



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 28 April 2015

Minutes

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The following reports were considered:

9.1	1048-1060 Mt Alexander Road, Essendon (Lot 1 TP181883G & Lot 1 PS 30632) Construction of a multi storey building accommodating dwellings and a ground floor shop, construction of fencing exceeding 1.2 metres in height, reduction in the car parking requirements, waiver of the loading bay requirement along with alteration of access to a road in a Road Zone, Category 1.....	7
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Minutes of the Ordinary Meeting of Council

Tuesday, 28 April 2015 at 7.09pm
held at the Moonee Valley Civic Centre

PRESENT

Members Cr Narelle Sharpe Mayor
 Cr Cam Nation
 Cr Jan Chantry
 Cr Shirley Cornish
 Cr Jim Cusack
 Cr Paul Giuliano
 Cr Nicole Marshall
 Cr John Sipek
 Cr Andrea Surace

Officers: Mr Neville Smith Chief Executive
 Mr Tony Ball Director Community Services
 Mr Dale Monk Acting Director Corporate Services
 Mr Gil Richardson Acting Director City Works & Development
 Mr Anthony Smith Acting Director Environment & Lifestyle
 Mr Henry Bezuidenhout Manager Strategic & Statutory Planning
 Ms Yvonne Hansen Manager Governance & Local Laws

1. Opening

The Mayor, Cr Sharpe, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 28 April 2015.

2. Apologies

Nil.

Leave of Absence

Moved by Cr Giuliano, seconded by Cr Surace that Council grant Cr John Sipek Leave of Absence during the period 12 May to 12 June 2015 inclusive.

CARRIED

3. Confirmation of Minutes

Moved by Cr Sipek, seconded by Cr Marshall that the Minutes of the Ordinary Meeting of Council held on Tuesday, 24 March 2015 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

- 4.1 Councillor Chantry declared an indirect interest in Item 9.8 due to residential amenity. Cr Chantry owns property within the vicinity of the area subject to this report and the outcome of Council's decision may directly impact her residential amenity.
- 4.2 Councillor Giuliano declared an indirect interest in Item 9.10 due to residential amenity. Cr Giuliano owns property within the vicinity of the area subject to this report and the outcome of the decision may directly impact his residential amenity.
- 4.3 Councillor Cornish declared a direct interest in Item 9.15 due to a financial interest. Cr Cornish owns and operates a business and the outcome of the decision may directly impact that business.
- 4.4 Councillor Nation declared an indirect interest in Item 9.8 due to a conflicting duty. Cr Nation operates a business within the boundary of the Structure Plan and the outcome of the decision may directly impact this business.
- 4.5 Mr Gil Richardson declared an indirect interest in Items 9.8 and 9.10 due to a conflicting duty. Mr Richardson holds a position in an organisation that is likely to be directly affected by Council's decisions associated with these reports.

5. Presentations

- 5.1 The Mayor made a presentation to two delegates from the Timor-Leste central government, Ms Lidia de Sousa Guterres, National Director of Financial de Concentration and Ms Claudinha Soares Pinto, Executive Assistant to the General Director, Ministry of State Administration.
- 5.2 The Mayor presented a letter to Council on behalf of Mr James Wilcock who unearthed a small shield when digging in his garden in Croydon approximately 15 years ago. As per the scribe on the shield, it was presented to Mr & Mrs Eddy in recognition of Service as Mayor & Mayoress of Essendon in 1909.

6. Petitions And Joint Letters

6.1 Proposed Development – 444 Buckley Street, Essendon West

File No: FOL/14/200

Cr Surace tabled a petition signed by 7 individuals requesting that Council convene a consultation meeting to discuss the impact that the proposed development at 444 Buckley Street, Essendon West will have on the amenity of surrounding properties.

6.2 Parking Restrictions - Dudley Street, Essendon North

File No: FOL/14/200

Cr Giuliano tabled a petition signed by 26 residents of Dudley Street, Essendon North, requesting that Council consider reviewing parking restrictions for residents of that street.

6.3 Holmes Local Area Traffic Management Study

File No: FOL/14/200

Cr Marshall tabled a joint letter signed by 30 individuals providing feedback on the proposed traffic management changes resulting from the Holmes Local Area Traffic Management Study.

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

7. Public Question Time

Question 1

Michael Holtz of Moonee Ponds asked the following questions:

1. Given that MVCC's confirmed position on the proposed development at the Moonee Valley Racecourse remains at limiting the development at MVRC to 1000 dwellings (March 2015 update to MVCC website), what steps are council taking to work with the Planning Minister and State Government to realise that position?
2. The Moonee Ponds Activity Centre Plan 2010–2012 publicly listed a limit on the number of dwellings at 1000. Current proposals for the Activity Centre see the number of dwellings at 3200, over 3 times the original plan. What has changed with the existing road and public transport network in the Activity Centre to facilitate this increase in the number of dwellings and what community consultation was performed before these changes could be announced?

The Chief Executive advised that a final determination has been made by the Minister for Planning and the Planning Scheme Amendment C155 was formally gazetted on Monday 30 March 2015.

Council prepared very detailed submissions during to advisory committee hearing, and as part of our submission, put to the Committee that 1000 dwellings would be more appropriate on the site. The Advisory Committee did not however support this aspect of Council's submission.

It is worth noting that the new approved controls are more consistent with the recommendations of the Advisory Committee, however, there is no dwelling cap proposed in the controls. An Integrated Transport Plan is, however, required to

justify the dwelling numbers, as was proposed in the Advisory Committee Report and reflected in the Planning Controls for the site.

The Chief Executive advised that it is his personal view that Council focus its attempts on working with the relevant state government agencies and departments, with specific reference to Public Transport Victoria, VicRoads and the Department of Environment, Land, Water & Planning to ensure a sustainable outcome in terms of dwelling numbers.

In terms of Mr Holtz's second question the Chief Executive advised that as outlined in the Moonee Ponds Activity Centre Structure Plan (MPAC), the Implementation Plan recognises that, for Council to deliver the vision for the centre, a minimum of 1000 new households in a variety of housing developments should be provided. The Structure Plan therefore envisages that over the next 20 years there could in excess of 1000 new dwellings. It was recognised that Mr Holtz has identified the number of dwellings at 3200. It is assumed that this number includes the Moonee Valley Racecourse development and the former market site. The 1000 dwellings referred to in the MPAC Structure Plan does not include development at the racecourse site. The Advisory Committee Report for the racecourse clearly recommended that the racecourse site should be dealt with separately from the rest of the Structure Plan due to its physical separation from the rest of the centre. This has been reflected in the planning controls where a staging plan, transport assessment and management plan, integrated transport plan, serviced engineering plan, environmental sustainable design plan, stormwater and drainage plan, wind analysis, heritage impact statement and construction management plan are all required as part of an application.

The Structure Plan sets out a number of initiatives to be undertaken and implemented over time to improve the road network and public transport. This includes investigating improvements to the transport interchange, pedestrian safety improvements, local access management plans and advocacy around reducing vehicle movements along Mt Alexander Road. The objective of these initiatives is to provide a well connected pedestrian oriented Activity Centre, providing clear connections to all parts of the centre for all level of mobility.

As part of the implementation of the structure plan, Council has an ongoing program of advocacy for the delivery of transport improvements in the area. Council has also commenced feasibility and/or design work on a number of projects identified in the structure plan, including the Hall Street upgrade and City Place project.

8. Reports By Mayor And Councillors

File No. FOL/12/1435

Minute No: 2015/43

Council Resolution

Moved by Cr Surace, seconded by Cr Sipek that the reports by the Mayor and Councillors be received.

CARRIED

9. Council Reports

- 9.1 1048-1060 Mt Alexander Road, Essendon (Lot 1 TP181883G & Lot 1 PS 30632) Construction of a multi storey building accommodating dwellings and a ground floor shop, construction of fencing exceeding 1.2 metres in height, reduction in the car parking requirements, waiver of the loading bay requirement along with alteration of access to a road in a Road Zone, Category 1.**

File No: MV/810/2014

Author: Principal Town Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2015/44

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano 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 MV810/2014 - 1048-1060 Mt Alexander Road, Essendon (Lot 1 TP181883G & Lot 1 PS 30632) Construction of a multi storey building accommodating dwellings and a ground floor shop, construction of fencing exceeding 1.2 metres in height, reduction in the car parking requirements, waiver of the loading bay requirement, along with alteration of access to a road in a Road Zone, Category 1 - that the decision would have been to issue a Notice of Decision to grant a Permit.

