

Minutes

Ordinary Meeting of Council

Tuesday, 23 October 2018

6.30pm

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Minutes of the Ordinary Meeting of Council

Tuesday, 23 October 2018 at 6.30pm
held at the Moonee Valley Civic Centre

Present

Members	Cr John Sipek	Mayor
	Cr Samantha Byrne	Deputy Mayor
	Cr Jim Cusack	
	Cr Rebecca Gauci Maurici	
	Cr Nicole Marshall	
	Cr Cam Nation	
	Cr Narelle Sharpe	
	Cr Richard Lawrence	
Officers	Mr Bryan Lancaster	Chief Executive Officer
	Mr Steven Lambert	Director City Services
	Ms Kendrea Pope	Director Organisational Performance
	Ms Natalie Reiter	Director Planning and Development
	Mr Petrus Barry	Manager Statutory Planning
	Ms Allison Watt	Manager Governance and Communications

1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 23 October 2018.

2. Reconciliation Statement

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.

As this was the last Council Meeting he was chairing as Mayor, Cr Sipek took the opportunity to acknowledge everyone who had assisted him during his Mayoral term including the Deputy Mayor, Cr Samantha Byrne, fellow Councillors, the CEO Bryan Lancaster, Council officers and his wife and family.

3. Apologies

Cr Surace is on approved leave of absence.

Leave of Absence

Minute No. 2018/215

Council Resolution

Moved by Cr Nation, seconded by Cr Sharpe that Council grant Cr Lawrence Leave of Absence for the period 31 October 2018 to 26 November 2018 inclusive.

CARRIED UNANIMOUSLY

4. Confirmation of Minutes

Minute No. 2018/216

Council Resolution

Moved by Cr Nation, seconded by Cr Lawrence that the Minutes of the Ordinary Meeting of Council held on Tuesday, 9 October 2018 be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Cr Nation declared an indirect conflict of interest due to conflicting duty in items 10.2 and 10.8 on the agenda for reasons disclosed to the Chief Executive Officer prior to the meeting.

Suspension of standing orders

Mayor, Cr Sipek asked for a motion to suspend standing orders before the Children's Week presentation.

Moved by Cr Gauci Maurici, seconded by Cr Byrne that standing orders be suspended at 6.33pm.

CARRIED UNANIMOUSLY

6. Presentations

Children's Week

Wendy Krutli and children from Avondale Heights Kindergarten read '*We walk together*' a book which features the children's artwork and stories, inspired by their recent experiences at Canning Street Reserve along the Maribyrnong River.

The children took part in six workshops, including a smoking ceremony with Wurundjeri Elders, native planting, artistic workshops and learnt how to put books together.

Council engaged *Kids' Own Publishing*, the *Wurundjeri Land and Compensation Cultural Heritage Council*, *Yarn Strong Sista* and *Labcoat Learning* to bring the book to life.

It will be distributed to all libraries and early years' services in Moonee Valley as a teaching resource to educate little people on Indigenous history and culture, while encouraging incidental exercise in the form of walking in their local neighbourhood.

Resumption of standing orders

Mayor, Cr Sipek asked for a motion to resume standing orders.

Moved by Cr Lawrence, seconded by Cr Cusack that standing orders resume at 6.38pm.

7. Petitions and Joint Letters

Nil.

8. Public Question Time

Michelle Dowdle, asked Council:

The building condition was a key reason to relocate the Strathmore Heights Kindergarten and now it is structurally sound and will last, if the vote passes, what guarantee do we have that we won't be fighting the closure of the Strathmore Heights Kinder in 2 years, 5 year or 10 years' time?

Mr Steven Lambert, Director City Services replied unfortunately Council is not able to make any guarantees about what will happen in the future.

The decision to relocate Strathmore Heights Kindergarten was based on facility assessments undertaken in 2011 that found the building was nearing the end of its life, as well as the redevelopment of stage two of Strathmore Children's Centre which would have allowed for better facilities and a one-stop shop for families, however due to unforeseen delays with stage two of the redevelopment, the relocation was put off.

It is important to note that the independent building audits conducted last month support assessments undertaken in 2011 that the condition of the building is poor and nearing the end of its life, however they did suggest that the life of the building could be extended through significant maintenance works and modifications.

Michelle Dowdle, asked Council:

The two 2018 building reports conclude "overall, it is structurally sound" and "an average condition rating, fair to poor", only external fabric is poor. Do you agree Strathmore Heights Kindergarten is no longer poor condition or end of life, in contrast to p68 of the Agenda?

9. Public Question Time continued

Mr Steven Lambert, Director City Services responded that the building reports both from 2011 and 2018 rate the condition of the Strathmore Heights Kindergarten building as in fair to poor condition and nearing the end of its life. However the recent building reports suggest that with significant maintenance and investment the building can be brought up to a condition where services can continue to be run out of the facility.

Kim Bouckley, asked Council:

Can Council please provide the total money spent on the new Strathnaver reserve sports pavilion/fencing moving of the cricket pitch/flood lights and the new car park planned?

Mr Steven Lambert, Director City Services responded that the total spent on Strathnaver Reserve redevelopments is \$3,877,000. This amount includes the pavilion, the lighting, fencing and infrastructure, the renewal of the playing surface, the lower level carpark and the renewal of the upper level carpark, which is in the budget for the 2019/20 financial year.

Kim Bouckley of Strathnaver Avenue, Strathmore, asked Council:

Can Council please provide the cost of a preschool teacher's salary per annum.

Mr Steven Lambert, Director City Services responded the average cost of a preschool teachers salary per annum is \$104,298.46, inclusive of super and allowances.

Kellie Jansen, of Strathmore Heights, asked Council:

If the vote follows recommendations, does Council agree that the Strathmore Heights Kindergarten can continue to operate even if "Council's vision" for a fully integrated early years centre proceeds through the Strathmore Children's Centre project at Term Street?

