



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

Tuesday, 27 February 2018 at 6.30pm

**Minutes**

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# Report Index

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The following reports were considered:

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# Minutes of the Ordinary Meeting of Council

Tuesday, 27 February 2018 at 6.30pm  
held at the Moonee Valley Civic Centre

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## PRESENT :

**Members:** Cr John Sipek Mayor  
Cr Samantha Byrne  
Cr Jim Cusack  
Cr Rebecca Gauci Maurici  
Cr Richard Lawrence  
Cr Nicole Marshall  
Cr Cam Nation  
Cr Narelle Sharpe  
Cr Andrea Surace

**Officers:** Mr Bryan Lancaster Chief Executive Officer  
Mr Steven Lambert Director City Services  
Ms Kendrea Pope Director Organisational Performance  
Ms Natalie Reiter Director Planning & Development  
Mr Petrus Barry Manager Statutory Planning  
Ms Allison Watt Manager Communications & Governance

## 1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 27 February 2018.

The Mayor welcomed all present and respectfully acknowledged the traditional custodians of this land - the Wurundjeri people of the Kulin Nation, their spirits, ancestors, elders and community members past and present.

## 2. Apologies

Nil.

**3. Confirmation of Minutes**

**Minute No.** 2018/03

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Byrne that the Minutes of the Ordinary Meeting of Council held on Tuesday, 13 February 2018 be confirmed.

**CARRIED**

**ABSTAINED:** Crs Gauci Maurici, Lawrence and Surace

**4. Declarations of Conflict of Interest**

- 4.1 Cr Nation declared an indirect conflict of interest in Item 9.1 2B McPherson Street, Moonee Ponds due to an applicable gift.
- 4.2 Cr Surace declared an indirect conflict of interest in Item 9.1 2B McPherson Street, Moonee Ponds due to an applicable gift.
- 4.3 Cr Byrne declared an indirect conflict of interest in Item 9.1 2B McPherson Street, Moonee Ponds due to an applicable gift. Cr Byrne also declared an indirect conflict of interest in Item 9.13 Community Facility Management Policy Update due to a conflicting duty.
- 4.4 Cr Sharpe declared an indirect conflict of interest in Item 9.1 2B McPherson Street, Moonee Ponds due to an applicable gift. Cr Sharpe also declared a direct conflict of interest in item 9.16 Union Road Business Precinct Special Rate and Charge Declaration due to place of work.
- 4.5 Cr Cusack declared an indirect conflict of interest in Item 9.1 2B McPherson Street, Moonee Ponds due to an applicable gift.
- 4.6 Cr Sipek declared an indirect conflict of interest in Item 9.1 2B McPherson Street, Moonee Ponds due to an applicable gift.

**5. Presentations**

The Mayor detailed a recent visit by Councillors from Mornington Peninsula Shire to learn of Moonee Valley's Bee Program. He also extended his thanks to Council staff who worked on this project.

**6. Petitions and Joint Letters**

Nil

**7. Public Question Time**

**Mr Angelo Baronessa asked the following question:**

**Question 1**

Following the previous Ordinary Council Meeting, can the Mayor explain why he used his casting vote and why he voted not to proceed with legal action during the last Ordinary Council Meeting?

## **Response**

### **The Mayor, Cr John Sipek provided the following response:**

Under Council's Meeting Procedures, if a vote on a matter is tied, the chairperson has a second or casting vote which essentially breaks the deadlock. This is common practice in Councils and boards all over the country.

I must reiterate that in considering my position on this particular matter that was before Council, I listened to both sides of the debate and considered the information provided in the Council Officer's report.

As Mayor, I used my casting vote not to pursue legal action on this matter due to the significant risk of costs and liability it would put on ratepayers.

The CEO and I recently met with Public Transport Minister, Jacinta Allan, at Parliament House to seek a commitment on a raft of safety and amenity improvements for the Buckley Street level crossing removal project and to achieve the best outcome for the community.

We had a productive meeting with the Minister and we expect to see action across a number of the immediate and long-term issues we raised.

We made it clear that if road-under-rail is going ahead then this community must be assured that it will be safe and that the traders in Russell Street, Rose Street and Buckley Street will be supported.

They must make the Transport Impact Assessment available to the whole community.

Traffic lights must be installed at the dangerous Shamrock Street and Grice Crescent intersection on Mount Alexander Road.

Access to the train platforms at Essendon Station must be made accessible in compliance with the Disability Discrimination Act.