1. Before the 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) Apartments 301, 401 and 501 to be setback a minimum of 4.5 metres from the northern boundary.
 - b) Any internal modifications as a result of condition 1a).
 - c) The roof plan must graphically show, and be accompanied by a note stating, the specific roof area in square metres the rainwater from which it is to be collected into a nominated rainwater tank with its capacity clearly noted. All roof areas, tank volumes and numbers of toilets the tank is connected to must be consistent with the information provided in the submitted and approved STORM report.
 - d) The site/ground floor plan must graphically show the correct volume and location of any rainwater tanks. Each rainwater tank must be accompanied by a note stating the specific roof area in square metres

from which the rainwater is being harvested into that rainwater tank. The number of toilets connected to the rainwater tank must also be nominated. All roof areas, tank volumes and numbers of toilets the tank is connected to must be consistent with the information provided in the submitted and approved STORM report

- e) The clear allocation of storage for each apartment.
- f) The allocation of two car spaces for Apartment 307.
- g) The provision for pedestrian visibility splays in accordance with Clause 52.06-8 (Design standards for car parking) of the Moonee Valley Planning Scheme.
- h) Detailed fencing elevations along Mt Alexander Rd and Cliff Allison Reserve.

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 commencement of the development (other than constituted solely by the breaking up of a concrete floor only to the extent necessary to test soil conditions underneath), 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.

Should the Responsible Authority conclude it necessary it may, at the cost of the permit holder, obtain a peer review of environmental site assessment and/or certificate or statement of environmental audit.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the Environment Protection Act, before the use is occupied all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional. The Statement is to confirm that the site is suitable for occupation by the proposed use and development.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use is occupied the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and

Environment Act 1987 to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

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. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation
 - i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems
 - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - k) 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 and Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

7. A minimum 30 days prior to any building or works commencing, all WSUD Design Details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
8. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to;
 - a) Inspection frequency
 - b) cleanout procedures
 - c) as installed design details/diagrams including a sketch of how the system operates
 - d) a report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder User's Guide or a Building Maintenance Guide.

9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. The area set aside for parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must be to the satisfaction of the Responsible Authority:
 - a) Be provided and completed prior to the commencement of the use 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; and
 - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.

11. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
12. 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.
13. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
14. An on-site stormwater detention drainage system must be installed on the 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. A Council barrel drain (minimum 300mm dia RC RRJ) will need to be constructed to the front of 1042 Mt Alexander Road (approx. 55m) reach the approved point of discharge. Engineering Design Plans prepared by a qualified Civil Engineer must be submitted to and approved by the Responsible Authority prior to the commencement of any building or works (including drainage).

All costs associated with the preparation of the plan and installation and construction of the required drainage works must be borne by the permit holder.
16. The Sustainability Management Plan prepared by 'F2 Design, dated November 2014 to be implemented and appropriately managed during the construction of the proposed building.
17. Buildings or works must not be commenced 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 prepared by John Patrick Pty Ltd, dated 20 September 2014 but modified to show:

- a) The *Gleditsia triacanthos* (Honey Locust) replaced with *Pistacia chinensis* (Chinese Pistachio)

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.

- 18. Once construction commences, any structure or building activity (eg construction cranes) on the land, either permanent or temporary, must not penetrate prescribed airspace surfaces without approval of Essendon Airport.

VicRoads Conditions

- 19. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the building hereby approved.
- 20. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.
- 21. Prior to the occupation of the buildings hereby approved, any road assets within the road reserve at the front of the site must be re-located to the satisfaction of and at no cost to the Roads Corporation or the Responsible Authority. Road assets must be located a minimum of 1 metre clear of any structures, crossovers and any other road assets.
- 22. The applicant is required to enter into a Section 173 Agreement to reinstate and improve the lane way and car park surface area in Cliff Allison Reserve to the satisfaction of the Responsible Authority in the event the area is allowed to be used for construction purposes.

End of VicRoads Conditions

- 23. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years from 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 six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

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

- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Unit regarding legal point of discharge, new crossings, building over easements, erection of hoarding 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; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Unit and to the satisfaction of the Responsible Authority.
- Council will not accept any modifications to existing levels within the road reserve or to any R.O.W. Any change in levels to match existing surface levels along the property boundary line must be made within the property boundary.
- Should any activity occur above 123.5 Australian Height Datum (e.g. cranes during construction) approval will be required from Essendon Airport).

VicRoads Notes

- The proposed development requires the construction of a crossover and reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- The proposed development may require the relocation of road assets. This constitutes works within the Mt Alexander Road reserve and separate approval under the Road Management Act for this activity is required from VicRoads (the Roads Corporation).

CARRIED

Cr Giuliano left the meeting at 7.48pm and returned at 7.50pm.

Cr Sipek left the meeting at 7.54pm and returned at 7.50pm.

- 9.2 544 Mt Alexander Road, Ascot Vale (Lot 1 on TP665469V) - Buildings and works, on premises liquor licence, internally illuminated signage, reduction in car parking and waiver of loading bay and bicycle requirements associated with a restaurant in a DDO3.**

File No: MV/870/2014
Author: Senior Town Planner
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2015/45

Motion

Moved by Cr Marshall, seconded by Cr Cusack that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/870/2014 for buildings and works, sale and consumption of liquor on premises, display of internally illuminated business identification signage, reduction in car parking requirements and waiver of loading bay and bicycle facility requirements associated with a restaurant in a Design and Development Overlay area at 544 Mt Alexander Road, Ascot Vale (Lot 1 on TP665469V), 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) Deletion of the mezzanine/terrace/rooftop level and associated terrace level window.
 - b) A notation on plans to state a maximum of 63 patrons.
 - c) The street front entrance to be setback at least 1m to allow a transitional ramp from the footpath to the Finished Floor Level (FFL) within the building.
 - d) Proposed bicycle hoop rail shown on plans.
 - e) Garbage storage shown on the plans.
 - f) A notation on plans that future operational activities adhere to the Patron Management Plan as required by Condition 7.
 - g) External 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.

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. The sale and consumption of liquor must occur only between the hours of:
 - a) Monday to Saturday (excluding ANZAC Day and Good Friday) 7am to 11pm.
 - b) Sunday 10am to 11pm.
 - c) Good Friday and ANZAC Day 12 noon to 11pm.unless these hours are varied with the written consent of the Responsible Authority.
4. Liquor for consumption off the premises must not be sold at any time.
5. No more than 63 patrons may be present on the land at any one time without the written consent of the Responsible Authority.
6. The amenity of the area must not be detrimentally affected by the use of land through the transportation of materials, goods or commodities to or from the land, to the satisfaction of the Responsible Authority.
7. Prior to the commencement of the use, a patron management plan must be submitted to and approved by the Responsible Authority. The plan shall be prepared by a suitably qualified person and detail how the venue will operate to ensure any impacts on the surrounding residential (change as necessary) area will be managed. When approved, the plan will be endorsed and will then form part of the permit. The plan must include but is not limited to:
 - a) Details of proposed management of the premises including crowd control, responsible serving of alcohol and external areas allocated for smokers.
 - b) Staffing and security arrangements for the premises including staffing/security to manage the number and behaviour of patrons associated with the premises;
 - c) Staffing and other measures that are designed to ensure the orderly arrival and departure of patrons;
 - d) Signage to be used to encourage responsible off-site patron behaviour;
 - e) The training of staff in the management of patron behaviour;
 - f) Measures to control noise emissions from the premises;
 - g) Measures to manage any patrons queuing to enter the premises;
 - h) The identification of all noise sources associated with the licensed premises (including, but not limited to, music noise, external areas allocated for smokers, queuing lines, entries and exits to and from the premises and courtyards).

- i) The identification of noise sensitive areas including residential uses and accommodation in close proximity to the licensed premises.
- j) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures.
- k) Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the Responsible Authority or an officer of the liquor licensing authority.
- l) Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.
- m) Any other measures to be undertaken to ensure minimal amenity impacts from the licensed premises.

The patron management plan must be implemented to the satisfaction the Responsible Authority. The patron management plan must not be modified unless with the consent of the Responsible Authority.