Mr Steven Lambert, Director City Services responded I cannot pre-empt Council's decision later on in the meeting tonight, however Council will continue to plan for a fully integrated early years centre at Term Street and the services incorporated at the centre will be adjusted based on Council's decision regarding Strathmore Heights Kindergarten.

10. Reports from Special Committees

Nil.

10. Reports

10.1 144 Pascoe Vale Road, Moonee Ponds (Lots 1 and 2 on TP519024F) - Use and development of the land for a multi-level, mixed use building, a reduction in car parking and loading/unloading requirements along with alteration of access to a road in a Road Zone, Category 1

File No: Fol/18/32
Author: Jennifer Kemp - Senior Statutory Planner
Directorate: Planning and Development
Minute No. 2018/217

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council issue a Notice of Decision to Amend a Permit in relation to Planning Permit Application No. MV/756/2013/A for the use and development of the land for a multi-level, mixed use building, a reduction in car parking and loading/unloading requirements along with alteration of access to a road in a Road Zone, Category 1 at No.144 Pascoe Vale Road, Moonee Ponds (Lots 1 and 2 on TP519024F), subject to the following:

- The deletion of Conditions 1a), b), c), e), f), g), h), i), j), m), n) and 10.
- Reword Condition 1k) to read:
- All south and east facing balconies and the southern end of any east and west facing balconies must be screened to 1.7m opaque glass or louvres that prevent downwards views;
- The inclusion of new Condition 1 requirements including:
 - o) The columns adjoining standard car spaces to be set back 250mm from their edge in accordance with Clause 52.06-9 (Design Standard 2 – Car Parking Spaces);
 - p) Convex mirror introduced into Basement 2 proximate to the northern garage for visibility around blind corners;
 - q) Revised access to the waste area and lobby at Basement 1 to ensure pedestrian safety is prioritised in proximity to the ramp;
 - q) A centrally located intercom system between the entry and exit lanes;
 - r) The last vehicle car space of each aisle to ensure exit in a forward direction with one manoeuvre in accordance with Clause 52.06-9 (Design Standard 1 – Accessways);
 - s) The bicycle parking to be relocated to Basement 1 and accessible to the circulation space for the retail premises and the dwellings;
 - t) Two bicycle hoops to be provided within the Pascoe Vale Road reserve for residential visitor parking;
 - u) All building, screens and fencing at basement and ground level

- above Natural Ground Level to be set back 500mm from the eastern boundary;
- v) The provision of 600mm high and 500mm wide fixed landscape planted boxes along the eastern alignment of all ground level apartments;
 - w) A 1,700mm metal batten fence in dark bronze finish with no gaps along the eastern alignment of all ground floor terraces;
 - x) The balcony associated with Apartment 1.06 to be 2.5m set back from the southern boundary;
 - z) The deletion of the east facing living room windows associated with Apartments 2.03 and 2.04;
 - aa) The balcony associated with Apartments 2.05 and 3.04 to be 2.25m deep with a horizontal screen to a height of 1,700mm;
 - ab) The terrace associated with Apartment 3.01 to be modified to provide a planted box at the southernmost habitable room window and remaining terrace to be set back 6m from the southern boundary;
 - ac) The provision of a 1,700mm high return horizontal screen along the southern alignment of the terrace associated with Apartment 3.03;
 - ad) The provision of opaque glass to a height of 1,700mm to the southernmost bedroom associated with Apartment 3.03;
 - ae) The provision of opaque glass to a height of 1,700mm associated with Apartment 1.04 southernmost bedroom, Apartment 1.03 northernmost bedroom and Apartment 2.03 northernmost bedroom;
 - af) The 'TF' reference to be revised to state 'Opaque Glass 100mm high';
 - ag) The removal or any wording relating to a fifth storey;
 - ah) Secure 6 cubic metre storage within the basement level for all dwellings in accordance with Standard B30 of Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme;
 - ai) All Water Sensitive Urban Design (WSUD) annotations and measures in accordance with the compliant STORM report;
 - aj) Any changes as a result of an amended ESD Report in accordance with Condition 23; and
 - ak) A Landscape Plan in accordance with Condition 24.
- Reword Condition 6 to read:

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 guideline and templates. 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;
- o) Number of workers expected of work on the site at any one time; and
- p) Must include the following requirements:
 - i) No construction access is to be provided from the laneway to the east, with the exception of any access necessarily required for the erection of all structural works to the east facing wall (This includes structural works only. It does not include installation of windows or balconies or other non-structural building elements).
 - ii) Once practicable, vehicles used to access the site for construction purposes must park in the car park on the Ground Floor.
 - iii) Noise levels must comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) at all times.
 - iv) All construction and demolition on site and all vehicular movements to and from the site must only occur between the hours of 7.00am to 6.00pm Monday to Friday and after 9.00am to 1.00pm Saturday and vehicles attending the site must not idle adjacent to or near the site or surrounding properties outside of these hours.
 - v) Any damage to properties adjoining the site or the laneway must be reinstated or replaced to original condition within 7

days at the cost of the owner or developer of the land affected by this permit.

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.

- Reword Condition 9 to include point f) as follows:

All visitor, retail and residential car spaces to be line marked.

- Reword Condition 19 as follows:

Before the development starts, a 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 Waste Management Plan prepared by Leigh Design Pty Ltd dated 27 June 2018 and in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' but modified to show:

- a) Waste estimations for two bedroom apartments;
- b) Waste estimations for retail;
- c) Scaled plans within the report; and
- d) Waste collection to be a maximum of once a week.

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.

- Renumber Condition 23, 24 and 25 to become Condition 25, 26 and 31 respectively.

- Inclusion of a new Condition 23 to read:

A revised ESD report generally in accordance with the report dated 7 October 2013, by Green Rate (includes SDAPP, STORM, STEPS & Firstrate report) but updated:

- a) In accordance with Condition 1; and
- b) To maximise glazing to all living and habitable room windows associated with Apartment G.05, 1.05 and 2.05.