And we want a commitment that the Park Street and Puckle Street level crossings will be removed in the future.

### **Mr Michael Holtz of Moonee Ponds asked the following questions:**

#### **Question 1**

The current state of having 6 councillors ineligible to vote on the Moonee Valley Race Course development due to being compromised by accepting hospitality is not acceptable. However why is council considering using the existing Development Assessment Panel (a closed door meeting) that does not allow the 3 councillors who have been elected to represent the people of Moonee Valley to participate in the decisions they were elected to make?

## **Response**

### **Mr Bryan Lancaster, Chief Executive Officer provided the following response:**

This matter is coming before Council tonight and I do not want to pre-empt any decision Council might make in relation to this matter.

Future applications for the Moonee Valley Racecourse development will be processed through the statutory planning process, which makes no requirement for the establishment of a public panel.

The *Planning and Environment Act 1987*, and specifically section 61 of this Act, provides for only the Responsible Authority – Moonee Valley City Council in this instance – to have the authority to decide on a planning application. Council also has the power under the *Local Government Act 1989* to delegate this power to Council officers.

Various consultations/panels/committees (including the Advisory Committee appointed by the Minister) have occurred over recent years through the planning scheme amendment process, leading to the current planning controls for the proposed redevelopment of the MVRC.

These controls set out the requirements for whether a planning application would be exempt from the notice and review requirements of the *Planning and Environment Act 1987*. For example, within the Activity Centre Zone (ACZ), no third party rights (and advertising) apply for the development if it complies with the requirements in the ACZ Schedule.

Notwithstanding this, Council will continue to inform the community as the development of this land progresses.

## **Question 2**

As this is the largest development in Moonee Valley over the next 15-20 years, why are council not forming a public panel that comprises the 3 eligible councillors and independent legal and planning representatives to make the decision on this matter?

## **Response**

**Mr Bryan Lancaster, Chief Executive Officer also provided the following response:**

As outlined in the response to the previous question, the statutory planning process has no requirement for the establishment of a public panel.

As this matter is before Council tonight, I do not want to pre-empt any decision Council might make in relation to this matter.

## **8. Reports by Mayor and Councillors**

**Minute No.** 2018/04

### **Council Resolution**

Moved by Cr Marshall, seconded by Cr Sharpe that the reports by the Mayor and Councillors be received.

**CARRIED UNANIMOUSLY**

6.46pm Cr Surace left the meeting.

## 9. Reports

**9.1**                    **2B McPherson Street, Moonee Ponds (Lots 1 and 2 on TP107268X) - Partial demolition, buildings and works, display of business identification signage and removal of vegetation within a Heritage Overlay (HO379) associated with a child care centre**

**File No:**            FOL/18/32  
**Author:**            Lachlan Orr  
                              Senior Statutory Planner  
**Directorate:**      Planning & Development  
**Minute No.**        2018/05

### **Council Resolution**

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

Resolves that Planning Permit Application No. MV/567/2016 be decided under delegation.

Resolves that the Development Assessment Panel Meeting at which the application is to be heard, be open to members of the public.

**CARRIED UNANIMOUSLY**

6.58pm Cr Surace returned to the meeting.

**9.2**                    **7 Etzel Street, Airport West (Lot 42 on LP 020166) - Construction of two dwellings**

**File No:**            FOL/18/32  
**Author:**            Justin Scriha  
                              Senior Statutory Planner  
**Directorate:**      Planning & Development  
**Minute No.**        2018/06

### **Formal Amendment**

Moved by Cr Byrne, that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/142/2017 for the construction of two dwellings at 7 Etzel Street, Airport West (Lot 42 on LP 020166), subject to the following conditions:

1. Before the development starts the owner must initiate proceedings to purchase the land adjacent to Etzel Street measuring approximately 45 square metres in area. This parcel of land must be then consolidated into the Certificate of Title of Lot 42 on LP 020166. This must all be undertaken at the cost of the permit holder.

2. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) That the first floor be reduced by 1 metre;
  - b) The stairwell windows facing Etzel Street to be increased in size;
  - c) A low-scale (no higher than 1.2 metres) and semitransparent front fence to be provided;
  - d) A note stating that 'for all remotely located raingardens, all downpipes and connectivity (with the exception of feeders) to be concealed';
  - e) The use of roof tiles in lieu of Colorbond sheeting in accordance with the preferred character statement for the Garden Suburban 7 precinct;
  - f) Additional windows to be provided to the first floor bedrooms on the southern elevation of both dwellings;
  - g) Windows provided as a result of Condition 1(f) to comply with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
  - h) A notation on the plans that the carport is to be constructed of lightweight material and easily demountable;
  - i) The eastern boundary fence height increased to 1.8 metres above Natural Ground Level and tapered to 1.2 metres in the frontage of the site; and
  - j) A landscape plan as required by Condition 18.

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

3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
5. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
6. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details (relating to the raingardens), 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.

7. 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.

8. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
- a) Inspection frequency;
  - b) Cleanout procedures;
  - c) As installed design details/diagrams including a sketch of how the system operates; 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 User Guide or a Building Maintenance Guide.

9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than 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.
11. Before the building/s approved by this permit is/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:

a) be maintained and made available for such use; and

b) not be used for any other purpose,

to the satisfaction of the Responsible Authority.

12. Before the buildings approved by this permit are occupied, the concrete vehicular crossing must be constructed to suit the proposed driveway 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. 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.

13. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
14. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
15. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
16. The street trees along Etzel Street to be removed for the Dwelling 2 crossover must not be removed or replaced without the prior written consent of the Responsible Authority. Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and the street tree replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.

17. Before the existing street tree on Etzel Street is removed to facilitate the new crossover for Dwelling 2, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the tree must be undertaken to the requirements and satisfaction of the Responsible Authority.
18. Before the development starts, or any trees or vegetation removed, an amended landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
  - a) Any changes as required by Condition 1 of this permit;
  - b) The provision of a canopy tree within the front setback of each dwelling which is able to achieve a minimum mature height of 4 metres;
  - c) A notation in accordance with Conditions 15 and 16;
  - d) Additional garden beds within the frontage of each dwelling;
  - e) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
  - f) The use of drought tolerant species;
  - g) Features such as paths, paving and accessways;
  - h) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-9 (Design Standards for car parking) of the Moonee Valley Planning Scheme;
  - i) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems; and
  - j) An appropriate irrigation system.

Once approved these plans become the endorsed plans of this permit. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.
19. 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.
20. This permit will expire if:
  - a) The development does not start within two (2) years of the date of issue of this permit, or
  - b) The development is not completed within four (4) years of the date of

issue of this permit.

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

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

### **Permit Notes**

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, new crossings, building over easements, etc.
- No on-street parking permits will be provided to occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by Moonee Valley City Council.
- 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 must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- Before the development starts, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal and/or replacement of the nominated street tree(s). Please contact Council on 9243 8888 to speak with Council's Arborist.

**LOST** for lack of a seconder

**Minute No.** 2018/07

### **Council Resolution**

Moved by Cr Marshall, seconded by Cr Sharpe that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/142/2017 for the construction of two dwellings at 7 Etzel Street, Airport West (Lot 42 on LP 020166), subject to the following conditions:

1. Before the development starts the owner must initiate proceedings to purchase the land adjacent to Etzel Street measuring approximately 45 square metres in area. This parcel of land must be then consolidated into the Certificate of Title of Lot 42 on LP 020166. This must all be undertaken at the cost of the permit holder.

2. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) Alterations in the development layout in accordance with the discussion plans submitted to Council on 25 October 2017 (TP04, TP05, TP06, TP07, TP12 Revision B);
  - b) The stairwell windows facing Etzel Street to be increased in size;
  - c) A low-scale (no higher than 1.2 metres) and semitransparent front fence to be provided;
  - d) A note stating that 'for all remotely located raingardens, all downpipes and connectivity (with the exception of feeders) to be concealed';
  - e) The use of roof tiles in lieu of Colorbond sheeting in accordance with the preferred character statement for the Garden Suburban 7 precinct;
  - f) Additional windows to be provided to the first floor bedrooms on the southern elevation of both dwellings;
  - g) Windows provided as a result of Condition 1(f) to comply with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
  - h) A notation on the plans that the carport is to be constructed of lightweight material and easily demountable;
  - i) The eastern boundary fence height increased to 1.8 metres above Natural Ground Level and tapered to 1.2 metres in the frontage of the site; and
  - j) A landscape plan as required by Condition 18.

#### **Formal Amendment**

Moved by Cr Cusack, seconded by Cr Surace that a Condition 2k be added as follows:

- k) That an asbestos report be provided to the Responsible Authority 30 days before construction begins, specifying if there is any requirement to take remedial action.