- 8. The location and details of the signage shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
- 9. The advertising signage and any related panel must be constructed and maintained to the satisfaction of the Responsible Authority.
- 10. Bunting, streamers and festooning must not be displayed.
- 11. The signage permitted must only contain an advertisement which provides or supplies information relating to the business conducted on the land to the satisfaction of the Responsible Authority.
- 12. The loading and unloading of goods from any vehicles must only be carried out within the designated loading bays along Mt Alexander Road and must not disrupt the circulation and parking of vehicles, pedestrian circulation or access. Loading and unloading of goods from any vehicles must not be carried out within the laneway via the roller door to the rear of the premises.
- 13. Goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
- 14. All bottles and cans must not be emptied into the rubbish bins after 10.00 pm and not before 8:00am. The amenity of the area must not be detrimentally affected by the use of land through the transportation of rubbish bins or bottles and cans to or from the land, to the satisfaction of the Responsible Authority.
- 15. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved to the satisfaction of the Responsible Authority. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and must include but not be limited to showing and detailing that the bin storage areas are sufficient to cater for the amount of waste that will be produced and provide the following:

- a) What type of bins will be used on the land;
- b) Where these bins will be stored including details of screening and ventilation;
- c) Who will be responsible for taking bins in and out for collection and where this will occur;
- d) How recycling materials will be dealt with and collected;
- e) Hours of bin collection;
- f) Access routes for private waste collection vehicles that do not rely on reversing movements if private waste collection is utilised.

Once submitted and approved the plan must be implemented 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.
- 17. The amenity of the area must not be detrimentally affected by the use of land, through:
 - a) Transportation of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil.
 - d) Presence of vermin.
 - e) or in any other way.

to the satisfaction of the Responsible Authority.

- 18. The cooking exhaust system must be provided with a filter system and appropriately sited to eliminate cooking odours, fumes and smoke to the satisfaction of the Responsible Authority.

Start VicRoads conditions

- 19. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25cd/m², throughout the driver's approach to the advertising sign.
- 20. Signage must not have a flashing background, flashing text or flashing images.

End VicRoads conditions

- 21. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- 22. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.

23. To the satisfaction of the Responsible Authority all external lights must be of a limited intensity to ensure no nuisance is caused to any adjoining or nearby residents and must be provided with approved baffles, so that no direct light is emitted outside the site.
24. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within two (2) years from the date of issue of this permit; or
 - b) The development is not completed and the use is not commenced within four (4) years from the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the responsible authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

- A liquor licence must be obtained from the Victorian Commission for Gambling and Liquor Regulation in accordance with the provisions of the Liquor Control Reform Act 1998.
- The premise must comply with the Public Health and Wellbeing Act 2008 and Food Act 1984 (where applicable) and associated Council Local Laws. Council's Environmental Health Unit should be contacted on 9243 8888 regarding these requirements and any other required applications.
- Staff of the restaurant and the patrons are not eligible for parking permits in accordance with Council Parking Permit Policy.
- A road occupancy permit may be required.

Division Called

A Division was called and voting was as follows:

For: Crs Marshall, Cusack, Chantry and Giuliano.

Against: Crs Cornish, Sharpe, Nation, Sipek and Surace.

LOST

Council Resolution

Moved by Cr Surace, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/870/2014 for buildings and works, sale and consumption of liquor on premises, display of internally illuminated business identification signage, reduction in car parking requirements and waiver of loading bay and bicycle facility requirements associated with a restaurant in a Design and Development Overlay area at 544 Mt Alexander Road, Ascot Vale (Lot 1 on TP665469V), 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) Deletion of the mezzanine/terrace/rooftop level and associated terrace level window.
 - b) A notation on plans to state a maximum of 63 patrons.
 - c) The street front entrance to be setback at least 1m to allow a transitional ramp from the footpath to the Finished Floor Level (FFL) within the building.
 - d) Proposed bicycle hoop rail shown on plans.
 - e) Garbage storage shown on the plans.
 - f) External 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.

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. The sale and consumption of liquor must occur only between the hours of:
 - a) Monday to Saturday (excluding ANZAC Day and Good Friday) 7am to 11pm.
 - b) Sunday 10am to 11pm.
 - c) Good Friday and ANZAC Day 12 noon to 11pm.unless these hours are varied with the written consent of the Responsible Authority.
4. Liquor for consumption off the premises must not be sold at any time.
5. No more than 63 patrons may be present on the land at any one time without the written consent of the Responsible Authority.

6. The amenity of the area must not be detrimentally affected by the use of land through the transportation of materials, goods or commodities to or from the land, to the satisfaction of the Responsible Authority.
7. The location and details of the signage shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
8. The advertising signage and any related panel must be constructed and maintained to the satisfaction of the Responsible Authority.
9. Bunting, streamers and festooning must not be displayed.
10. The signage permitted must only contain an advertisement which provides or supplies information relating to the business conducted on the land to the satisfaction of the Responsible Authority.
11. The loading and unloading of goods from any vehicles must only be carried out within the designated loading bays along Mt Alexander Road and must not disrupt the circulation and parking of vehicles, pedestrian circulation or access. Loading and unloading of goods from any vehicles must not be carried out within the laneway via the roller door to the rear of the premises.
12. Goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
13. All bottles and cans must not be emptied into the rubbish bins after 10.00 pm and not before 8:00am. The amenity of the area must not be detrimentally affected by the use of land through the transportation of rubbish bins or bottles and cans to or from the land, to the satisfaction of the Responsible Authority.
14. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved to the satisfaction of the Responsible Authority. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and must include but not be limited to showing and detailing that the bin storage areas are sufficient to cater for the amount of waste that will be produced and provide the following:
 - a) What type of bins will be used on the land;
 - b) Where these bins will be stored including details of screening and ventilation;
 - c) Who will be responsible for taking bins in and out for collection and where this will occur;
 - d) How recycling materials will be dealt with and collected;
 - e) Hours of bin collection;
 - f) Access routes for private waste collection vehicles that do not rely on reversing movements if private waste collection is utilised.

Once submitted and approved the plan must be implemented to the satisfaction of the Responsible Authority.

15. 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.
16. The amenity of the area must not be detrimentally affected by the use of land, through:
 - a) Transportation of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil.
 - d) Presence of vermin.
 - e) or in any other way.to the satisfaction of the Responsible Authority.
17. The cooking exhaust system must be provided with a filter system and appropriately sited to eliminate cooking odours, fumes and smoke to the satisfaction of the Responsible Authority.

Start VicRoads conditions

18. The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25cd/m², throughout the driver's approach to the advertising sign.
19. Signage must not have a flashing background, flashing text or flashing images.

End VicRoads conditions

20. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
21. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
22. To the satisfaction of the Responsible Authority all external lights must be of a limited intensity to ensure no nuisance is caused to any adjoining or nearby residents and must be provided with approved baffles, so that no direct light is emitted outside the site.
23. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years from the date of issue of this permit; or
 - b) The development is not completed and the use is not commenced within four (4) years from the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the responsible authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

- A liquor licence must be obtained from the Victorian Commission for Gambling and Liquor Regulation in accordance with the provisions of the Liquor Control Reform Act 1998.
- The premise must comply with the Public Health and Wellbeing Act 2008 and Food Act 1984 (where applicable) and associated Council Local Laws. Council's Environmental Health Unit should be contacted on 9243 8888 regarding these requirements and any other required applications.
- Staff of the restaurant and the patrons are not eligible for parking permits in accordance with Council Parking Permit Policy.
- A road occupancy permit may be required.

Division Called

A Division was called and voting was as follows:

For: Crs Cusack, Chantry, Sharpe, Giuliano, Nation, Sipek and Surace.

Against: Crs Marshall and Cornish.

**THE FORESHADOWED MOTION IN THE NAME OF CR SURACE
WAS PUT AND CARRIED**

9.3 11-17 Holmes Road, Moonee Ponds (Land in PC104247 and Lot 8 on PS011397) - Partial demolition of the existing building. Buildings and works in a Heritage Overlay area for the purpose of a four storey building accommodating dwellings, a supermarket and reduction in car parking and loading/unloading requirements.