- Inclusion of a new Condition 24 to read:

Before the development starts, and before any trees or vegetation areas are removed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and an electronic copy must be provided. The landscape plan must show:

- a) Any changes required by Condition 1 of this permit;
- b) The 500mm setback along the eastern boundary to be maintained by the land owner/s;
- c) A planting schedule for all proposed vegetation which includes botanical names, common names, pot sizes, mature size and total quantities of each plant;
- d) The use of drought tolerant species;
- e) An appropriate irrigation system; and
- f) The responsibilities for ongoing maintenance for all landscaping.

When approved, the landscape plan will be endorsed and will form part of this permit.

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

- Inclusion of a new Condition 27 to read:
Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.
- Inclusion of a new Condition 28 to read:
Vehicles must enter and exit the land in a forward direction at all times.
- Inclusion of a new Condition 29 to read:
- The vehicle exit must operate left in/left out, as shown on the endorsed plans, at all times.
- Inclusion of a new Condition 30 to read:
- 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.
- The inclusion of the following permit notes:
 - 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 Avenue, Moonee Ponds.
 - No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986*, and any other relevant acts or regulations created under those Acts.
 - Council does not support any future loading bay parking within Pascoe Vale Road as a result of future commercial tenancies associated with this site.

- This permit has been amended to change permit conditions and to modify the approved development pursuant to Section 72 of the *Planning and Environment Act 1987*.
- In the event that car parking spaces or storage cages are separately titled, a condition will be imposed on any future subdivision permit requiring the permit holder to enter into a Section 173 Agreement to ensure 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 the development.

CARRIED UNANIMOUSLY

Cr Nation declared a conflict of interest in item 10.2 and left the meeting at 6.48pm.

10.2 47 Fisher Parade, Ascot Vale (Lot 1 TP599943K) - Section 55 referral under Schedule 2 to the Public Acquisition Overlay (PAO2); Removal of vegetation and construction of buildings and works comprising three dwellings and fencing within a Design & Development Overlay (DDO1 & DDO2), Incorporated Plan Overlay (IPO1) and Public Acquisition Overlay (PAO2), and alter access to a road in a Road Zone, Category 1

File No: Fol/18/32

Author: Natalie Reiter - Director Planning and Development

Directorate: Planning and Development

Minute No. 2018/218

Motion

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

Part A

That Council, as the acquiring authority under Schedule 2 to the Public Acquisition Overlay (PAO2) and determining referral authority under Section 55 of the *Planning and Environment Act 1987*, does not object to planning permit application MV/350/2018 at 47 Fisher Parade, Ascot Vale.

Part B

That Council, as the responsible authority, and having had regard to the objection submitted on 19 October 2018 by the Friends of Steele Creek pursuant to Section 60 of the *Planning and Environment Act 1987*, issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/350/2018 for the removal of vegetation and construction of buildings and works comprising three dwellings and fencing within a Design & Development Overlay (DDO1 & DDO2), Incorporated Plan Overlay (IPO1) and Public Acquisition Overlay (PAO2), and alter access to a road in a Road Zone, Category 1 at No.47 Fisher Parade, Ascot Vale (Lot 1 TP599943K), subject to the following conditions:

1. Before the development starts, 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) All sections of Dwelling 3 at the lower level, including the pool and the open deck, are to be set back outside of the Public Acquisition Overlay (PAO2), with associated internal changes;
 - b) Compliance with the minimum garden area requirement of Clause 32.08-4 of the General Residential Zone;

- c) The maximum height of a fence within 30 metres of the Maribyrnong River, measured from the junction with the top of the bank of the Maribyrnong River, must not exceed 1.2 metres in height and be visually permeable;
- d) Provision of swept path diagrams, undertaken using an industry recognised software package (i.e. AutoTurn), demonstrating vehicles entering/exiting car spaces on-site in a forwards direction with no more than three movements, taking into account supports and potential safety fencing for the car stacker system within the garage for Dwelling 3;
- e) Provision of a longitudinal section from the road to the car park areas/garages that shows all proposed grades, all lengths of grades and all levels to determine if vehicle scraping will occur;
- f) Details and specifications regarding the type of car stacker proposed within the garage for Dwelling 3 to ensure the car stacker meets the minimum requirements of Clause 52.06 (Car Parking) and/or the relevant Australian Standards, noting the specified car stacker system no longer appears to be available;
- g) No access provided into the car stacker pit room/area;
- h) The provision of pedestrian visibility splays in accordance with the requirements of Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
- i) Details and notations for all Water Sensitive Urban Design (WSUD) treatment measures in accordance with the STORM Rating Report required under Condition 3 of this permit;
- j) All Sustainable Design Assessment (SDA) and/or Built Environment Sustainability Scorecard (BESS) annotations and measures in accordance with Condition 26 of this permit;
- k) A Landscape Plan in accordance with Condition 20 of this permit; and
- l) A detailed schedule of all external materials and finishes. The schedule must show the specific material, colour (including colour samples) and finishes of all external walls, roofing, fascias, window frames, screening measures, soffits, garage doors, fences and paving.

When approved, these plans will be endorsed and will form part of this permit.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. A STORM Rating Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Rating Report must obtain a minimum rating of 100% to comply with Clause 22.03-4 Stormwater Management (Water Sensitive Urban Design) 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 WSUD 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.Once submitted and approved the works detailed by the WSUD Site Management Plan must be carried out 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 treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures 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 buildings approved by this permit are occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the occupier of the adjoining land allows access for the purpose.
8. 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.

9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
10. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.
All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.
11. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater downpipes 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.
12. Before the buildings approved by this permit are 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; and
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving),
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:
 - e) Be maintained and made available for such use; and
 - f) Not be used for any other purpose,
to the satisfaction of the Responsible Authority.
13. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing(s) 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. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and relevant servicing authority/agency. Subsequent works and costs in association with the relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and 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.

VicRoads Conditions

15. Prior to the commencement of the use of the development hereby approved, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority (RA) and at no cost to VicRoads or the RA.
16. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.
17. Vehicles must enter and exit the land in a forward direction at all times.

End VicRoads Conditions

City West Water Conditions

18. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
19. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.