**FOR:** Crs Gauci Maurici, Lawrence, Marshall, Nation, Sharpe, Sipek, Surace

**AGAINST:** Crs Byrne and Sipek

**CARRIED**

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

3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible

Authority if the owner of the adjoining land allows access for the purpose.

5. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
6. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details (relating to the raingardens), 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.
7. 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.

8. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
  - a) Inspection frequency;
  - b) Cleanout procedures;
  - c) As installed design details/diagrams including a sketch of how the system operates; 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 User Guide or a Building Maintenance Guide.

9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.

10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than 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.
11. Before the building/s approved by this permit is/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:

- a) be maintained and made available for such use; and
  - b) not be used for any other purpose,
- to the satisfaction of the Responsible Authority.
12. Before the buildings approved by this permit are occupied, the concrete vehicular crossing must be constructed to suit the proposed driveway 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. 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.
13. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
14. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

15. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
16. The street trees along Etzel Street to be removed for the Dwelling 2 crossover must not be removed or replaced without the prior written consent of the Responsible Authority. Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and the street tree replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.
17. Before the existing street tree on Etzel Street is removed to facilitate the new crossover for Dwelling 2, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the tree must be undertaken to the requirements and satisfaction of the Responsible Authority.
18. Before the development starts, or any trees or vegetation removed, an amended landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
  - a) Any changes as required by Condition 1 of this permit;
  - b) The provision of a canopy tree within the front setback of each dwelling which is able to achieve a minimum mature height of 4 metres;
  - c) A notation in accordance with Conditions 15 and 16;
  - d) Additional garden beds within the frontage of each dwelling;
  - e) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
  - f) The use of drought tolerant species;
  - g) Features such as paths, paving and accessways;
  - h) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-9 (Design Standards for car parking) of the Moonee Valley Planning Scheme;
  - i) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems; and
  - j) An appropriate irrigation system.

Once approved these plans become the endorsed plans of this permit. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

19. 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.
20. This permit will expire if:
  - a) The development does not start within two (2) years of the date of issue of this permit, or
  - b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

#### **Permit Notes**

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, new crossings, building over easements, etc.
- No on-street parking permits will be provided to occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by Moonee Valley City Council.
- 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 must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- Before the development starts, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal and/or replacement of the nominated street tree(s). Please contact Council on 9243 8888 to speak with Council's Arborist.

**FOR:** Crs Cusack, Gauci Maurici, Lawrence, Marshall, Nation, Sharpe, Surace

**AGAINST:** Crs Byrne and Sipek

**CARRIED**

**9.3                      74 Pascoe Vale Road Moonee Ponds (Lot 16 on Plan of Subdivision 6223)**

**File No:** FOL/17/11

**Author:** Vi Neilsen  
Senior Statutory Planner

**Directorate:** Planning & Development

**Minute No.** 2018/08

**Council Resolution**

Moved by Cr Sharpe, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/69/2017 for the construction of a multi storey building, use of the land as a Food and drink premises, reduction in car parking requirements, variation to the loading bay requirements and alter access to a road in a Road Zone, Category 1 at 74 Pascoe Vale Road, Moonee Ponds (Lot 16 on Plan of Subdivision 6223), 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) The maximum mandatory building height of 14 metres (not including site services);
  - b) The deletion of the section of the balconies adjacent to Bed 1 and in front of Bed 2 in Dwellings of 202-205 to allow for solar access to level 1 Bed 1 windows;
  - c) The development ground floor, and northern wall (part Food and drink premises and services room) setback 5.0 metres from the laneway;
  - d) Dwellings 1.01, 2.01 and 3.01 northern balconies screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
  - e) The location of any external flue to the Food and drink premises and to be located away from the residential area;
  - f) All habitable room windows within the development to be double glazed;
  - g) Separate single panel lift door to the loading bay and the height