File No: MV/457/2014

Author: Principal Town Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2015/46

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/457/2014 for the partial demolition of the existing building, buildings and works in a Heritage Overlay area for the purpose of a four storey building accommodating dwellings, use of the land for a supermarket and reduction in car parking and loading/unloading requirements at 11 – 17 Holmes Road, Moonee Ponds (Land in PC104247 and Lot 8 on PS011397), 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 number of dwellings reduced from 15 to 11 in accordance with the plans prepared by Bill Jacobs Pty Ltd, TP04-TP08 and all Revision B and received by Council on 5 January 2015.
 - b) Any external modifications in accordance with the plans prepared by Bill Jacobs Pty Ltd, TP04-TP08 and all Revision B and received by Council on 5 January 2015.
 - c) The eastern elevation to be innovatively treated by either a green façade, a green wall or alternative treatment to the satisfaction of the Responsible Authority with the following notations:
 - i) The treatment of the eastern wall must not impact on the operation of the Council Car Park at 1-9 Holmes Road.
 - ii) The treatment of the eastern wall must not encroach more than 400mm into the airspace of the adjoining land at 1-9 Holmes Road.
 - iii) The treatment of the eastern wall must include a maintenance schedule and notation that all features must be maintained by the developer/land owner at 11-17 Holmes Road.
 - iv) A notation that all eastern wall treatments can be removed at any time at the discretion of Council.
 - d) The residential entry to be modified to provide a more prominent entry feature.
 - e) The provision of skylights for the living areas associated with Dwellings 2 and 3.
 - f) The balconies associated with Dwellings 2 and 3 increased to a depth of 2m.
 - g) The wall behind the front façade and facing the balconies of Dwellings 2 and 3 to be exposed brickwork.
 - h) The storage areas resized to a minimum of 4m³ and renumbered to accord with 11 dwellings.

- i) The provision of planter boxes along the southern alignment of the balconies associated with Dwellings 4 and 5. The planter boxes must contain plants capable of screening views to the habitable room north facing windows of 1 Newhall Avenue in accordance with the objective of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- j) The balconies associated with Dwellings 4 and 5 increased in depth to accommodate Condition 1(i).
- k) An alterations as a result of Condition 4.
- l) A roof plan which graphically shows all roof areas, both treated by WSUD and untreated.
- m) Each rainwater tank to be noted to state, on all relevant plans.
 - i) The capacity of the rainwater tank;
 - ii) Whether a mechanically, fully charged or gravity fed system is proposed;
 - iii) Number of toilets connected to the rainwater tank, as detailed on the revised STORM report;
 - iv) The roof catchment area collected to the specific rainwater tank, as detailed on the revised STORM report.
- n) The windows to the internal hallways to be operable to allow for natural ventilation.
- o) West facing habitable room windows to be provided with operable sun shading devices to mitigate heat load.
- p) The internal light court to be treated in a light reflective colour.
- q) The bedroom 2 wall associated with Dwelling 9 to be setback from the light court to ensure the light court is clear to the sky.
- r) The hall/stairwell door on the second and third level's to be constructed from glass.
- s) A notation that the verandah on Council's car park and east facing window associated with the ground floor supermarket can be removed at any time at the discretion of Council.
- t) The provision of 'no standing' signage along the ground floor southern wall of the building (ROW).
- u) Any alteration to the plans as a result of the Acoustic Assessment required by Condition 17.
- v) Any alteration to the plans as a result of the revised Waste Management Plan in accordance with Condition 18.
- w) Any alteration to the plans as a result of the revised Sustainable Management Plan in accordance with Condition 19.

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 use of the land starts, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 satisfactory to the Responsible Authority. That agreement must be registered on the title to the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include provisions that:
 - a) The verandah constructed on Council's car park at 1-9 Holmes Road, Moonee Ponds can be removed at any time at the discretion of Council's Property Unit.
 - b) The supermarket window facing onto Council's car park at 1-9 Holmes Road, Moonee Ponds must be blocked up, with no cost to Council at the request of Council's Property Unit.
 - c) The wall treatment along the eastern elevation and required by condition 1(c) can be removed at any time at the discretion of Council's Property Unit.
 - d) Liability and maintenance of those parts of the development projecting into air space under the care and management of Council and disclaiming any right or intention to make or cause to be made at anytime any claim or application relating to adverse possession of the land.

The owner of the property to be developed must pay all Council's reasonable legal costs and expenses of this Agreement, including preparation, execution and registration on title.

4. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with condition 1. The STORM assessment must achieve a minimum of 100% to comply with Clause: 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
5. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. 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.
7. 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.

8. At least 30 days before the building or works commence, a Construction and Site Management Plan (CSMP) must be submitted to and approved by the Responsible Authority. The CSMP must include details of the construction activity proposed and the site and environmental management methods to be used during the construction of the development. The CSMP must include:
- a) Hours of construction;
 - b) Parking and traffic movement of all workers' and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
 - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - k) Arrangements for chemical storage;
 - l) Noise and vibration control;
 - m) Risk assessment;
 - n) Works timetable; and
 - o) Number of workers expected to work on the site at any one time.
 - p) When approved, the CSMP will be endorsed and will form part of this permit.

The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
11. 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.

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 use 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. Prior to the commencement of the development, a Car Parking Management Plan prepared by an appropriately qualified traffic consultant must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must include:
 - a) Details as to how the car stackers are to be regularly maintained and serviced.
 - b) In the case where the car stackers becoming non-operational, details of time frames and measures to be undertaken to reinstate the car stackers back to working order.
 - c) Details as to what measures will be undertaken in the event that the stackers are not operational, so not to provide any additional on-street parking demand.

The Car Parking Management Plan must be to the satisfaction of the Responsible Authority. Once submitted and approved the plan must be implemented to the satisfaction of the Responsible Authority.
14. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
15. Before the building approved by this permit is occupied, a Water Sensitive Urban Design Maintenance Plan must be submitted to and approved by the Responsible Authority. The Water Sensitive Urban Design Maintenance Plan must detail future operational and maintenance arrangements for all water sensitive urban design features (WSUD features) and measures shown on the endorsed Water Sensitive Urban Design Report and the matters set out below:
 - a) Who will conduct inspections, what the inspections must involve and the frequency of inspections.

- b) Details of the processes involved in cleaning WSUD features and when cleaning must occur; "as installed" design details and diagrams, including a sketch of how any WSUD feature which comprises a system operates.
- c) A report by the author of any STORM or MUSIC model set out within the endorsed Water Sensitive Urban Design Report (or by a suitably qualified person to the satisfaction of the Responsible Authority). This report must confirm that the WSUD features detailed in the endorsed Water Sensitive Urban Design Report (including as modelled by STORM or MUSIC) have been fully constructed, connected and implemented in accordance with the endorsed Water Sensitive Urban Design Report.

When approved, the Water Sensitive Urban Maintenance Plan will be endorsed and will form part of this permit.

The provisions, requirements and recommendations of the endorsed Water Sensitive Urban Design Maintenance Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

16. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways.

Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.

17. Prior to the commencement of the development an acoustic report prepared by a qualified acoustics expert must be provided to the Responsible Authority and to its satisfaction. This report must detail the noise attenuation measures required to all habitable rooms within the dwellings to ensure minimal impacts from noise sources external to that dwelling. The recommendations of the acoustic report must be implemented prior to the completion of the development.
18. Prior to the commencement of the development, the applicant shall submit an amended Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall refer to the endorsed plans and be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
19. Before the development commences an amended Sustainability Management Plan (SMP) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended Sustainability Management Plan (SMP) shall refer to the endorsed plans. Upon approval the SMP will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority. The SDA must be generally in accordance with the SMP submitted with the application, but modified to include:

- a) Details of where mechanical ventilation from bathrooms and kitchen exits.
 - b) A written commitment to using low V.O.C paints, adhesives, sealants, floor coverings and pressed wood products.
 - c) The provision of natural clothes drying facilities for each dwelling.
 - d) The provision of 4 star WELS rated shower heads.
 - e) The provision of 5 star WELS rated W.C's.
 - f) The provision of 6 star WELS rated hand basin and sink sets.
20. Prior to the occupation of any buildings and works approved under this permit, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance within the approved documentation.
21. This permit will expire if:
- a) The development does not start within two (2) years of the date of issue of this permit, or
 - b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical 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 Planning Scheme.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- No on street parking permits will be provided to the occupiers of the subject site.

CARRIED

Crs Marshall, Cusack and Nation voted against the motion.