End City West Water Conditions

20. Building or works must not be commenced (and trees or vegetation must not be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. The landscape plan(s) must show:
 - b) The title boundaries and easements;
 - c) The top of bank, high and low water marks of the Maribyrnong River as determined by a licensed land surveyor in consultation with Melbourne Water;
 - d) Retention of all mature native trees between the building line and the Maribyrnong River and replacement of any non-native trees with mature native canopy trees at locations agreed to by the Responsible Authority;
 - e) A survey of all existing vegetation, abutting street trees, natural features and vegetation;
 - f) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design;
 - g) The location and extent of any earthworks to be undertaken in association with the removal of vegetation between the building envelope and the Maribyrnong River and proposed measures to ensure stability of the bank and prevent erosion during the construction and vegetation establishment stages;

- h) A planting schedule for the land including species, densities and distributions and comprising trees and shrubs including planting that:
 - i) Provides a complete garden scheme across all vegetation strata;
 - ii) Softens the building bulk;
 - iii) Provides canopy trees for landscape perspective within the front and rear setback areas, with species to be generally in accordance with the 'Maribyrnong River Interface Urban Design Guidelines'. Selected canopy trees must be capable of reaching a mature minimum height of 4 metres;
 - iv) Minimises the potential of any overlooking between habitable rooms of adjacent dwellings;
 - v) Protects the stability of the banks of the Maribyrnong River and existing bank treatments; and
 - vi) Achieves a vegetated wildlife corridor for habitat and waterway protection;
- i) The proposed design features such as paths, paving, lawn, fencing, garden furniture and mulch and the proposed surface finishes and treatments of these;
- j) 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;
- k) The use of drought tolerant species;
- l) All trees on the land that are proposed to be removed or destroyed;
- m) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems; and
- n) The proposed approach to ongoing maintenance and management of the vegetation including method, timing and organisation of vegetation maintenance.

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. Landscaping works must be maintained in accordance with the approved Landscape Plan unless otherwise agreed by the Responsible Authority.
- 22. The garden areas shown on the endorsed plan and schedule must only be used as gardens areas 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.

23. Before the buildings approved by this permit are occupied, all boundary fencing is to be constructed in accordance with the endorsed plans at the cost of the permit holder to the satisfaction of the Responsible Authority.
24. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plans) must not be erected above the roof level of the buildings.
25. 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 land.
26. Prior to the commencement of building and works, a Sustainable Design Assessment using BESS or another approved assessment tool for assessing the sustainability of new development must be submitted to the Responsible Authority for approval. Once approved the Sustainable Design Assessment, inclusive of any BESS Report, is to be implemented and appropriately managed during construction of the proposed buildings.
27. The existing street tree to the east of the subject site along Fisher Parade must not be removed or damaged as a result of the permitted development, except with the prior written consent of the Responsible Authority.
28. Immediately upon the discovery of any Aboriginal cultural material, works must cease and Aboriginal Affairs Victoria must be notified of the discovery.
29. 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 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.

30. That the applicant enter into negotiations with Melbourne Water to work towards an outcome that satisfies Melbourne Water's achievement of the purpose and decision guidelines set out in Schedule 1 & 2 to the 'Design and Development Overlay' (DDO) within the Moonee Valley Planning Scheme.

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.
- 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.
- 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.
- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986*, and any other relevant acts or regulations created under those Acts.

Cr Marshall requested a five minute adjournment.

Moved by Cr Sharpe, seconded by Cr Lawrence that the meeting be adjourned for five minutes.

Mayor, Cr Sipek, adjourned the meeting at 7.30pm.

CARRIED UNANIMOUSLY

Moved by Cr Sharpe, seconded by Cr Gauci Maurici that the meeting resume.

CARRIED UNANIMOUSLY

Amendment

Minute No. 2018/219

Council Resolution

Moved by Cr Lawrence, seconded by Cr Sharpe that condition 1b) in the recommendation be amended to read:

- 1b) Reduce the cantilever at the upper levels for no more than three metres with associated internal modifications;

For: Crs Sipek, Gauci Maurici, Lawrence, Marshall, and Sharpe

Against: Crs Byrne, Cusack

CARRIED

Council Resolution

Minute No. 2018/220

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that

Part A

That Council, as the acquiring authority under Schedule 2 to the Public Acquisition Overlay (PAO2) and determining referral authority under Section 55 of the *Planning and Environment Act 1987*, does not object to planning permit application MV/350/2018 at 47 Fisher Parade, Ascot Vale.

Part B

That Council, as the responsible authority, and having had regard to the objection submitted on 19 October 2018 by the Friends of Steele Creek pursuant to Section 60 of the *Planning and Environment Act 1987*, issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/350/2018 for the removal of vegetation and construction of buildings and works comprising three dwellings and fencing within a Design & Development Overlay (DDO1 & DDO2), Incorporated Plan Overlay (IPO1) and Public Acquisition Overlay (PAO2), and alter access to a road in a Road Zone, Category 1 at No.47 Fisher Parade, Ascot Vale (Lot 1 TP599943K), subject to the following conditions:

1. Before the development starts, 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) All sections of Dwelling 3 at the lower level, including the pool and the open deck, are to be set back outside of the Public Acquisition Overlay (PAO2), with associated internal changes;
 - b) Reduce the cantilever at the upper levels for no more than three metres with associated internal modifications
 - c) Compliance with the minimum garden area requirement of Clause 32.08-4 of the General Residential Zone;
 - d) The maximum height of a fence within 30 metres of the Maribyrnong River, measured from the junction with the top of the bank of the Maribyrnong River, must not exceed 1.2 metres in height and be visually permeable;
 - e) Provision of swept path diagrams, undertaken using an industry recognised software package (i.e. AutoTurn), demonstrating vehicles entering/exiting car spaces on-site in a forwards direction with no more than three movements, taking into account supports and potential safety fencing for the car stacker system within the garage for Dwelling 3;

