

Minutes

Ordinary Meeting of Council

Tuesday, 10 July 2018

6.30pm

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Minutes of the Ordinary Meeting of Council

Tuesday, 10 July 2018 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT :

Members: Cr John Sipek Mayor
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence
Cr Cam Nation
Cr Narelle Sharpe

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr Steven Lambert Director City Services
Ms Natalie Reiter Director Planning & Development
Mr Petrus Barry Acting Director Organisational Performance
Mr Gil Richardson Acting Director Asset Planning & Strategic Projects
Ms Vera Mitrovic-Misic Acting Manager Statutory Planning
Ms Allison Watt Manager Governance & Communications

1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 10 July 2018.

On behalf of Moonee Valley City Council, the Mayor welcomed all present and respectfully acknowledged the Traditional Custodians of the land on which Moonee Valley is located – the Wurundjeri People of the Kulin Nation; and paid respect to their Spirits, Ancestors, Elders and their Community Members past and present.

The Mayor also extended this respect to other Aboriginal and Torres Strait Islander Peoples who call Moonee Valley home.

2. Apologies

Nil.

Cr Marshall is currently on approved Leave of Absence from Council.

2.1 Leave of Absence

Council Resolution

Moved by Cr Lawrence, seconded by Cr Nation that Council grant Leave of Absence for Cr Surace from 28 June to 28 July 2018 inclusive.

CARRIED UNANIMOUSLY

3. Confirmation of Minutes

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 26 June 2018 be confirmed.

CONFIRMED

4. Declarations of Conflict of Interest

The Mayor, Cr Sipek, declared an indirect conflict of interest in Item 9.1 454-470 Racecourse Road, Flemington due to a close association as the applicant is known to him. A written disclosure was provided to the Chief Executive outlining the reasons for this conflict.

5. Presentations

Cr Cusack presented a certificate to Council on behalf of Moonee Ponds West Primary School as a token of its appreciation for Council's recent contribution to their 80s Music Trivia Fundraising Event held on 2 June 2018.

6. Petitions and Joint Letters

Nil.

7. Public Question Time

Nil.

8. Reports by Mayor and Councillors

Nil.

6.34pm Having declared a conflict of interest Mayor Sipek is required to vacate the chair and leave the chamber. Mayor Sipek nominated Deputy Mayor Councillor Byrne to assume the chair in his absence.

8.2 Adjournment

Council Resolution

Moved by Cr Nation, seconded by Cr Sharpe that a short adjournment be taken to attempt to re-establish the live stream feed on Council's website at 6.35pm.

CARRIED UNANIMOUSLY

8.3 Adjournment

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Nation that Council conclude the adjournment and resume the meeting at 6.59pm.

CARRIED UNANIMOUSLY

9. Reports

9.1 **454-470 Racecourse Road, Flemington (Land in PC354437W) - Use and development of the land as a food truck park, sale and consumption of liquor, access to a Road Zone, Category 1 road and advertising signage**

File No: FOL/18/32

Author: Grant Michell
Principal Statutory Planner

Directorate: Planning & Development

Minute No: 2018/126

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/623/2017 for the use and development of the land as a food truck park, sale and consumption of liquor, access to a Road Zone, Category 1 road and advertising signage at 454-470 Racecourse Road, Flemington (Land in PC354437W) in accordance with the following grounds of refusal:

1. The proposal fails to appropriately respond to the policy directions contained within Clause 22.04-3 (Policy) of the Moonee Valley Planning Scheme.
2. The proposal will have unacceptable safety impacts upon the surrounding roads in relation to traffic generation, pedestrian movements and access arrangements to and from the site.
3. The proposal will have an adverse effect on the residential amenity of neighbouring land.

4. The proposed hours of operation are excessive and will have a detrimental effect on the amenity of the area.
5. The proposal for a liquor permit will escalate the already unacceptable anti-social behaviour of patrons attending events at the Racecourse and Showgrounds (before and after these events).
6. The proposal does not adequately address the deleterious impact of noise generated by a continuous flow of patrons, the operation of the site and vans over a long period of time on residents.
7. The proposal for a fast food (food truck park) and liquor outlet in this part of Racecourse Road is inconsistent with Moonee Valley 2040 which seeks to promote a healthy city and the liveability of residents through better planned neighbourhoods.

CARRIED UNANIMOUSLY

7.24pm Mayor Sipek returned to the meeting and assumed the Chair.