Cr Giuliano left the meeting at 8.45pm and returned at 8.48pm.

9.4 71 Waltham Street, Flemington (Lot 1 on TP 534673E) - Partial demolition and construction of an extension to a dwelling on a lot less than 300sqm and in a Heritage Overlay area

File No: MV/638/2014
Author: Statutory Planner
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2015/47

Motion

Moved by Cr Cusack, seconded by Cr Marshall that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/638/2014 for partial demolition works and construction of an extension to a dwelling on a lot less than 300 square meters in a Heritage Overlay area at 71 Waltham Street, Flemington (Lot 1 on TP 534673E), on the following grounds:

1. The bulk and design of the extension does not adequately respond to its context in terms of character, failing to satisfy Clause 15 (Built Environment and Heritage) and Clause 21.06-1 (Neighbourhood Character) of the Moonee Valley Planning Scheme.
2. The proposal does not respect the existing or preferred character of the area as set out within the Inner Urban 1 Precinct of the Neighbourhood Character Study and Clause 21.05 (Built Environment) of the Moonee Valley Planning Scheme.
3. The proposal does not comply with the following subclauses of Clause 54 (One Dwelling on a Lot) of the Moonee Valley Planning Scheme:
 - a) Clause 54.02-1 (Neighbourhood Character)
 - b) Clause 54.03-3 (Site Coverage)
 - c) Clause 54.04-1 (Side and Rear Setbacks)
 - d) Clause 54.04-2 (Walls on Boundaries)
 - e) Clause 54.04-6 (Overlooking)
 - f) Clause 54.05-1 (Daylight to New Windows)

Division Called

A Division was called and voting was as follows:

For: Crs Marshall, Cusack and Chantry.

Against: Crs Cornish, Sharpe, Giuliano, Nation, Sipek and Surace.

LOST

Council Resolution

Moved by Cr Surace, seconded by Cr Sipek that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/638/2014 for Partial demolition works and construction of an extension to a dwelling on a lot less than 300sqm and in a Heritage Overlay area at 71 Waltham Street, Flemington (Lot 1 on TP 534673E), 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 selected “Euroclad” cladding to be provided with a lighter finish to the satisfaction of Council.
 - b) An updated Colours and Materials schedule to be provided in accordance with Condition 1(a).
 - c) The maximum and average height of the additional western boundary wall reduced to comply with Clause 54.04-2 of the Moonee Valley Planning Scheme.
 - d) All boundary fences at the rear of the dwelling to be a minimum of 1.8 metres in height.
 - e) The east facing upper floor hallway windows to be notated as having a minimum sill height of 1.7 metres above finished floor level.
 - f) Correct details of the adjoining dwelling in terms of the following:
 - i) The kitchen and dining room of the adjoining property at No. 69 Waltham Street.
 - ii) The full length of the adjoining boundary wall at No. 69 Waltham Street.
 - iii) The open slatted pergola to the north of the kitchen and dining room at the adjoining property at No. 69 Waltham Street.

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. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;

- c) Scaffolding and hoarding for the site;
- d) Allocated areas for loading and unloading;
- e) Site evacuation plan and procedure;
- f) Occupational health and safety policy;
- g) Hazard identification and control;
- h) Environmental management and waste minimisation
- i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems
- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- k) 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 and Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

4. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
- a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; and
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builders' User's Guide or a Building Maintenance Guide.

5. Prior to the issued of an Occupancy Permit, all boundary walls must cleaned and finished to the satisfaction of the Responsible Authority.

6. 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.
7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
8. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
9. Prior to the commencement of the development (including the construction of crossovers), a management plan prepared by a qualified arborist must be submitted to the Responsible Authority for approval. The management plan must provide recommendations and set out actions required to minimise damage to the health of the existing street tree at 71 Waltham Street, Flemington as a consequence of the proposed development. Once considered satisfactory and approved by the Responsible Authority, the management plan will be endorsed under the planning permit. Once endorsed the findings of the management plan must be undertaken to the satisfaction of the Responsible Authority and all approved works supervised by a qualified arborist as they relate to the street tree(s). All costs and responsibilities associated with the commissioning of the management plan, the undertaking of the report's findings and arborist supervision must be borne by the permit holder.
10. The existing street tree must not be removed or damaged as a result of the permitted development.
11. 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.
12. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out 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 of the date of issue of this permit.
 - c) Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical 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.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement.

Division Called

A Division was called and voting was as follows:

For: Crs Cornish, Sharpe, Giuliano, Nation, Sipek and Surace.

Against: Crs Marshall, Cusack and Chantry.

**THE FORESHADOWED MOTION IN THE NAME OF CR SURACE
WAS PUT AND CARRIED**

Cr Surace left the meeting at 9.09.

**9.5 3 Wood Street, Strathmore (Lot 15 PS 010839) - Construction
 of three dwellings**

File No: MV/428/2014

Author: Senior Town Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2015/48

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/428/2014 for the construction of three dwellings at 3 Wood Street, Strathmore (Lot 15 on PS 010839), 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) Dwelling 2 to incorporate a north facing window to the study.
- b) Dwelling 3 to incorporate a south facing window to the living area.
- c) The southern boundary to have a minimum 1.8 metre high fence, tapered down to 1.2 metres within the front setback of Dwelling 1.
- d) The western boundary fence to have a minimum height of 1.9 metres.
- e) The removal of the outline of the existing dwelling from the front (east) elevation.
- f) A cross-section of the rain garden showing the lining detail.
- g) The south facing kitchen and living room window of Dwelling 2, which abut the internal accessway, is to be double glazed.

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. A minimum 30 days prior to any building or works commencing, a Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

The WSUD Site Management Plan may form part of a broader Site Management Plan that covers other project components, ie. such as noise, EPA issues, traffic management, waste management, etc.

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

- 4. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures.

The program must include, but is not limited to:

- a) Inspection frequency.
- b) Cleanout procedures.
- c) As installed design details/diagrams including a sketch of how the system operates.
- d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly

qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.

5. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
6. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
8. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
9. 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 use 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; and
 - e) Be drained and constructed with a permanent trafficable surface (concrete, asphalt, paving).
10. 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.
11. 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.

12. 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.
13. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
14. The development must be provided with external lighting capable of illuminating access to each car parking space, vehicular accessway, pedestrian accessways and pedestrian entrances. 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.
15. 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 to accord with Condition 1 of this permit;
 - b) Any landscaping within the visibility splays in accordance with Clause 52.06 of the Moonee Valley Planning Scheme to have a maximum height of 900mm;
 - c) A survey of all existing vegetation, abutting street trees, natural features and vegetation;
 - d) Buildings outbuildings and trees in neighbouring allotments that would affect the landscape design;
 - e) Planting on the land comprising trees and shrubs capable of;
 - i) Providing a complete garden scheme.
 - ii) Softening the building bulk.
 - iii) Providing at least one canopy in the front setback of Dwelling 1. Selected canopy tree 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.
 - f) The proposed design features such as paths, paving, lawn and mulch;

- g) 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;
- h) The use of drought tolerant species;
- i) All trees on the land that are proposed to be removed or destroyed.
- j) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems.

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.

- 16. 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.
- 17. The existing street tree(s) or vegetation must not be removed or damaged as a result of the permitted development.
- 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 six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical 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 drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- 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; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$

CARRIED

Cr Nation left at 9.11pm and returned at 9.14pm.

Cr Surace returned to the meeting at 9.12pm.