- f) Provision of a longitudinal section from the road to the car park areas/garages that shows all proposed grades, all lengths of grades and all levels to determine if vehicle scraping will occur;
- g) Details and specifications regarding the type of car stacker proposed within the garage for Dwelling 3 to ensure the car stacker meets the minimum requirements of Clause 52.06 (Car Parking) and/or the relevant Australian Standards, noting the specified car stacker system no longer appears to be available;
- h) No access provided into the car stacker pit room/area;
- i) The provision of pedestrian visibility splays in accordance with the requirements of Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
- j) Details and notations for all Water Sensitive Urban Design (WSUD) treatment measures in accordance with the STORM Rating Report required under Condition 3 of this permit;
- k) All Sustainable Design Assessment (SDA) and/or Built Environment Sustainability Scorecard (BESS) annotations and measures in accordance with Condition 26 of this permit;
- l) A Landscape Plan in accordance with Condition 20 of this permit; and
- m) A detailed schedule of all external materials and finishes. The schedule must show the specific material, colour (including colour samples) and finishes of all external walls, roofing, fascias, window frames, screening measures, soffits, garage doors, fences and paving.

When approved, these plans will be endorsed and will form part of this permit.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. A STORM Rating Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Rating Report must obtain a minimum rating of 100% to comply with Clause 22.03-4 Stormwater Management (Water Sensitive Urban Design) 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 WSUD 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.

Once submitted and approved the works detailed by the WSUD Site Management Plan must be carried out 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 treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures 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 buildings approved by this permit are occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the occupier of the adjoining land allows access for the purpose.
8. 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.
9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
10. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction

of the Responsible Authority.

11. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater downpipes 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.
12. Before the buildings approved by this permit are 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; and
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving),
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:
 - e) Be maintained and made available for such use; and
 - f) Not be used for any other purpose,
to the satisfaction of the Responsible Authority.
13. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing(s) 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. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and relevant servicing authority/agency.
Subsequent works and costs in association with the relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and 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.

VicRoads Conditions

15. Prior to the commencement of the use of the development hereby approved, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority

(RA) and at no cost to VicRoads or the RA.

16. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access crossover and associated works must be provided and available for use.
17. Vehicles must enter and exit the land in a forward direction at all times.

End VicRoads Conditions

City West Water Conditions

18. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
19. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.

End City West Water Conditions

20. Building or works must not be commenced (and trees or vegetation must not be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. The landscape plan(s) must show:
 - a) The title boundaries and easements;
 - b) The top of bank, high and low water marks of the Maribyrnong River as determined by a licensed land surveyor in consultation with Melbourne Water;
 - c) Retention of all mature native trees between the building line and the Maribyrnong River and replacement of any non-native trees with mature native canopy trees at locations agreed to by the Responsible Authority;
 - d) A survey of all existing vegetation, abutting street trees, natural features and vegetation;
 - e) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design;
 - f) The location and extent of any earthworks to be undertaken in association with the removal of vegetation between the building envelope and the Maribyrnong River and proposed measures to ensure stability of the bank and prevent erosion during the construction and vegetation establishment stages;
 - g) A planting schedule for the land including species, densities and distributions and comprising trees and shrubs including planting that:
 - i) Provides a complete garden scheme across all vegetation strata;
 - ii) Softens the building bulk;
 - iii) Provides canopy trees for landscape perspective within the front and rear setback areas, with species to be generally in accordance with the 'Maribyrnong River Interface Urban Design Guidelines'. Selected canopy trees must be capable of reaching a mature minimum height of 4 metres;

- iv) Minimises the potential of any overlooking between habitable rooms of adjacent dwellings;
- v) Protects the stability of the banks of the Maribyrnong River and existing bank treatments; and
- vi) Achieves a vegetated wildlife corridor for habitat and waterway protection;
- h) The proposed design features such as paths, paving, lawn, fencing, garden furniture and mulch and the proposed surface finishes and treatments of these;
- i) 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;
- j) The use of drought tolerant species;
- k) All trees on the land that are proposed to be removed or destroyed;
- l) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems; and
- m) The proposed approach to ongoing maintenance and management of the vegetation including method, timing and organisation of vegetation maintenance.

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. Landscaping works must be maintained in accordance with the approved Landscape Plan unless otherwise agreed by the Responsible Authority.
22. The garden areas shown on the endorsed plan and schedule must only be used as gardens areas 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.
23. Before the buildings approved by this permit are occupied, all boundary fencing is to be constructed in accordance with the endorsed plans at the cost of the permit holder to the satisfaction of the Responsible Authority.
24. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plans) must not be erected above the roof level of the buildings.
25. 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 land.

26. Prior to the commencement of building and works, a Sustainable Design Assessment using BESS or another approved assessment tool for assessing the sustainability of new development must be submitted to the Responsible Authority for approval. Once approved the Sustainable Design Assessment, inclusive of any BESS Report, is to be implemented and appropriately managed during construction of the proposed buildings.
27. The existing street tree to the east of the subject site along Fisher Parade must not be removed or damaged as a result of the permitted development, except with the prior written consent of the Responsible Authority.
28. Immediately upon the discovery of any Aboriginal cultural material, works must cease and Aboriginal Affairs Victoria must be notified of the discovery.
29. 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 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.
30. That the applicant enter into negotiations with Melbourne Water to work towards an outcome that satisfies Melbourne Water's achievement of the purpose and decision guidelines set out in Schedule 1 & 2 to the 'Design and Development Overlay' (DDO) within the Moonee Valley Planning Scheme.

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.
- 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.

- 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.
- No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986*, and any other relevant acts or regulations created under those Acts.

For: Crs Sipek, Cusack, Gauci Maurici, Lawrence, Marshall, and Sharpe

Against: Crs Byrne

CARRIED

Cr Nation returned to the meeting at 7.53pm.

