



City of
Moonee Valley

Planning & Citizens Meeting

Tuesday, 4 October 2011

Minutes

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5. Petitions and Joint Letters

Cr Kenos tabled a letter from a primary school student from Niddrie, raising concerns about the state of the skate park at Rosehill Park.

6. Reports

At the direction of the Chairperson, the meeting considered report number 6.6, as the first report.

6.6 Proposal to Establish a Community Garden in Boeing Reserve, Strathmore

File No: FOL/10/536

Author: Coordinator Open Space & Urban Design

Directorate: Environment & Lifestyle

Ward: Buckley

Minute No: PC2011/89

Committee Resolution

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

1. Receive the late correspondence from the Strathmore Community Garden Inc.
2. Advise the Strathmore Community Garden Inc. that:
 - a) It does not support the establishment of a community garden in the De Havilland Avenue location at Boeing Reserve, Strathmore Heights.
 - b) It notes its alternative option between the car park and the rotunda (as detailed in 1 above).
 - c) In view of its recent consultation on this matter, Council will undertake a 14 day consultation period on the club's alternative option.

CARRIED

6.1 64 Roseberry Street, Ascot Vale (Lot 1, TP 594413T) - Construction of four double storey dwellings

File No: MV/21452/2010

Author: Senior Town Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No PC2011/90

Committee Resolution

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

- A. Refuse to Grant a Permit in relation to Planning Permit Application No. MV/21452/2010 at 64 Roseberry Street, Ascot Vale(Lot 1, TP594413T) for the construction of four double storey dwellings, on the following grounds:
1. The proposed development does not sufficiently comply with the provisions of Municipal Strategic Statement (MSS) relating to Clause 21.05 (Built Environment) of the Moonee Valley Planning Scheme as the proposed development would result in:
 - a) A large-scale development which is not responsive to the surrounding context and fails to appropriately address the adjoining residential interfaces; and
 - b) Unacceptable building bulk, height and scale.
 2. The bulk, scale, form and layout of the proposal fails to meet Clause 55.02 of the Moonee Valley Planning Scheme (Neighbourhood Character), as it does not respect the character of the existing neighbourhood or integrate well with the street, with specific reference to the flat roof form and balconies (designated as secluded private open space) facing the street.
 3. The proposed design does not comply with the objectives and standards associated with the following Clauses of ResCode:
 - a) 55.02-1 – Neighbourhood Character
 - b) 55.02-5 - Integration with Street
 - c) 55.03-1 – Street Setback
 - d) 55.03-3 – Site Coverage
 - e) 55.03-4 – Permeability
 - f) 55.04-2 – Walls on Boundaries
 - g) 55.06-1 – Design Detail
 4. The development is not site responsive and would represent an over development of the site.
- B. Advise the applicant that in its opinion, the site would be better suited to a single dwelling or dual occupancy development

CARRIED

6.2 3 George Street, Niddrie - Construction of three dwellings (two double storey and one single storey)

File No: MV/319/2011

Author: Team Leader Development Approvals

Directorate: City Works & Development

Ward: Buckley

Minute No: PC2011/91

Committee Resolution

Moved by Cr Cornish, seconded by Cr Gillis that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/319/2011 for the construction of three dwellings at 3 George Street, Niddrie (Lot 193 PS010094) 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) All garages with clear internal dimensions of 3.5 metres by 6 metres with no internal encroachments.
 - b) The construction of a 1.8 metre high acoustic fence along the north, south and west boundaries to be designed in accordance with applicable acoustic engineering specifications. The fence along the north and south boundaries must taper down to a height of 1.2 metres as the fences approach the front title boundary in order to ensure adequate sight lines for vehicles exiting the site.
 - c) 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. Prior to the issue of an Occupancy Permit, all boundary fencing as marked on the endorsed plans must be erected along the south, north and west boundaries. The cost of such fencing must be met by the permit holder and carried out 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. Prior to the issue of an Occupancy Permit, the existing utility pole 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.
9. 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.
10. 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.
11. 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.
12. 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) 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 bulking bulk
 - iii) Providing 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.
- f) The provision of two canopy trees within the front setback of Dwelling 1 capable of reaching a mature height of 4.0 metres.
- g) 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.