9.2 492-494 Pascoe Vale Road, Strathmore (Lots 1 and 2 on LP 114737) - Use and development of a multi-storey building containing dwellings and a food and drink premises, buildings and works within a Land Subject to Inundation Overlay and alteration of access to a road in a Road Zone, Category 1

File No: FOL/18/32
Author: Lachlan Orr
Senior Statutory Planner
Directorate: Planning & Development
Minute No: 2018/127

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/713/2017 for the use and development of a multi-storey building containing dwellings and a food and drink premises, buildings and works within a Land Subject to Inundation Overlay, and alteration of access to a road in a Road Zone, Category 1 at 492-494 Pascoe Vale Road, Strathmore (Lots 1 and 2 on LP 114737) subject to the following conditions:

Endorsement conditions

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Dimensions of all door openings and the location of toilets to be clear of the circulation area within accessible bathrooms clearly shown on

the typical apartment layouts plan as required by Table D4 and Standard D17 of Clause 58.05-1 (Accessibility) of the Moonee Valley Planning Scheme;

- b) Internal dimensions for all balconies to comply with Standard D19 of Clause 58.05-3 (Private Open Space) of the Moonee Valley Planning Scheme;
- c) The location and details of any cooling or heating units provided on balconies with balcony areas increased to at least 9.5 square metres where necessary to comply with Standard D19 of Clause 58.05-3 (Private Open Space) of the Moonee Valley Planning Scheme;
- d) All ramp widths to be clearly dimensioned on all relevant plans and are to be in accordance with AS 2890.1:2004;
- e) Swept path diagrams for a 6.4 metre long waste vehicle accessing the site from Pascoe Vale Road to the basement and from the basement to Pascoe Vale Road, along with any required modifications to the internal development layout;
- f) Outdoor seating near the southern boundary removed or relocated so that it does not impede on pedestrian view lines or circulation between Pascoe Vale Road and the bike trail;
- g) As a result of Conditions 1a) to 1f), there is to be no increase in the building footprint;
- h) All references to café signage deleted;
- i) Bicycle spaces for residential and commercial visitors to be provided in a more consolidated manner proximal to primary access areas for each respective component;
- j) Details of internal fencing between the secluded open space areas of ground floor dwellings;
- k) The location of easements shown dashed on the ground floor plan;
- l) The location and details of mailboxes to be clearly shown in accordance with Standard D22 of Clause 58.06-2 (Site Services) of the Moonee Valley Planning Scheme;
- m) The deletion of the hinged entry gate at the northern vehicle access point to Pascoe Vale Road;
- n) The provision of 300mm wide trench grates at the bottom of the basement ramps;
- o) Any changes to the stormwater treatment measures and associated annotations as a result of Conditions 3 and 4;
- p) A landscape plan as required by Condition 8;
- q) Notations where relevant to accord with Condition 12, including the location and details of a visitor intercom system and the allocation of ground level parking spaces;
- r) Any changes as a result of Condition 7, 9, 10 and 11;

- s) A notation that each crossover will be constructed in accordance with Condition 32;
 - t) The requirements of Melbourne Water Conditions 44 to 46; and
 - u) The requirements of VicRoads Conditions 47 to 50.
- When approved, these plans will be endorsed and will form part of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
 3. An amended STORM Rating Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Rating Report must correctly show the suitable treatment of stormwater from all balcony areas and obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
 4. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
 5. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's Guidelines and Template.
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.
 6. A maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; and
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all

initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

7. Before the development commences, an amended Sustainable Management Plan (SMP) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP submitted with the application, but modified as follows:

- a) Any changes as required by Condition 1 of this permit;
- b) An amended BESS report, in 'Published' status.

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

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

- a) Any changes as required by Condition 1 of this permit;
- b) The requirements of Melbourne Water Condition 45;
- c) A complete and fully detailed planting schedule;
- d) The pedestrian accessway along the southern boundary unobstructed by any ground covers or shrubs;
- e) The use of native species in proximity to and as viewed along the creek reserve;
- f) The use of non-invasive species in proximity to the creek reserve;
- g) Planting across the street frontage to suitably filter views of the ground level parking area;
- h) Design details of planter structures at ground and upper levels; and
- i) An appropriate irrigation system for all ground and upper level planting.

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

9. Before the development commences, an arborist report to the satisfaction of the Responsible Authority must be submitted to and approved by the

Responsible Authority. The arborist report be prepared by an arborist with suitable qualifications to the satisfaction of the Responsible Authority and must outline any specific:

- a) Threats to the on-going health of existing trees located on adjoining properties and within the reserve arising as a consequence of the approved development;
- b) Recommendations to be implemented to ensure the on-going health of these trees, including modifications to the proposed development and/or use of tree protection measures during construction; or
- c) An assessment of whether the trees should be removed and/or replaced.