- clearance of this opening to be no less than 0.5 metres above the overall height of a mini loader waste truck;
- h) The provision of a single panel lift door to each of the three car park openings in order to minimise noise;
  - i) The provision of a 'No Right Turn' sign at the interface of the laneway and Pascoe Vale Road;
  - j) The provision of a pedestrian visibility splay to the southern side of the vehicle crossover along Pascoe Vale Road and / or the provision of a vehicular flashing light system to notify pedestrians of oncoming vehicles;
  - k) The provision of a traffic 'stop go' signal system at the intersection of Pascoe Vale Road and the laneway to control vehicle ingress and egress. This system must be wholly located within the site's property boundary;
  - l) The allocation of all car parking spaces nominated on the plans;
  - m) A notation stating 'The existing bluestone laneway adjoining the perimeter of the site be restored and made good at the full cost of the permit holder and to the satisfaction of the Responsible Authority';
  - n) A notation stating 'Proposed vehicular crossover including splays constructed in line with Council's Vehicular Crossover Policy and aligned with the proposed accessway';
  - o) A notation stating 'Redundant vehicle crossing to be reinstated to kerb and channel in line with Council's Vehicular Crossover Policy';
  - p) The provision of at least two public bicycle parking spaces that are conveniently accessible from the public realm in accordance with Clause 52.34 (Bicycle Facilities) of the Moonee Valley Planning Scheme;
  - q) All bicycle parking designed and annotated in accordance with Australian Standard AS 2890.3 1993 Parking facilities, Part 3: Bicycle parking facilities and Clause 52.34-4 (Bicycle Facilities) of the Moonee Valley Planning Scheme;
  - r) A prominent note on all floor and elevation plans stating: "Refer to endorsed Sustainability Management Plan, and associated BESS Report, for all ESD commitments and requirements";
  - s) All BESS sustainable design initiatives and associated notations to be shown on the relevant plans as required by Condition 6; and
  - t) An amended Landscape Plan in accordance with Condition 23.

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 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.

4. 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.

5. 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.

6. Before the development commences, an amended BESS that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended BESS shall refer to the endorsed plans. Upon approval the BESS Report will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed BESS Report to the satisfaction of the Responsible Authority. The BESS must be generally in accordance with the BESS submitted with the application, but modified as follows:

- a) Any changes required by Condition 1 of this permit.

The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment BESS to the satisfaction of the Responsible Authority.

7. The Food and drink premises must not be used as a restaurant.
8. A maximum number of two employees at the Food and drink premises at any one time, unless increased with the written consent of the Responsible Authority.
9. The use of the Food and drink premises authorised by this permit may only operate between the hours of:
  - a) Monday to Friday – 7am to 7pm,
  - b) Saturdays, Sundays and Public holidays - 8am to 7pm,unless otherwise permitted with the written consent of the Responsible Authority.
10. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
11. The Right of Way must be widened to 5.0 metres from the raingarden eastwards up until the loading bay and constructed (in bluestone) for the entire perimeter of the property. All costs associated with the survey, design and construction of the R.O.W must be borne by the permit holder.

Prior to the commencement of buildings and works, detailed engineering drawings to show the widening and construction of the right of way are to be submitted to and approved by the Responsible Authority. The right of way is to be surveyed and designed by a qualified surveyor/civil engineer respectively. The plans are to indicate existing surface levels, proposed surface levels and reinstatement of the right of way in accordance with Moonee Valley City Council standards.

Reinstatement of the right of way as specified in this permit must be satisfactorily completed prior to the issue of an Occupancy Permit for the approved development.

Prior to certificate of occupancy a plan of subdivision reflecting the widened and constructed R.O.W, shown as “road” must be submitted to Council and approved by the relevant authority.

12. 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.
13. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
14. Before the building approved by this permit is 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.

15. 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.
16. 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:

- a) Be maintained and made available for such use; and
- b) Not be used for any other purpose,

to the satisfaction of the Responsible Authority.

17. Before the development starts, 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) Details as to how the Klaus park board system is to be regularly maintained and serviced;
  - b) Details of timeframes and measures to be undertaken, to reinstate the Klaus park board system to working order, if the car stackers become non-operational;
  - c) Details of measures to be undertaken if the Klaus park board system is not operational, so not to provide any additional on-street parking demand; and
  - d) Details of the proposed openings to the car park is to be regularly maintained and serviced to minimise off-site noise impacts.

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.

18. 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.
19. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
20. A Council barrel drain (minimum 300mm dia RCP RRJ) must be constructed (through the existing R.O.W from the rear of 74 Pascoe Vale Road to the north east corner of 33 Walker Street, Approximately 50m in length) to reach the approved point of discharge. Engineering Design Plans prepared by a qualified Civil Engineer must be submitted to and approved by the Responsible Authority prior to the commencement of any building or works (including drainage). All costs relating to design and construction of the barrel drain to be borne by the applicant.
21. Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
22. 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.
23. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
  - a) Plans to accord with Condition 1 of this permit;
  - b) Cross section details and specification of the proposed raingarden;
  - c) Details and specifications of the integrated irrigation system;
  - d) A planting schedule of all proposed vegetation which includes, botanical names, common names, pot size, mature size and total quantities of each plant; and
  - e) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee

Valley Planning Scheme.