- 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. 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 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 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 ON CASTING VOTE OF CHAIRPERSON

- 6.3 294-296 Keilor Road, North Essendon (Lots 329-331 PS8660) - Use and Development of a four storey building comprising four retail tenancies and 74 dwellings, reduction in the car parking requirements, waiver of the loading and unloading bay requirements and alteration of access to a Road Zone Category 1.**

File No: MV/186/2011
Author: Coordinator Development Approvals
Directorate: City Works & Development
Ward: Buckley
Minute No: PC2011/92

Committee Resolution

Moved by Cr Giuliano seconded by Cr Kenos that with respect to an Application for Review against Council's failure to decide the application within the prescribed time, Council resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) that in relation to Planning Permit Application No. MV/186/2011 for the use and development of a four storey building comprising four retail tenancies and 74 dwellings, reduction in the car parking requirements, waiver of the loading and unloading bay requirements and alteration of access to a Road Zone Category 1 at 294-296 Keilor Road, North Essendon (Lots 329-331 PS8660) that Council consents to the following amendments to a Notice of Decision to Grant a Permit that it would have issued:

1. Condition 1(d) amended to read:
Balcony screens (not including planter boxes) associated with levels 1-3 along the northern elevation to a height of no less than 1.7 metres consisting of obscured grey glass.
2. Condition 1(g) amended to read:
Provision of an additional six (6) car spaces to be located within the basement level.
3. Condition 4(a) amended to read:
A notation indicating that the trees to be planted along the northern property boundary to be an evergreen species and must be a minimum of 3 metres in height at the time of planting and a maximum of 6 metres, maintained by the Body Corporate for the duration of the life of the building.
4. Condition 5(b) amended to read:
A 3 metre high screen/hoarding constructed along the northern boundary prior to construction and screening of scaffolding during construction to reduce dust.
5. Condition 9(b) amended to read:
The provision of 84 car spaces with these spaces allocated as follows:
 - 74 Resident car spaces
 - 4 shop (staff) car spaces (one car space permit shop)
 - 6 visitor spaces
6. Addition of a new Condition to read:
 34. Before the development starts (other than constituted solely by the breaking up of the concrete floor only to the extent necessary to test

soil conditions under it and prior to any certification or issue of a Statement of Compliance under the Subdivision Act 1988 for the use hereby permitted, either:

- a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970; or
- b) An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of the Act that the environment conditions of the land are suitable for the use and development that are the subject of this permit.
- c) Where a Statement of environmental Audit is issued for the site, the use and development, buildings and works that are subject of this permit must strictly comply with all directions, conditions, requirements and recommendations contained within the Statement.
- d) Where a Statement of Environmental Audit is issued for the site, prior to the commencement of the use, the certification or issue of a Statement of Compliance under the Subdivision Act 1988, or the issue of an Occupancy Permit under the Building Act 1993, a letter prepared by an Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must be submitted to the Responsible Authority to verify that the directions, conditions, requirements and recommendations contained within the Statement have been satisfied.
- e) Where a Statement of Environmental Audit is issued for the site a Section 173 Agreement pursuant to the Planning and Environment Act 1987 may be required by the Responsible Authority to be entered into between the land owner and the Responsible Authority depending on the directions and conditions contained in the Statement. Where a Section 173 Agreement is required, the Agreement must be executed and registered on the title to the land prior to the completion of the development or the commencement of the permitted use, and prior to the certification or issue of a Statement of Compliance under the Subdivision Act 1988. The Section 173 Agreement must be to the satisfaction of the Responsible Authority and provide for the owner of the site to carry out the directions, conditions, requirements and recommendations contained in the Statement of Environmental Audit. All expenses involved in the drafting, execution and registration of the Agreement,

including those incurred by the Responsible Authority, must met by the owner of the site.

- f) Prior to the commencement of the development (other than to the extent exempted by Condition 6(i) a copy of the Certificate or Statement of Environmental Audit, including the complete Environmental Audit Report must be submitted to the Responsible Authority in accordance with Section 53ZB of the Environment Protection Act 1970.
- g) A copy of the Certificate or Statement of Environmental Audit issued for the site must be provided to all prospective landowners and occupiers prior to the signing of a contract of sale, instrument of transfer, or a lease or a licence. Where a Statement of Environmental Audit is issued, the copy provided to each party must include a covering letter, which alerts the landowner and the occupier to the directions, conditions, requirements and recommendations contained within the Statement Consultation.

CARRIED

6.4 326 Keilor Road, Niddrie (Lot 1 on TP 47861T) - Construction of additions to the top floor level of the existing four storey building and waiver of the car parking requirement

File No: MV/21631/2010
Author: Acting Team Leader Development Approvals
Directorate: City Works & Development
Ward: Buckley
Minute No: PC2011/93

Committee Resolution

Moved by Cr Giuliano seconded by Cr Sharpe that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/21631/2010 for construction of additions to the top floor level of the existing four storey building and waiver of the car parking requirement at 326 Keilor Road, Niddrie 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) A schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roof, fascias, windows frames, fences and paving.
- b) Detailed elevations drawn at a scale 1:100 or 1:200.