When approved, the arborist report will be endorsed and will form part of this permit. The provisions, recommendations and requirements of the endorsed arborist report must be implemented and complied with to the satisfaction of the Responsible Authority.

10. Before the development commences, the Acoustic Assessment prepared by Renzo SLR Consulting Australia Pty Ltd dated 16 January 2018 must be submitted to the Responsible Authority for endorsement. When approved, the Acoustic Assessment will be endorsed and will form part of this permit and must be implemented to the satisfaction of the Responsible Authority.
11. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be generally in accordance with the plan submitted with the application but modified as follows:
 - a) Any changes as required by Condition 1 of this permit;
 - b) Waste generation rates for both the commercial and residential components of the development in accordance with Section 2 of Moonee Valley City Council's 'Waste Management Plans – Guidelines for Applicants';
 - c) Scaled waste management plans in accordance with Section 10 of at Section 10 of Moonee Valley City Council's 'Waste Management Plans – Guidelines for Applicants'; and
 - d) The additional waste requirements contained at Section 13 of Moonee Valley City Council's 'Waste Management Plans – Guidelines for Applicants'.

When approved, the Waste Management Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

12. Before the development commences, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management

Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:

- a) A car parking layout generally in accordance with the relevant requirements of the Australian Standards for Off-Street Car Parking AS/NZS 2890.1-2004 (including ramp grades and dimensions, column location, headroom clearance, etc.);
- b) Arrangements for the provision and allocation of car spaces to accord with the endorsed development plans;
- c) The management of the commercial and residential visitor parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances;
- d) Lighting of parking areas, entries and exits;
- e) Ventilation of parking areas;
- f) Proposed signage to direct occupants and visitors to their designated spaces;
- g) Arrangements for the loading and unloading of goods and materials for the commercial use;
- h) Entitlements to the use of loading bay areas by all uses on the land;
- i) No charge being made for car parking without the consent of the Responsible Authority;
- j) The entry point and exit point to be provided with appropriate signage and line marking;
- k) Traffic calming measures for inclusion within the accessways and car parking areas on site, including rubber speed humps and speed restrictions as appropriate; and
- l) The movements of trucks and/or other vehicles to the loading bay showing likely access routes and movements from adjacent accessways/roads.

When approved, the Car Parking Management Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

End of endorsement conditions

Contamination conditions

13. Before the development commences, an environmental assessment of the land must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:

- a) a description of previous land uses and activities on the subject site and adjoining land;

- b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - d) recommendations as to whether the land is suitable for the use for which the land is to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
14. If the assessment required by Condition 12 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
15. If the assessment required by Condition 12 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
16. If, pursuant to condition 14, a Statement is issued:
- a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
 - c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority;
 - d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the responsible authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
 - i. provide for the undertaking of the ongoing maintenance and

- monitoring as required by the Statement; and
- ii. be executed before the sensitive use for which the land is being developed commences; and
 - iii. the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the responsible authority).

End of contamination conditions

Use and development conditions

17. The food and drink premises must not be used as a restaurant.
18. Except with the prior written consent of the Responsible Authority, the use of the land for a food and drink premises may only operate between the hours of Monday to Sunday between the hours of 6:30am and 9:00pm.
19. Except with the prior written consent of the Responsible Authority, no more than seven (7) staff may be present on the land at any time.
20. 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;or in any other way, to the satisfaction of the Responsible Authority
21. Noise emitted from the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP 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 (SEPP N-2).
23. Goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
24. A person must not deliver articles or goods of any description so that the delivery noise is audible in a habitable room in any residential premises regardless of whether any door or window is open outside the hours of:
 - a) 7:00am to 10:00pm Monday to Saturday.
 - b) 9:00am to 10:00pm Sundays and public holidays.to the satisfaction of the Responsible Authority.
25. 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 prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
26. Before the building approved by this permit is occupied, all retaining walls and boundary walls/structures must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
 27. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
 28. 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.
 29. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
 30. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
 31. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Available for use in accordance with the endorsed plans;
 - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
 - e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,
in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:
 - f) Be maintained and made available for such use; and
 - g) Not be used for any other purpose,
to the satisfaction of the Responsible Authority.
 32. Before the buildings approved by this permit are occupied, concrete vehicular crossings must be constructed to suit the proposed driveways in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and

the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

33. 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.
34. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.
Before the development starts a Drainage Layout Plan, including computations and manufacturer's specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.
When approved, the Drainage Layout Plan will form part of this permit.
The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.
35. The plant area and equipment on the roof of the building must be screened in a manner to complement the appearance of the building and be to the satisfaction of the Responsible Authority.
36. Before the building approved by this permit is occupied, 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.
37. 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.
38. The existing street trees must not be removed or damaged as a result of the permitted development
39. The development must be provided with external lighting capable of illuminating access to each vehicle accessway, 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 land.