10.3 Strathmore Children's Centre Stage 2 project

Author: Belinda Stewart - Manager Family and Children's Services

Directorate: City Services

Minute No. 2018/221

Council Resolution

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

1. Approves the allocation of up to \$500,000 within the 2018/19 and 2019/20 financial years to undertake maintenance and remedial works at Strathmore Heights Kindergarten for the purpose of re-establishing the facility to its fit for purpose function.
2. Revokes its previous decision to relocate Strathmore Heights Kindergarten to the completed Strathmore Children's Centre.
3. Approves the allocation of \$50,000 in Council's 2018/19 Budget to undertake a project review with relevant stakeholders to determine the future of the Strathmore Children's Centre Stage 2 project, taking into consideration the endorsed Loeman Street Precinct Plan and future planning within the area.
4. Receives a report detailing the outcomes of the above project review and the proposed future operation of Strathmore Community Kindergarten by the end of the 2018/19 financial year.

CARRIED UNANIMOUSLY

10.4 Kindergarten in Moonee Ponds

File No: Fol/18/32

Author: Jason Crockett - Coordinator, Kindergarten Services

Directorate: City Services

Minute No. 2018/222

Council Resolution

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

1. Commences exploration of suitable sites within the Moonee Ponds neighbourhood to accommodate an Early Years hub to include a kindergarten and possibly Maternal and Child Health and Occasional Care services to ensure the growing needs of Moonee Pond's families can be met locally;
2. Writes to relevant Federal and State Government Ministers and members of parliament requesting future funding to support such a Hub within Moonee Ponds.
3. Provides regular updates to Council in relation to this matter

CARRIED UNANIMOUSLY

10.5 General Revaluation 2019

File No: Fol/18/32
Author: Damian Hogan - Manager Finance
Directorate: Organisational Performance
Minute No. 2018/223

Council Resolution

Moved by Cr Nation, seconded by Cr Marshall that Council

1. Resolves to give notice that the Valuer-General is going to cause a general valuation of all rateable and non-rateable properties within the City of Moonee Valley, and that the valuation is to take effect as at 1 January 2019 refer Appendix A.
2. Provides written advice of Council's resolution to cause a general revaluation to be made to be sent to the Valuer General, State Revenue Office and neighbouring rating authorities.

CARRIED UNANIMOUSLY

10.6 Annual Report 2017/18

Author: Marianne McArthur - Corporate Planning Officer

Directorate: Organisational Performance

Minute No. 2018/224

Council Resolution

Moved by Cr Sharpe, seconded by Cr Lawrence that Council considers the Annual Report, as required by section 134 of the *Local Government Act 1989*.

CARRIED UNANIMOUSLY

10.7 2018-19 Capital Works Program Update

File No: Fol/18/32

Author: Nikhil Aggarwal - Capital Works Program Planner

Directorate: Asset Planning and Strategic Projects

Minute No. 2018/225

Council Resolution

Moved by Cr Lawrence, seconded by Cr Sharpe that Council authorises requested 2018/19 Capital Works Project variations as per Section A.1 of Appendix A.

CARRIED UNANIMOUSLY

Cr Nation declared a conflict of Interest in item 10.8 and left the meeting at 8:27pm.
Cr Cusack left the meeting at 8.25pm and returned at 8.31pm before the vote on item 10.8.

10.8 East Keilor Leisure Centre - Expression of Interest evaluation

File No: Fol/18/32

Author: Peter Gaffney - Manager Infrastructure Services

Directorate: City Services

Minute No. 2018/226

Council Resolution

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

1. Approves the selection of the following four head construction contractors to proceed to the next phase of the procurement process for the East Keilor Leisure Centre redevelopment project; an invitation to tender for the construction works according to the detailed design and documentation of the project:
 - ADCO Constructions (VIC) Pty Ltd (ABN: 15 094 5231 272) of Level 9 Dorcas Street South Melbourne, Victoria 3205.
 - Buxton Constructions (Vic) Pty Ltd (ABN: 93 141 994 425) of Level 1 Lorimer Street Port Melbourne, Victoria 3207.
 - Cockram Construction Australia Pty Ltd now trading as Icon Cockram (ABN: 66 617 747 458) of 675 Victoria Street, Abbotsford, Victoria, 3067.
 - Hutchinson Builders (ABN: 52 009 778 330) of 70-72 Cecil Street South Melbourne, Victoria 3205.
2. Advises the remaining four Expression of Interest respondents that they have not been selected to advance to the next phase of the procurement process.
3. Authorises Council's Chief Executive Officer the delegated authority to award the contract for the building works, subject to the final contract sum being within the \$49.969 million cost plan.
4. Authorises Council's Chief Executive Officer to execute the contract for the construction of the new East Keilor Leisure Centre on Council's behalf, subject to the Chief Executive Officer's approval of the final form of the contract.
5. Authorises Council's Director City Services to approve variations to the final lump sum contract value of the construction works, subject to the variations being within the \$49.969 million cost plan.
6. Approves the 2018/19 forecast expenditure on the project to be increased from \$1.946 million to \$6 million.

7. Approves the balance of the future expenditure of the project to be incurred in 2019/20 and 2020/21.
8. Approves the scheduling of a Special Meeting of Council on Tuesday, 29 January 2019 to consider the awarding of this contract, should the Chief Executive Officer determine that the final contract sum for the construction of the new East Keilor Leisure Centre is above the financial limits of the cost plan, as per items 4 to 8.

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

Against: Cr Lawrence

CARRIED

Cr Nation returned to the meeting at 8.35pm.