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. No more than 11 staff members can occupy the office section of the fourth (top) level at any one time unless with the written consent of the Responsible Authority.
- 4. The facilities of the new addition on the fourth (top) level to be used on a temporary basis by the occupants of the building.
- 5. 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) On site stormwater contamination;
 - j) Chemical storage;
 - k) Noise and vibration;
 - l) Risk assessment;
 - m) 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.

- 6. 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.
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. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
 9. 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.
 - c) 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.
- A Legal Point of Discharge is required for any development of this site.
- No on-street car parking permit will be issued to occupants of the proposed development.

CARRIED

6.5 Ormond Park Draft Master Plan

File No: FOL/09/953

Author: Coordinator Open Space & Urban Design

Directorate: Environment & Lifestyle

Ward: Myrnong

Minute No: PC2011/94

Committee Resolution

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

1. Endorse the Ormond Park Draft Master Plan for public consultation.
2. Following consultation, receive a further report regarding the Ormond Park Master Plan.
3. Note that in any information for consultation, that the Moonee Valley Racing Club is proposing changes for the race track, which may have an impact on the Ormond Park Master Plan.

CARRIED

6.7 DPCD Parking Provisions Review - Council Submission

File No: 28/006/016
Author: Manager Transport & Major Projects
Directorate: City Works & Development
Ward: Municipal
Minute No: PC2011/95

Committee Resolution

Moved by Cr Giuliano seconded by Cr Sharpe that Council:

1. Endorse the submission on the review of the DPCD Proposed Parking Provisions – as detailed in Appendix A; and
2. Forward the submission to the Department of Planning and Community Development.

CARRIED

At this point in the meeting (7.46pm), the Chairperson asked Cr Cornish to take the Chair, as he needed to be excused for a couple of minutes.

6.8 Supplementary Valuations for the period March to July 2011

File No: 37/020/001 FOL/09/634
Author: Manager Finance
Directorate: Corporate Services
Ward: Municipal
Minute No: PC2011/96

Committee Resolution

Moved by Cr Kenos, seconded by Cr Gillis, that Council note the change in Site Value, Capital Improved Value and Net Annual Value for the approved Supplementary Valuations, effective 1 March and 1 July 2011 respectively as detailed in Appendix A.

CARRIED

6.9 2011-12 Councillor Initiated Urgent/Emergency Works

File No: FOL/10/833
Author: Coordinator Corporate Asset Management
Directorate: City Works & Development
Ward: Municipal

Minute No: PC2011/97

Committee Resolution

Moved by Cr Giuliano seconded by Cr Chantry that Council approve urgent/emergency works allocations to the following projects: Blockbuster Video, Keilor Road Niddrie - Signs and line marking (\$2,600); and Doutta Stars, Buckley Park Essendon - Utility expenses (\$4,600).

CARRIED

6.10 Recreation Capital Works Fund Scheme for Works over \$5,000

File No: FOL/11/730

Author: Manager Leisure & Open Space Planning

Directorate: Environment & Lifestyle

Ward: Municipal

Minute No: PC2011/98

Committee Resolution

Moved by Cr Giuliano seconded by Cr Chantry that Council:

1. Approve funding totalling \$60,000 (excluding GST) for applications made under the 2011-12 Recreation Capital Works Funding Scheme, as follows:
 - a) Strathmore Tennis Club (kitchen upgrade) \$5,000.
 - b) Doutta Stars Cricket Club (storage upgrade and attached alfresco) \$29,000.
 - c) North West Wolves Rugby League Club (design and construction of retaining wall and improved ground/pavilion entry/egress) \$26,000.
2. Advise applicants of its decision.

CARRIED

Cr Sipek returned to the meeting here at 7.48pm and resumed the Chair.

7. Notices of Motion

Nil.

8. Urgent Business

Nil.

Committee Resolution

Moved by Cr Giuliano, seconded by Cr Cornish that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss a contractual matter.

CARRIED

9. Confidential Report

Consideration of Report - Proposed Property Acquisition in Niddrie

Committee Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that the meeting now resume in Open Council.

CARRIED

The meeting concluded at 7.55pm.

CONFIRMED

**CR JOHN SIPEK
CHAIRPERSON**