End of use and development conditions

City West Water conditions

40. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
41. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.
42. Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

End of City West Water conditions

Essendon Airport Condition

43. The Applicant must obtain consent under the Airports (Protection of Airspace) Regulations 1996 for any activity above 88.0m Australian Height Datum (AHD) in this location (i.e. buildings, antennas or cranes during construction).

End of Essendon Airport condition

Melbourne Water conditions

44. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum (AHD).
45. The landscaping plan must address the outcomes of any flora and fauna reports on the proposed works site and all areas potentially affected, both upstream and downstream, and show:
 - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - b) The location of assets in relation to the proposed landscaping.
 - c) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - d) Details of surface finishes located on recreational pathways, maintenance access or any other pathways near waterways.
 - e) A planting schedule of all proposed trees, shrubs and ground covers, including: botanical names; common names; pot sizes; life-form; quantities of each plant.
 - f) Planting density (plants per square metre).
 - g) Planting zones/locations (in plan and cross-section form in colour).
 - h) Landscape treatments with specifications of products such as mulching, erosion control matting, and rock beaching.
46. Prior to the commencement of works a separate application, direct to Melbourne Water's Asset Services team, must be made for any new or modified stormwater connection to a Melbourne Water asset.

End of Melbourne Water conditions

VicRoads conditions

47. Prior to the commencement of use of the building hereby approved, the crossover and driveway must be provided and available for use and be:
 - a) Formed to such levels and drained so that they can be used in accordance with the plan.
 - b) Treated with an all-weather seal or some other durable surface.
48. The crossover and driveway must be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of use hereby approved.
49. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located inside the property to allow vehicles to store clear of the pavement and footpath.
50. The construction of the building must be undertaken in a proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

End of VicRoads conditions

51. 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 and the use is not commenced within five (5) years from the date of issue of this permit.Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.
If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

Permit Notes:

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following: $C_w=0.4$, $t_c=10\text{mins}$, $t_{so}=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development C_w or $C_w=0.80$.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction

of the Responsible Authority.

- The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council's new online system at <http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx> or in person at 9 Kellaway Ave, Moonee Ponds.
- Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.
- The premises must comply with the Public Health and Wellbeing Act 2008 and the Food Act 1984 (where applicable) and associated Council Local Laws. Both Council's Environmental Health Department and Local Laws Department should be contacted regarding these requirements before the development commences.
- No assessment has been made of the proposal's compliance with *The Tobacco Act 1987* and it is recommended that the permit holder obtain independent advice in this regard.
- The installation of any mechanical exhaust ventilation systems comply with Australian Standards 1668 in order to reduce any potential detrimental impact on the level of amenity to nearby residents due to potential odour.

CARRIED UNANIMOUSLY

9.3 Reviewing Statutory Planning Protocols

File No: FOL/18/32

Author: Petrus Barry

Acting Director Organisational Performance

Directorate: Planning & Development

Minute No: 2018/128

Council Resolution

Moved by Cr Byrne, seconded by Cr Cusack that Council defers consideration of this report to the next Ordinary Meeting to be held 24 July 2018.

CARRIED UNANIMOUSLY

9.4 Events and Festivals Review

File No: FOL/18/32
Author: Nina Stanwell
Events Review Project Coordinator
Directorate: Planning & Development
Minute No: 2018/129

Council Resolution

Moved by Cr Byrne, seconded by Cr Gauci Maurici that Council:

1. Endorses the recommendations of the Events and Festivals Review outlined in **Table 2** (and as presented in **Appendix A** – separately circulated).
2. Endorses the Events and Festivals Transition and Action Plan 2018-21 (as presented in **Appendix B** – separately circulated).
3. Endorses a formal review following the implementation period of the Action Plan with a new action plan developed for the following Council term.

CARRIED UNANIMOUSLY

9.5 Community Funding Program Review and Policy

File No: FOL/18/32
Author: Sarah Edwards
Coordinator Social Planning & Wellbeing
Directorate: Planning & Development
Minute No: 2018/130

Council Resolution

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

1. Notes findings of the Community Funding Review as presented in **Appendix A** (separately circulated).
2. Endorses changes to the Community Funding Program outlined in **Table 6**, and presented in **Appendix A** (separately circulated).
3. Endorses the revised Community Funding Policy (**Appendix B**).