10.9 Notice of Motion No. 2018/02 - Joint Council Planning between Cities of Melbourne and Moonee Valley

File No: Fol/18/32

Author: Kate McCaughey - Manager Community Planning

Directorate: Planning and Development

Minute No. 2018/227

Council Resolution

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

1. Notes the ongoing coordination work across the City of Melbourne and Moonee Valley City Council regarding Racecourse Road and surrounds, including the City of Melbourne's Racecourse Road Strategic Improvements Plan steering group.
2. Notes the City of Melbourne's draft Racecourse Road Strategic Improvements Plan is currently being prepared by the City of Melbourne, and will be circulated to key stakeholders such as neighbouring Councils in late 2018 or early 2019.
3. Reviews the City of Melbourne's draft Racecourse Road Strategic Improvements Plan once released and, following this, work with the City of Melbourne to consider options around next steps and stakeholder engagement.
4. Works with the City of Melbourne to establish a joint Council meeting cycle as outlined in Figure One, including:
 - Officer meeting; joint Councillor/Executive Officer meeting and Flemington/Kensington Community Forum in quarter 1;
 - Officer meeting in quarter 2;
 - joint Councillor/Executive Officer meeting in quarter 3 and
 - Officer meeting in quarter 4.
5. Notes the Flemington Neighbourhood Advisory Group, (which includes representation by Myrnong ward Councillors) provides a forum for future on-going community engagement regarding opportunities for cohesive planning along Racecourse Road and other related issues and initiatives in the area.
6. Notes update reports on projects outlined in Appendix A will be presented to Council as required.

CARRIED UNANIMOUSLY

10.10 Nature Strip Landscaping Policy

File No: Fol/18/32

Author: Natalie Reiter - Director Planning and Development

Directorate: Planning and Development

Minute No. 2018/228

Council Resolution

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

1. Adopts the revised Nature Strip Landscaping Policy (Appendix A – separately circulated).
2. Communicates the adoption of the Policy to community and other stakeholders.

CARRIED UNANIMOUSLY

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

File No: Fol/18/32
Author: Stefan Tsoutsoulis - Civil Engineer
Directorate: Planning and Development
Minute No. **2018/229**

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council abandons the Special Charge Scheme for the construction of Tennyson Street, Essendon Right of Way (ROW) and notifies all parties to the matter of the abandonment.

CARRIED UNANIMOUSLY

10.12 Appointment of Independent Member to the Audit Committee

File No: Fol/18/32
Author: Damian Hogan - Manager Finance
Directorate: Organisational Performance
Minute No. **2018/230**

Council Resolution

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

1. Appoints Mr John Watson as an independent member and Chairperson of the Audit Committee for a period of three years from 1 October 2018 and
2. Extends its thanks to Mr. Bruce Potgieter for his six years of service as an independent member and Chairperson of the Audit Committee.

CARRIED UNANIMOUSLY

10.13 Report on Audit Committee

File No: Fol/18/32
Author: Damian Hogan - Manager Finance
Directorate: Organisational Performance
Minute No. 2018/231

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Cusack that Council receives and notes the confirmed Minutes of the Audit Committee Meeting held 27 August 2018 (separately circulated).

CARRIED UNANIMOUSLY

10.14 Notices of Motion Quarterly Report

File No: Fol/18/32
Author: Rosie Ferreira - Governance Officer
Directorate: Organisational Performance
Minute No. 2018/232

Council Resolution

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

1. Receives and notes the report on the progress of all endorsed Notices of Motion for the period 10 November 2016 to 25 September 2018 as Appendix A (separately circulated).
2. Notes that there have been no Notices of Motion for the period 10 July 2018 to 25 September 2018 requesting Council write to a Member of Parliament or Government agency.

CARRIED UNANIMOUSLY

10.15 Assembly of Councillors

File No: Fol/18/32
Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance
Minute No. 2018/233

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Byrne that Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the following Assemblies of Councillors:

Assembly	Ordinary Council Meeting pre-meet held on Tuesday 25 September 2018 at 6pm Committee Room, Civic Centre
Matters considered	Ordinary Council Meeting agenda for Tuesday 25 September 2018
Councillors present	Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall Cr Narelle Sharpe Leave of absence: Cr Andrea Surace
Staff present	Bryan Lancaster (CEO) Steven Lambert Kendrea Pope Natalie Reiter Gil Richardson Petrus Barry Allison Watt
Conflict of interest	Nil.

Assembly	Strategic Briefings of Councillors held on Tuesday 2 October 2018 at 6:00pm. Council Chamber, Civic Centre
Matters considered	1. Niddrie Library and Community Hub Value Capture Assessment 2. Reactivation of the Moonee Ponds Court House 3. Melbourne Airport - third runway project 4. Response to Notice of Motion 2017/09 Crown Street Stables Social Enterprise Review 5. Strathmore Children's Centre Stage 2 - Update on Facility Audits 6. Emergency relief funds update not agenda ECAB 7. Update on the Advocacy Strategy and prospectus 8. Update on Clocktower Activation

	9. Review of Draft Ordinary Agenda for 9 October 2018														
Councillors present	Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall Cr Cam Nation Cr Narelle Sharpe Leave of absence: Cr Andrea Surace														
Staff present	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Bryan Lancaster (CEO)</td> <td style="width: 50%;">Jim Karabinis</td> </tr> <tr> <td>Steven Lambert</td> <td>Justine Hanna</td> </tr> <tr> <td>Kendrea Pope</td> <td>Maria Weiss</td> </tr> <tr> <td>Natalie Reiter</td> <td>Patricia Keenan</td> </tr> <tr> <td>Gil Richardson</td> <td>Matthew Pope</td> </tr> <tr> <td>Petrus Barry</td> <td>Meghan Hopper</td> </tr> <tr> <td>Allison Watt</td> <td></td> </tr> </table>	Bryan Lancaster (CEO)	Jim Karabinis	Steven Lambert	Justine Hanna	Kendrea Pope	Maria Weiss	Natalie Reiter	Patricia Keenan	Gil Richardson	Matthew Pope	Petrus Barry	Meghan Hopper	Allison Watt	
Bryan Lancaster (CEO)	Jim Karabinis														
Steven Lambert	Justine Hanna														
Kendrea Pope	Maria Weiss														
Natalie Reiter	Patricia Keenan														
Gil Richardson	Matthew Pope														
Petrus Barry	Meghan Hopper														
Allison Watt															
External guests	Dominic Arcaro - Navire Mary Cahill, Terry Scott and Bob Chalmers - Essendon Historical Society Hanna Johnson - Melbourne Airport														
Conflict of interest	<ul style="list-style-type: none"> • Cr Samantha Byrne advised prior to the meeting an indirect interest in agenda item 1.1 on the Niddrie library and hub value capture due to conflicting duty as an employee of an organisation which may be impacted or have opportunity through the development and delayed her arrival until completion of discussion on that item. • Cr Narelle Sharpe declared an indirect interest in relation to item 10.2 on the Footpath Trading Policy of the Agenda for the Ordinary Council Meeting of 9 October 2018 due to a conflicting duty. • Crs Nation, Sharpe, Cusack, Sipek and Byrne declared an indirect interest in relation to item 6.1 33 Dean Street, Moonee Ponds on the Agenda for the MVRC Planning Assessment Special Committee Meeting to be held on 10 October 2018 because of the receipt of an applicable gift. 														

