



City of
Moonee Valley

Planning & Citizens Meeting

Tuesday, 5 July 2011

Minutes

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Minutes of the Planning & Citizens Meeting

Tuesday, 5 July 2011 at 7.20pm
held at the Moonee Valley Civic Centre

PRESENT

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

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 Henry Bezuidenhout Manager Strategic & Statutory Planning
Ms Yvonne Hansen Acting Manager Governance

Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Planning & Citizens Meeting of Tuesday, 5 July 2011.

1. Apologies

Nil.

2. Confirmation of Minutes

Moved by Cr Giuliano, seconded by Cr Kenos that the Minutes of the Planning and Citizens Meeting of Council held on Tuesday, 7 June 2011 be confirmed.

CARRIED

3. Declarations of Conflict of Interest

Nil.

4. Presentations

Cr Kenos tabled an award in recognition of Council's SEED Youth Project which was recently announced as the 2011 National Awards for Local Government Youth Engagement category winner.

Cr Kenos tabled a letter, written on behalf of the Prince of Wales, thanking the Mayor for his thoughtful letter and kind words of support sent in connection with the Duke and Duchess of Cambridge's recent wedding.

5. Petitions and Joint Letters

5.1 Parking Availability - Keilor Road, Niddrie

File No. 63/11/002-3

Minute No. PC2011/57

Cr Giuliano tabled a petition signed by 87 individuals raising concerns with parking availability within the region immediate and adjoining Keilor Road, Niddrie (from Matthews Avenue to Birdwood Street).

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

6. Notices of Motion

Nil.

7. Reports

7.1 **235 Ascot Vale Road, Ascot Vale - Construction of four attached dwellings (two, triple storey and two, double storey)**

File No: MV/21543/2010

Author: Team Leader Development Approvals

Directorate: City Works & Development

Ward: Myrnong

Minute No: PC2011/58

Committee Resolution

Moved by Cr Cusack, seconded by Cr Rankin that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/21543/2010 at 235 Ascot Vale Road, Ascot Vale (Lot 1 on TP600596E) for the construction of four attached dwellings (two triple storey dwellings and two double storey dwellings), 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 third level from Dwelling 2. All required modifications must be undertaken so to ensure compliance with Clause 55 of the Moonee Valley Planning Scheme.
 - b) A north elevation without the provision of boundary fencing within the foreground.
 - c) Demonstrated compliance with Standard B23 of Clause 55 (Internal views) of the Moonee Valley Planning Scheme.
 - d) The rear sliding gate which allows access into the driveway must be at least 5.5 metres in width.
 - e) Detailed drawings to outline all dimensions, materials and colours of the proposed front fence, entry gate and entrance feature from Ascot Vale Road.
 - f) The proposed entrance feature must be designed so as not to prevent vehicles associated with Dwelling 1 from reversing in order to exit the site in a forward direction.
 - g) The incorporation of all recommendations which form part the arborist report prepared by Stem Arboriculture (13 October 2010) and the subsequent letter from Graeme Lewis, Consulting Arborist (12 November 2010) all of which were submitted to Council on the 31 March 2011.

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

2. 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) All changes in accordance with the landscape plans submitted to Council on the 17 March 2011.
 - b) The provision of canopy trees along the south boundary in order to soften views of the proposed development from adjoining properties.

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.

3. 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.
4. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction 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. 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.
7. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan shall:
 - a) Be provided and completed to the satisfaction of the Responsible Authority prior to the occupation of the use hereby permitted;
 - b) Thereafter be maintained to the satisfaction of the Responsible Authority;
 - c) Be made available for such use at all times and not used for any other purposes; be drained and sealed to such level that it can be used in accordance with the endorsed plan; and
 - d) Be drained and sealed with an all weather seal coat 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.
9. The development shall be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting shall be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within and beyond the site.
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. 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.

12. This permit will expire if:
- a) The development does not start within two (2) years of the date of this permit, or
 - b) The 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

- Before commencement of the development occurs, the applicant shall contact the Moonee Valley City Council's Engineering Services regarding legal point of discharge, new crossings, building over easements etc. This is not a building permit.
- A separate building permit is required to be obtained for any demolition or building works.
- No on street parking permits will be provided to the occupiers of the 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 $C=80$.

CARRIED

**7.2 22 Buckley Street, Essendon (Lot 9, PS 005683) -
Construction of a three storey building with basement level
for the purposes of nine dwellings**

File No: MV/21659/2010
Author: Senior Town Planner
Directorate: City Works & Development
Ward: Buckley
Minute No: PC2011/59

Committee Resolution

Moved by Cr Chantry, seconded by Cr Sharpe 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) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/21659/2010 for the construction of a three storey building with basement level for the purposes of nine dwellings at 22 Buckley Street, Essendon based 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.
 - b) Unacceptable building bulk, height and scale.
2. The proposed design does not comply with the objectives or standards associated with the following Clauses of ResCode contained within the Moonee Valley Planning Scheme:
 - a) 55.02-1 – Neighbourhood Character
 - b) 55.02-2 – Residential Policy
 - c) 55.02-5 – Integration with the Street
 - d) 55.03-2 – Building Height
 - e) 55.05-1 – Accessibility
3. The site is located in excess of 700m from an Activity Centre and therefore the proposed scale of the development cannot be justified within the current context.
4. The proposal provides inadequate car parking and will exacerbate parking problems in the surrounding area.