CARRIED UNANIMOUSLY

9.6 **5 Alma Street, Aberfeldie - Interim and Permanent Heritage Controls**

File No: FOL/18/32
Author: Andrew Kelly
 Coordinator Strategic Planning
Directorate: Planning & Development
Minute No: 2018/131

Council Resolution

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

1. Considers and notes the independent Planning Panel's Report for Amendment C186 to the Moonee Valley Planning Scheme, pursuant to Section 27 of the *Planning and Environment Act 1987*.
2. Adopts Amendment C186 to the Moonee Valley Planning Scheme with all changes as recommended by the independent Planning Panel, pursuant to Section 29 of the *Planning and Environment Act 1987*.
3. Submits adopted Amendment C186 to the Moonee Valley Planning Scheme to the Minister for Planning requesting approval pursuant to Section 31(1) of the *Planning and Environment Act 1987*.
4. Notifies all submitters of Council's resolution to adopt Amendment C186 to the Moonee Valley Planning Scheme and to submit the Amendment to the Minister for Planning for approval.

CARRIED UNANIMOUSLY

8.13pm Cr Lawrence left the meeting.

8.15pm Cr Lawrence returned to the meeting.

9.7 **East Timor Program review consultation findings and future program options report**

File No: FOL/18/32
Author: Craig Dodson
 Community Planning Officer
Directorate: Planning & Development
Minute No: 2018/132

Council Resolution

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

1. Notes the community feedback received on the draft East Timor Program Review report (**Appendix A – separately circulated**).
2. Endorses option two outlined in the East Timor Program Review report to inform future program delivery (**Appendix A – separately circulated**).

CARRIED UNANIMOUSLY

9.8 Special Charge Scheme for a Right of Way in Tennyson Street, Essendon

File No: FOL/18/32
Author: Kosta Smirnis
Coord Engineering Services
Directorate: Planning & Development
Minute No: 2018/133

Council Resolution

Moved by Cr Sharpe, seconded by Cr Gauci Maurici that Council:

1. Gives notice of its intention to declare a Special Charge in accordance with Section 163(1), (1A), (1B) and (1C), and Section 163B(3) of the *Local Government Act 1989* ('the Act'), for the construction of ROW Tennyson Street, Essendon.
2. Advertises through a public notice (refer **Appendix A**) of its intention to declare and levy the Special Charge. A copy of the public notice will be sent to each person who will be liable to pay the Special Charge.
3. Specifies the following for the purposes of Section 163(2), (2A) and (2B) of the Act:
 - a) The Special Charge in (1) above shall apply to the properties in Tennyson Street as shown in **Appendix B**.
 - b) The apportioned cost to each property is shown in **Appendix C**. The final apportionment cost will be based upon the actual cost of the scheme.
 - c) The apportioned cost may be paid as a lump sum or by quarterly instalments over a 10 year period with interest as provided by Section 163(1)(b) of the Local Government Act 1989.
 - d) The special charge for the ROW Tennyson Street, Essendon Special Charge Scheme shall continue for a 10 year period, and
 - e) Within six months of completion of the scheme a final cost statement will be issued to the Tennyson Street property owners within the scheme.
4. Establishes a Special Committee of Council comprising the Ward Councillors to hear any submissions lodged in accordance with Section 223 of the Local Government Act 1989.
5. Informs persons who wish to be heard in support of their submissions that they will be heard at a Special Committee of Council if required commencing at (12 September 2018).
6. Includes \$120,000 in future Capital Works Program, for the ROW Tennyson Street, Essendon Special Charge to proceed.

Amendment

Moved by Cr Byrne, seconded by Cr Cusack that a point 7 be added as follows:
That a further report comes back to Council following the Special Committee of Council to be held on 12 June 2018 for a final decision should there be a majority support from all respondents.

AMENDMENT

For: Crs Sipek, Byrne, Cusack, Gauci Maurici, Sharpe

Against: Cr Nation

Abstained: Cr Lawrence

CARRIED

SUBSTANTIVE MOTION

For: Crs Sipek , Byrne, Cusack, Gauci Maurici, Lawrence, Sharpe

Against: Cr Nation

CARRIED

10. Urgent Business

Nil.

12. Confidential Reports

Council Resolution

Moved by Cr Lawrence, seconded by Cr Byrne that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss the following matters:

12.1 Proposed Lease

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting closed to the public at 8.40pm.

**CR JOHN SIPEK
CHAIRPERSON**