Assembly	Ordinary Council Meeting pre-meet held on Tuesday 9 October 2018 at 6pm. Committee Room, Civic Centre
Matters considered	<ul style="list-style-type: none"> • Preview of Your Say online engagement platform for Council projects • Ordinary Council Meeting agenda for Tuesday 9 October 2018

Councillors present	<p>Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall Cr Cam Nation Cr Narelle Sharpe</p> <p>Leave of absence: Cr Andrea Surace</p>
Staff present	<p>Bryan Lancaster (CEO) Steven Lambert Natalie Reiter Gil Richardson Petrus Barry Allison Watt</p>
Conflict of interest	<ul style="list-style-type: none"> • Cr Narelle Sharpe declared an indirect interest in item 10.2 on the agenda due to conflicting duties. Cr Sharpe did not leave the meeting as this item was not discussed • Cr Samantha Byrne declared an indirect conflict of interest due to residential amenity in item 10.3 on the OCM agenda and left the meeting at 6.05pm, returning at 6.09pm after the discussion on the item.

Assembly	<p>Moonee Valley Racing Club Planning Assessments Special Committee Meeting of 10 October 2018 at 5.30pm. Committee Room, Civic Centre</p>
Matters considered	33 Dean Street, Moonee Ponds
Councillors present	<p>Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall</p> <p>Leave of absence:</p>
Staff present	<p>Natalie Reiter Petrus Barry Allison Watt Lachlan Orr Colin Harris</p>
Conflict of interest	Nil.

Assembly	<p>Public Forum held on Tuesday 16 October 2018 at 6:00pm. Council Chamber, Civic Centre</p>
Matters considered	<ol style="list-style-type: none"> 1. Presentation of Young People’s Award to Daniel Nguyen 2. Presentation by Isabelle Orosz on the United Nations Youth Australia National Conference

	<p>3. Questions without notice from residents about issues relating to the Buckley Street level crossing removal including bike lanes, bus stop in Roe Street, No Standing signs in Violet Street and a disabled parking bay</p> <p>4. Question without notice about political instability at a Federal level and how that impacts State and Local Government</p>
Councillors present	<p>Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall Cr Cam Nation</p> <p>Leave of absence: Cr Andrea Surace</p>
Staff present	<p>Bryan Lancaster (CEO) Kate McCaughey Kendrea Pope Sarah Edwards Natalie Reiter Colin Harris Gil Richardson Peter Gaffney Allison Watt Jessica Wotherspoon Petrus Barry</p>
External guests	<p>Daniel Nguyen Alisha Aloe Isabelle Orosz</p>
Conflict of interest	<p>Nil.</p>

Assembly	<p>Strategic Briefings of Councillors held on Tuesday 16 October 2018 at 6:38pm. Council Chamber, Civic Centre</p>
Matters considered	<p>1. Inland Rail 2. Update on Ascot Vale (Wingate) housing estate 3. Flemington/Kensington Festival update 4. Caydon Development update 5. Portfolio Advisory Committees Annual Review 2018 6. Place Naming Policy Review, incorporating Civic Recognition Policy 7. MAV State Council motions 8. Review of Draft Ordinary Agenda for 23 October 2018</p>
Councillors present	<p>Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall</p>

	Cr Cam Nation
	Leave of absence: Cr Andrea Surace
Staff present	Bryan Lancaster (CEO) Jim Karabinis Kendrea Pope Peter Gaffney Natalie Reiter Colin Harris Gil Richardson Matt Spozio Allison Watt
External guests	Linton Gloster (Inland Rail) Lauren McKenzie (Inland Rail) Jessica Cutting (DHHS) Fiona Williams (DHHS) Anne McMahon(FlemKen Festival) Jennifer Gullivan (Rotary Club)
Conflict of interest	Cr Nation declared an indirect conflict of interest due to conflicting duty in Ordinary Council Meeting agenda items: 10.2 left the chamber at 7.03pm 10.8 left the chamber at 10.27pm

CARRIED UNANIMOUSLY

Cr Marshall left the meeting at 8:55pm and did not return.

11. Notices of Motion

11.1 Buckley Street Level Crossing – outstanding matters

File No: Fol/18/32
From: Councillor Rebecca Gauci Maurici
Minute No. 2018/234

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence take notice that at the Ordinary Meeting of Council to be held on 23 October 2018 it is my intention to move:

That Council:

1. In relation to the Buckley Street Level Crossing Removal Project, prior to Friday 26 October 2018 writes to The Hon. Jacinta Allan MP Minister for Public Transport, The Hon. Ben Carroll MP Minister for Industry and Employment, Danny Pearson MP, State Member for Essendon and Kevin Devlin, Chief Executive Officer Level Crossing Removal Authority;
2. Outlining the matters previously raised by Council which are still outstanding;
3. Identifying the areas of concern following the opening of the road under rail level crossing removal and requesting consideration of mitigation measures; and
4. Requesting a post-opening traffic impact report including a commitment to fund required mitigation measures.

CARRIED UNANIMOUSLY

12. Urgent Business

Nil.

13. Delegates Reports

Nil.

14. Confidential Reports

Nil.

15. Close of Meeting

The meeting concluded at 9.09pm.

**CR JOHN SIPEK
CHAIRPERSON**