

The meeting concluded at 8.58pm.

CONFIRMED

**CR JIM CUSACK
CHAIRPERSON**