9.6 40 Hall Street, Moonee Ponds (PC 354406J) - Construction of a multi-storey building comprising retail and dwellings, reduction in the car parking and loading bay requirements

File No: MV/779/2014

Author: Principal Town Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2015/49

Council Resolution

Moved by Cr Chantry, seconded by Cr Cornish that Council issue a Planning Permit in relation to Permit Application No. MV/779/2014 for the construction of a multi-storey building accommodating retail and dwellings, reduction in the car parking and loading bay requirements at 40 Hall Street, Moonee Ponds (PC 354406J) subject to the following conditions;

1. Before the 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 widening of Aspen Street to accommodate two way traffic movements associated with the Stage 1 development.
 - b) Detailing of the shared vehicle/pedestrian zone extension from Aspen Street along with any recommendations as detailed within a Road Safety Audit.
 - c) The columns and car parking spaces within the ground and basement levels to accord with the Australian Standards.
 - d) Any design modifications as detailed within the Wind Assessment prepared by MEL Consultants, dated November 2014.
 - e) Revisions to the Landscape Design Report prepared by Oculus as required by condition 21.
 - f) Revised loading bay arrangements generally in accordance with the plans prepared by GTA Consultants, dated 24 February 2015
 - g) The provision of 300mm trench grates at the entrance of the basement.
 - h) Provision for a minimum of 65 bicycle spaces..
 - i) Demonstration as to how the full extent of the mezzanine floor surface will grade and drain to the raingarden located at the north eastern corner.
 - j) The roof plan must graphically show, and be accompanied by a note stating, the specific roof area in square metres the rainwater from which is to be collected into a nominated rainwater tank with its capacity clearly noted. All roof areas, tank volumes and numbers of toilets the tank is connected to must be consistent with the information provided in the submitted Sustainable Management Plan prepared by Lucid Consulting Australia, dated November 2014.
 - k) The site/ground floor plan must graphically show the correct volume and location of any rainwater tanks. Each rainwater tank must be accompanied by a note stating the specific roof area in square metres from which the rainwater is being harvested into that rainwater tank. The number of toilets connected to the rainwater tank must also be nominated. All roof areas, tank volumes and numbers of toilets the tank is connected to must be consistent with the information provided in the submitted Sustainable Management Plan prepared by Lucid Consulting Australia dated, November 2014.
 - l) Details of any temporary fencing around the perimeter batter zone.
- 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 commencement of construction or carrying out of works, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 satisfactory to the responsible authority. That agreement must be registered on the title to the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include provisions that:
 - a) The owner shall provide a contribution towards the upgrading of Hall Street in accordance with the Hall Street Streetscape Plan.
 - b) Liability and maintenance of those parts of the development projecting into air space under the care and management of Council and disclaiming any right or intention to make or cause to be made at any time any claim or application relating to adverse position of the land. The owner of the property to be developed must pay all Council's reasonable legal costs and expenses of this Agreement, including preparation, execution and registration on title.
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. A minimum 30 days prior to any building or works commencing, a Construction & Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation
 - i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems

- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- k) 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 & Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

- 7. A minimum 30 days prior to any building or works commencing, all WSUD Design Details, such as cross sections &/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
- 8. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to;
 - a) Inspection frequency
 - b) cleanout procedures
 - c) as installed design details/diagrams including a sketch of how the system operates
 - d) a report confirming completion & commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.

- 9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 10. The area set aside for parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must be to the satisfaction of the Responsible Authority:
 - a) Be provided and completed prior to the commencement of the use 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; and
 - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
11. The loading and unloading of vehicles (including waste collection) and the delivery of goods to and from the land must:
- a) Only be carried out within the designated loading bay on the land; and
 - b) Must not disrupt the circulation and parking of vehicles, pedestrian circulation or access,
- to the satisfaction of the Responsible Authority.
12. Before the commencement of the use signs must be erected in association with the car parking hereby provided, allowing for the identification of the car park, to the satisfaction of the Responsible Authority.
13. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
14. 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.
15. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
16. A drainage function layout plan for the site (existing car park) must be submitted for further consideration. A drainage report on the existing network must be determined to understand the hydraulic capacity. The drainage functional design plan must be prepared by a suitably qualified person(s) and submitted to and approved by the Responsible Authority.
17. 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.

18. The Sustainability Management Plan prepared by 'Lucid Consulting Australia' dated November 2014 to be implemented and appropriately managed during the construction of the proposed building.
19. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following:
 - a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;
 - b) Outline Green Travel Plan measures for the development including, but not limited to:
 - i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
 - ii) Include a minimum of one myki pass (of at least \$20 value) and registration information per bedroom for each dwelling within the household welcome pack;
 - iii) Bicycle parking and facilities available on the land; and
 - iv) Monitoring & review.
 - c) A plan showing the bicycle parking areas to be provided for use by residents.

Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land, to ensure the Green Travel Plan continues to be implemented by residents/owners to the satisfaction of the Responsible Authority.

20. Buildings or works must not be commenced 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 prepared by Oculus within the Landscape Design Report dated 20 November 2014 but modified to show:
 - a) Removal of the raised brick seating element adjacent to Hall Street;
 - b) Provision for a lighting scheme;
 - c) An appropriate irrigation system;
 - d) Any traffic engineering requirements associated with the shared zone

- 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) Any other modifications as required by Condition 1.

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

- 21. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
- 22. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within three (3) years from the date of issue of this permit; or
 - b) The development is not completed within five (5) years from the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Unit regarding legal point of discharge, new crossings, building over easements, erection of hoarding 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; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.

- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Unit and to the satisfaction of the Responsible Authority.

CARRIED

Cr Sipek left the meeting at 9.21pm.

9.7 Strathmore Children's Centre Redevelopment - Stage 2

File No: FOL/12/1047

Author: Coordinator Kindergarten Services

Directorate: Community Services

Ward: Buckley

Minute No: 2015/50

Council Resolution

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

1. Relocate the Strathmore Community Kindergarten program at the end of the 2017 calendar year from its current location.
2. Relocate the Strathmore Heights Kindergarten program at the end of the 2017 calendar year from its current location.
3. Amalgamate Strathmore Community and Strathmore Heights Kindergartens into the one facility as part of stage two of the Strathmore Children's Centre Redevelopment at 1-5 Term Street, Strathmore. Operation of this service to commence in January 2018.

CARRIED

Cr Sipek returned to the meeting at 9.23pm.

The Mayor accepted Cr Giuliano's request to bring forward and consider Council Report 9.15 as listed on the agenda.

Having declared an interest in Item 9.15, Cr Cornish left the meeting before any discussion or voting had taken place on the item.

9.15 Moonee Ponds Special Rate Intention to Declare

File No: FOL/14/552

Author: Manager Economic Development & City Sustainability

Directorate: Environment & Lifestyle

Ward: Myrnong

Minute No: 2015/51

Council Resolution

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

1. Commence the statutory process under the Local Government Act 1989 (the Act) to re-introduce by way of renewal a Special Rate and Charge to and for the properties within the Moonee Ponds business precinct.
2. Note the Special Rate and Charge will raise a total amount of \$160,000 in the first year and increase in \$10,000 increments for a four year period from 1 July 2015 to 30 June 2019.
3. In accordance with sections 163(1A) and 163B(3) of the Act, authorises public notices be given in The Age, Weekly Review Moonee Valley and the Moonee Valley Leader of the intention of Council to declare at its Ordinary Council Meeting to be held on 23 June 2015, in accordance with the proposed declaration of Special Rate and Charge in the form of the attachment to this resolution (copy provided in Appendix A – Schedule 1 – separately circulated) such Special Rate and Charge will be for the purpose of defraying expense to be incurred by Council to be used for the purposes of the appointment of a part-time Shopping Centre Coordinator, promotional, advertising, marketing, business development and other incidental expense, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Moonee Ponds business precinct.
4. Authorises in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners and the occupiers of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Rate and Charge, advising of the intention of Council to declare the Special Rate and Charge at its Ordinary Council Meeting to be held on 23 June 2015, the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Rate and Charge) will be liable, the basis of the calculation and distribution of the Special Rate and Charge and notifying such persons that submission and/or objections in writing in relation to the Proposed Declaration of Special Rate and Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.
5. Advises the Moonee Ponds Rate Levy Association of the matters specified in paragraphs 1, 2 and 3 of this resolution.

6. Appoints and authorises a Committee of Whole of Council to hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submissions.
7. Authorises the Chief Executive or his nominated representative:
 - a) To carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the Act; and
 - b) To prepare a funding agreement between Council and the Moonee Ponds Rate Levy Association to formalise the administrative operations of the Special Rate and Charge, to ensure that at all times, and as a precondition to any payment of funds, Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate and Charge in accordance with its obligations under the Local Government Act 1989 to do so.
8. Requests that the agreement specified in paragraph 6(b) of this resolution is to be subsequently submitted to Council for approval and sealing.

CARRIED

Cr Cornish returned to the meeting at 9.35pm.

Having declared an interest in Item 9.8, Crs Chantry and Nation, together with Mr Richardson left the meeting before any discussion or voting had taken place on the item.