5. The proposed location of the vehicle access point to the subject site is inappropriate having regard to the existing traffic flow on Loeman Street.
6. The corner road context of the site coupled with the intensity of the development would not allow for efficient waste management and collection.

CARRIED

7.3 36 Price Street, Essendon (Lot 1 TP124109X) - Use the land for the purpose of a boarding house with a reduction in car parking requirements

File No: MV/21276/2010
Author: Town Planner
Directorate: City Works & Development
Ward: Buckley
Minute No: PC2011/60

Committee Resolution

Moved by Cr Giuliano, seconded by Cr Sharpe that with respect to Planning Permit No. MV/21276/2010 Council resolve to issue a Refusal to Grant a Permit for the Use of the land for the purpose of a boarding house with a reduction in carparking requirements (Lot 1 TP124109X) subject to the following grounds:

1. The use is considered an overdevelopment given the inability to provide adequate carparking on the site pursuant to Clause 52.06 (Carparking) of the Moonee Valley Planning Scheme.
2. The parking in the front setback dominates the streetscape and is inconsistent with the neighbourhood character which provides for well established landscaped and vegetated front gardens.
3. The use is not located in close proximity to frequent public transport, community services or tertiary education facilities normally associated with this type of housing facilities.
4. The boarding house use is currently operating illegally and already presents for adverse amenity impacts on the locality through parking, neighbourhood character and general nuisance.

CARRIED

7.4 13 Garnet Street, West Essendon (Lot 22 Section 11 on PS 002314) - Construction of four double storey dwellings

File No: MV/21554/2010
Author: Senior Town Planner
Directorate: City Works & Development
Ward: Rose Hill
Minute No: PC2011/61

Committee Resolution

Moved by Cr Kenos, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/21554/2010 for the construction of three double storey dwellings at 13 Garnet Street, West Essendon 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 construction of only three dwellings on the lot which demonstrate compliance with the requirements of the planning scheme with specific reference to Clause 21.05 and Clause 55 of the Moonee Valley Planning Scheme.
 - b) A full schedule of the materials, finishes and paint colours including colour samples (colour samples in a form that are able to be endorsed and held on file) to be used on the main external surfaces, including walls, windows and doors of the proposed dwellings.

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. 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.
6. 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.

7. 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.
8. All stormwater runoff from the development is to drain via an underground drainage system and discharge to the Council drainage pit in front of the property via the required on-site stormwater detention system.
9. 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.
10. The street tree on Emerald Street 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.
11. 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.
12. 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.
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 from 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.
- 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=5mins, 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.
- 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

**7.5 64-66 Keilor Road, North Essendon (Lot 1 and 2, PS 320672N)
- Use and development of a 5 storey building for 62 dwellings
and 2 shops, reduction to carparking and loading and
unloading bay requirements, and alterations to access to
Road Zone, Category 1**

File No: MV/21493/2010
Author: Senior Town Planner
Directorate: City Works & Development
Ward: Buckley
Minute No: PC2011/62

Committee Resolution

Moved by Cr Sharpe, seconded by Cr Chantry 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) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Refusal to Grant a Permit for Application No. MV/21493/2010 subject to the following grounds:

1. The fourth and fifth storey of the building provides an inappropriate interface with Keilor Road failing to satisfy Clause 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme.
2. The five storey height of the building is inconsistent and inappropriate for the Keilor Road streetscape.

3. The proposed development does not comply with the following design elements of Clause 22.01 (Residential Development of Four or More Storeys) of the Moonee Valley Planning Scheme:
 - a) Context and building design
 - b) Streetscape and urban design
 - c) Setbacks and site coverage
 - d) Building height and silhouette
 - e) Internal circulation, space and building adaptability
 - f) On-site amenity and liveability
 - g) Off-site amenity
 - h) Parking and traffic access
 - i) Landscaping and fencing
4. The development is not consistent with the Policy Reference Document - Guidelines for Higher Density Residential Development, Department of Sustainability & Environment, 2004.

CARRIED

7.6 History and the Nature in which Car Parks were Purchased in Activity Centres

File No: FOL/09/1551
Author: Coordinator Property Services
Directorate: Corporate Services
Ward: Municipal
Minute No: PC2011/63

Committee Resolution

Moved by Cr Giuliano, seconded by Cr Cornish that Council defer the matter pending further consultation with traders.

CARRIED

8. Urgent Business

Nil.

9. Confidential Report

Nil.

The meeting concluded at 8.15pm.

CONFIRMED

**CR JOHN SIPEK
CHAIRPERSON**