**9.8 Draft Essendon Junction Activity Centre Structure Plan -
Endorsement for Community Consultation**

File No: FOL/11/788

Author: Senior Strategic Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2015/52

Council Resolution

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

1. Endorse the Draft Essendon Junction Activity Centre Structure Plan, circulated separately as Appendix A, for community consultation. Images/artist impressions to be finalised and inserted into the document by Council Officers following endorsement.
2. Endorse the revised Essendon Junction Grade Separation Feasibility Study Report Stage 1 and 2, circulated separately as Appendix B, for advocacy purposes.

3. Provide a copy of the revised Essendon Junction Grade Separation Feasibility Study Report Stage 1 and 2 to The Honourable Daniel Andrews - Premier of Victoria, The Honourable Jacinta Allan - Minister for Public Transport, The Honourable Luke Donnellan – Minister for Roads and Road Safety, Mr Danny Pearson – Member for Essendon, Mr Ben Carroll – Member for Niddrie and the Chief Executive of the Level Crossings Removal Authority.

CARRIED

Cr Giuliano left the meeting at 9.44pm.

9.9 Planning Scheme Amendment C151 - Updates to the LSIO and SBO

File No: FOL/15/182

Author: Strategic Planner

Directorate: City Works & Development

Ward: Municipal

Minute No: 2015/53

Council Resolution

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

1. Seek authorisation from the Minister for Planning to prepare Moonee Valley Planning Scheme Amendment C151 which amends the planning scheme maps to update the boundaries of the LSIO and SBO.
2. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C151 in accordance with Section 19 of the *Planning and Environment Act 1987*.
3. Refer submissions received to an independent Panel in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*, if submissions are received which request to change the amendment and they are not resolved.
4. Work with Melbourne Water to ensure their flood mapping is updated following the completion of the Aberfeldie Main Drain Project and commence a planning scheme amendment to implement any flood mapping changes.

CARRIED

Having declared an interest in Item 9.10, Cr Giuliano was not present at the time of any discussion or voting had taken place on the item.

9.10 Planning Scheme Amendment C144 - Heritage Overlay Review

File No: FOL/14/330
Author: Strategic Planner
Directorate: City Works & Development
Ward: Municipal

Minute No: 2015/54

Council Resolution

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

1. Adopt the Heritage Overlay Review (2014).
2. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29 (1) of the Planning and Environment Act 1987, adopt Amendment C144 to the Moonee Valley Planning Scheme, in accordance with the revised Permit Exemptions Policy and amendment documentation included in Appendix B and Appendix D – (separately circulated).
3. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Amendment C144 to the Moonee Valley Planning Scheme to the Minister for Planning for approval.

CARRIED

Cr Giuliano returned to the meeting at 9.50pm.

Reports Considered En Bloc

Minute No: 2015/55

Council Resolution

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

- 9.11 Amendment C143 - Heritage Overlay Ascot Vale Housing Commission Estate (part)
- 9.13 Investment Policy 2015
- 9.16 2014/15 Community Grants - Round 2
- 9.17 Status of Projects Delayed by Proposed East West Link

- 9.20 Electoral Representation Review 2015 - Response to VEC Preliminary Report
- 9.21 Report on Assemblies of Council
- 9.22 Report on Advisory Committees
- 9.23 Establishment of Chief Executive Position Review Special Committee

be adopted by Council.

CARRIED

9.11 Amendment C143 - Heritage Overlay Ascot Vale Housing Commission Estate (part)

File No: FOL/14/324

Author: Senior Strategic Planning Officer

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2015/55

Council Resolution

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

1. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), adopt Moonee Valley Planning Scheme Amendment C143. The revised Amendment will incorporate all changes recommended by the Panel, as per pages 21 and 22 of the Panel Report provided in Appendix A (separately circulated) and Permit Exemptions Policy provided in Appendix B (separately circulated). The revised Amendment C143:
 - a) Applies the Heritage Overlay to part of the Ascot Vale Housing Commission Estate.
 - b) Introduces a Permit Exemptions Policy for the Ascot Vale Housing Commission Estate and makes subsequent changes to the Heritage Overlay Schedule and Clause 81.01.
2. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Moonee Valley Planning Scheme Amendment C143 to the Minister for Planning for approval.

CARRIED

9.13 Investment Policy 2015

File No: FOL/12/773
Author: Manager Finance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2015/55

Council Resolution

Moved by Cr Cornish, seconded by Cr Chantry that Council adopts the Investment Policy 2015 provided as Appendix A - separately circulated.

CARRIED

9.16 2014/15 Community Grants - Round 2

File No: FOL/14/389
Author: Coordinator Sport and Recreation
Directorate: Environment & Lifestyle
Ward: Municipal
Minute No: 2015/55

Council Resolution

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

1. Awards the second round of grants to organisations and individuals for the specified amounts recommended by the assessment panels (copy of assessment provided in Appendix A).
2. Notes that applicants will be advised of the outcome of their applications.

CARRIED

9.17 Status of Projects Delayed by Proposed East West Link

File No: FOL/14/204
Author: Manager Leisure & Open Space Planning
Directorate: Environment & Lifestyle
Ward: Municipal
Minute No: 2015/55

Council Resolution

Moved by Cr Cornish, seconded by Cr Chantry that Council receive and note the report on the status of projects delayed by the proposed East West Link.

CARRIED

**9.20 Electoral Representation Review 2015 - Response to VEC
Preliminary Report**

File No: FOL/14/929

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/55

Council Resolution

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

1. Endorse the Response Submission to the Victorian Electoral Commission - Electoral Representation Review (provided as Appendix A).
2. Submit its Response Submission via the online submission form no later than 5pm, 6 May 2015.
3. Appoint the Mayor or delegate to present Council's submission at the Public Hearing to be held at the Moonee Valley Civic Centre on Thursday, 14 May 2015.

CARRIED

9.21 Report on Assemblies of Council

File No: FOL/09/1245

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/55

Council Resolution

Moved by Cr Cornish, seconded by Cr Chantry that Council That Council receive and note the written records of Assembly of Councillors, provided as Appendix A, received since the last report to Council in March 2015.

CARRIED

9.22 Report on Advisory Committees

File No: FOL/14/1256

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/55

Council Resolution

Moved by Cr Cornish, seconded by Cr Chantry that Council receive and note the following confirmed Advisory Committee Meeting Minutes, received since the last report to Council in December 2014:

- a) Municipal Emergency Management Planning Committee held 13 November 2014 (Appendix A).
- b) Strategic Planning Advisory Committee held 20 November 2014 (Appendix B).
- c) Integrated Waterways Advisory Committee held 21 November 2014 (Appendix C).
- d) Disability Reference Group held 1 December 2014 (Appendix D).
- e) Liquica District Partnership Working Group held 11 December 2014 (Appendix E).
- f) ANZAC Centenary Advisory Committee held 12 January 2015 (Appendix F).
- g) Early Years Reference Group held 10 February 2015 (Appendix G).
- h) ANZAC Centenary Advisory Committee held 16 February 2015 (Appendix H).

CARRIED

9.23 Establishment of a Special Committee for the Appointment of the Position of Chief Executive Officer

File No: FOL/10/795

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/55

Council Resolution

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

1. Establish the 'Appointment of the Chief Executive Officer Special Committee' as a Committee of the Whole Council, with delegated authority, as set out in the Instrument of Delegation, provided as Appendix A.
2. Sign and seal the Instrument of Delegation for the 'Appointment of the Chief Executive Officer Special Committee'.

CARRIED

Cr Giuliano left the meeting at 9.54 and returned at 9.56.

9.12 Proposed Budget 2015/16

File No: FOL/15/73801

Author: Manager Finance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/56

Council Resolution

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

1. Adopt in principle the Proposed Budget 2015/16 as per Appendix A (separately circulated) as its budget for the 2015/16 financial year as required by the Local Government Act.
2. Authorise the Chief Executive to:
 - a) Give public notice of the preparation of the Proposed Budget in accordance with the Act.
 - b) Make available for public inspection the information required by Regulation 9 of the Local Government (Planning and Reporting) Regulations 2014 and invite submissions under Section 223 of the Act.
3. Consider any submissions received on the proposed Budget 2015/2016 (if required) at a Committee of Whole of Council, to be held on Tuesday 2 June commencing at 6.00pm.

CARRIED

9.14 Draft Riverside Golf & Tennis Centre Master Plan

File No: FOL/14/451

Author: Manager Leisure & Open Space Planning

Directorate: Environment & Lifestyle

Ward: Myrnong

Minute No: 2015/57

Council Resolution

Moved by Cr Cornish, seconded by Cr Surace that Council defer the item subject to provision of further discussion and information and the matter be presented to the June Ordinary Meeting of Council.

CARRIED

9.18 Draft LGBTIQ Action Plan (2015-17)

File No: FOL/13/1002

Author: Community Planning Officer

Directorate: Community Services

Ward: Municipal

Minute No: 2015/58

Council Resolution

Moved by Cr Nation, seconded by Cr Surace that Council adopt the draft LGBTIQ Action Plan for public consultation from 29 April to 22 May 2015.

CARRIED

9.19 101 Arcade Way, Keilor East - Proposed Sale of Property

File No: PR36989

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Rose Hill

Minute No: 2015/59

Council Resolution

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

1. Having completed all necessary statutory procedures under sections 189 and 223 of the Local Government Act 1989 and not having received any

written submissions to the proposal, resolve to sell the property known as 101 Arcade Way, Keilor East and described as Lot 457 on Plan of Subdivision 13092 on Certificate of Title Volume 8200 Folio 984.

2. Authorise the Chief Executive to prepare the property for sale and execute all relevant contract and transfer documents on behalf of Council.

CARRIED

Cr Giuliano left the meeting at 10.36pm.

10. Notices of Motion

10.1 Notice of Motion No. 2015/07

Title: Railway Stations at Keilor East and Airport West

From: Cr Surace

Ward: Municipal

File No: FOL/14/1258

Minute No: 2015/60

Council Resolution

Moved by Cr Surace, seconded by Cr Marshall that Council write to The Honourable Daniel Andrews, Premier of Victoria, The Honourable Jacinta Allan, Minister for Public Transport, Mr Danny Pearson, Member for Essendon, Mr Ben Carroll, Member for Niddrie, the City of Brimbank, Lead West and the Western Transport Alliance advocating that any future Melbourne Airport rail link should be along the Flemington Link Corridor with train stations at Airport West and East Keilor and improved public transport in Avondale Heights.

CARRIED

10.2 Notice of Motion No. 2015/08

Title: Gum Trees in Keilor East

From: Cr Sipek

Ward: Municipal

File No: FOL/14/1258

Minute No: 2015/61

Council Resolution

Moved by Cr Sipek, seconded by Cr Surace that Council requests the Chief Executive prepare a report after the completion of upcoming scheduled tree inspections in Keilor East, investigating the possible removal of unsafe, unsuitable or inappropriate gum trees in the suburb.

CARRIED

10.3 Notice of Motion No. 2015/09

Title: Buckley Street Level Crossings

From: Cr Nation

Ward: Municipal

File No: FOL/14/1258

Minute No: 2015/62

Council Resolution

Moved by Cr Nation, seconded by Cr Surace that Council request the Chief Executive Officer write to The Honourable Daniel Andrews, Premier of Victoria, The Honourable Jacinta Allan, Minister for Public Transport, Mr Danny Pearson, Member for Essendon, Mr Ben Carroll, Member for Niddrie and the Level Crossing Removal Authority to:

1. Note the correspondence received from The Honourable Jacinta Allan, Minister for Public Transport & Employment, on 19 February 2015, and the correspondence received from Mr Danny Pearson, Member for Essendon, on 23 January 2015, in response to a Notice Of Motion raised at the Ordinary Meeting of Council held on 16 December 2014 regarding the Buckley Street level crossing.
2. Note Council's initial satisfaction with the Government's intention to commit to work towards 'fixing the Buckley Street level crossing'.
3. Note that there is some expectation in parts of the community that the Buckley Street Grade Separation will be prioritised by the Victorian Government ahead of Grade Separation projects in other municipalities.
4. Seek clarification of exactly where the Buckley Street Grade Separation is ranked within the list of fifty level crossings earmarked for removal as part of the Project 10,000 plan.
5. Seek clarification if it is the Government's intention to commit funds in the 2015-16 State Budget to the Buckley Street Grade Separation.
6. Seek clarification if it is the Government's intention to undertake this project within this current term of Government.
7. Note that Council officers are currently preparing an enhanced advocacy agenda on a number of issues including Buckley St grade separation which will be workshopped with Councillors in May.

CARRIED

10.4 Notice of Motion No. 2015/10

Title: Residential Zones

From: Cr Nation

Ward: Municipal

File No: FOL/14/1258

Minute No: 2015/63

Council Resolution

Moved by Cr Nation, seconded by Cr Sipek that Council request the Chief Executive write to the Honourable Premier of Victoria, Daniel Andrews, the Honourable Richard Wynne, Planning Minister, Mr Danny Pearson, Member for Essendon, and Mr Ben Carroll, Member for Niddrie, to:

1. Note the correspondence received from the Honourable Richard Wynne, Planning Minister, on 31 March 2015, in response to the Notice of Motion raised on 16 December 2014 regarding Moonee Valley City Council's proposed Residential Zones (Amendment C137 to the Moonee Valley Planning Scheme – Application of New Residential Zones);
2. Note the content of the letter which outlines that the Residential Zones Standing Advisory Committee had recommended Council undertake further strategic work before the reformed Residential Zones were to be implemented;
3. Note that following this recommendation from the Residential Zones Standing Advisory Committee in September 2014, the now elected State Government pledged during the Victorian State Election in October 2014 to 'apply Moonee Valley City Council's proposed Residential Zones plan, while a widespread review of the system was undertaken';
4. Enquire why it now appears, based on the correspondence referenced above, that this pledge will not be acted upon;
5. Advise that while Council on 16 December 2014 endorsed a process to update the Moonee Valley Housing Strategy, it should be noted that this process will take considerable time to develop, consult, and approve, and that Moonee Valley residents do expect protection from overdevelopment in their suburban streets (through the application of our proposed Residential Zones) in the interim, based on the election pledge outlined above;
6. Note that there is some concern in parts of our community regarding the urgency for certain areas of the municipality to have the most restrictive Neighbourhood Residential Zone applied, as opposed to the General Residential Zone which currently applies across most of the municipality;
7. Note the further concern in our community that our neighbouring municipality of Moreland has already received verbal confirmation from the Minister of Planning regarding the implementation of their recommended new Residential Zones.
8. Note that should the Government decide to honour their election pledge to 'apply Moonee Valley City Council's residential zones plan, while a widespread review of the system was undertaken', that the Government:
 - a) Inform council when the proposal as outlined in Amendment C137 to the Moonee Valley Planning Scheme – Application of New Residential Zones, endorsed by Council at its meeting on 25 February 2014, will be implemented in place of the current General Residential Zone which was applied across the municipality by the former State Government on 1st July 2014;

- b) The process and timeframe of gazetting such changes; and
 - c) The procedures for notifying residents who will be affected by the change.
9. Note that Council would consider the above a satisfactory outcome while Council reviews the Moonee Valley Housing Strategy, and the State Government undertakes a state-wide review of the application of the Residential Zones.

CARRIED

10.5 Notice of Motion No. 2015/11

Title: WA Aboriginal communities under threat of closure
From: Cr Cusack
Ward: Municipal
File No: FOL/14/1258
Minute No: 2015/64

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council write to:

1. The Federal Minister for Indigenous Affairs, The Honourable Nigel Scullion, the Western Australian Premier, the Honourable Colin Barnett MEd MLA, local Federal Ministers and Victorian Senators, protesting the forced closure of Aboriginal communities in Western Australia.
2. The Australian Local Government Association, the Municipal Association of Victoria and Victorian Local Governance Association seeking a statement of opposition to the forced closures.
3. Peak national and state Aboriginal organisations involved in promotion of Reconciliation notifying them of our support for those Aboriginal communities under threat and representatives of these communities.

CARRIED

11. Urgent Business

Nil.

12. Confidential Report

Council Resolution

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

CARRIED

Consideration of Confidential Report

12.1 Provision of Recycling Receipt and Processing Services

Council Resolution

Moved by Cr Cornish, seconded by Cr Surace that Council resume in open Council.

The meeting concluded at 11.38pm.

CONFIRMED

**CR NARELLE SHARPE
CHAIRPERSON**