When approved, the amended 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.

24. 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.
25. 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.
26. Noise levels emanating from service equipment on 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).
27. 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.
28. 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 products, grit or oil;
  - d) Presence of vermin; orin any other way to the satisfaction of the Responsible Authority.
29. 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 in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' and must:
  - a) demonstrate that bin storage areas are sufficient to cater for the amount of waste that will be produced;
  - b) specify the type of bins to be used;
  - c) show where bins will be stored;
  - d) provide details of screening and ventilation of bin storage areas;

- e) identify responsibility for taking bins and out for collection and returning them to the bin storage area;
- f) identify collection points;
- g) specify how recycling materials will be managed and collected;
- h) specify bin collection times; and
- i) if private waste collection is utilised, show access routes for private waste collection vehicles that do not rely on reversing movements.

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.

- 30. All wastes must be disposed of to the satisfaction of the Responsible Authority. Liquid waste or polluted waters must not be discharged into a sewer or stormwater drainage system.
- 31. The loading and unloading of vehicles and the delivery of goods to and from the land must:
  - a) only be carried out on or adjacent to the boundaries of the land;
  - b) not be conducted before 7.00 a.m. or after 7.00 p.m. on any day; and
  - c) not disrupt the circulation or parking of vehicles on the land,to the satisfaction of the Responsible Authority.
- 32. The emptying of bottles and hard waste into external bins must not be carried out outside the hours of:
  - a) Monday to Friday – 7am to 7pm,
  - b) Saturdays, Sundays and Public holidays - 8am to 7pm,with the compaction of refuse, including bottles, not occurring whilst the collection vehicle is standing stationary at or near the site.

#### **Vic Roads Conditions**

- 33. No bins are to be collected from the Pascoe Vale Road reserve. The collection of all waste to occur on the site.
- 34. No right hand turn exit is to be conducted from the site.

#### **End of Vic Roads Conditions**

- 35. This permit will expire if one of the following circumstances applies:
  - a) The development is not commenced within two (2) years from the date of issue of this permit, or
  - b) The development is not completed within four (4) years from the date of issue of this permit.

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may 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.
- The accessway along the boundary, adjoining the Right of Way is to be kept clear of landscaping, fencing and structures.
- No on street parking permits will be provided to the occupiers of the land.
- Before the development starts, the permit holder must contact the Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation;  $C=0.4$ ,  $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or  $C=0.80$ .
- All works undertaken within any existing road reserves must accord with the requirements of the 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.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme, are exempt from the need for a planning permit).
- 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.

**FOR:** Crs Byrne, Gauci Maurici, Lawrence, Marshall, Nation, Sharpe, Sipek, Surace

**AGAINST:** Cr Cusack

**CARRIED**

**9.4 14 Cheffers Street, Moonee Ponds (Lot 47 on PS 009204)  
- Construction of two dwellings**

**File No:** FOL/18/32  
**Author:** Kate Murphy  
Statutory Planning  
**Directorate:** Planning & Development  
**Minute No.** 2018/09

**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/516/2017 for the Construction of two dwellings at 14 Cheffers Street, Moonee Ponds (Lot 47 on PS009204) 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 references to 'unit' replaced with 'Dwelling';
  - b) The provision of a new colours and materials schedule to comply with 'Garden Suburban 6' of the Neighbourhood Character Precinct Profiles 2012.
  - c) The southern boundary fence to be tapered to 1.2 metres in the front setback;
  - d) Delete the pedestrian visibility splay on the eastern side of the crossover of Dwelling 2;
  - e) All pedestrian visibility splays to be clearly defined and noted to comply with Clause 52.06 (Car Parking);
  - f) The accessway for Dwelling 2 to taper to the eastern property boundary and align with the existing crossover;
  - g) The accessway of Dwelling 1 to taper to the southern property boundary and align into the proposed crossover;
  - h) The Kitchen/WIP wall associated with Dwelling 2 to be set back 1.0 metre from the southern boundary to comply with Standard B20 of Clause 55.04-4 (North Facing Windows) of the Moonee Valley Planning Scheme;
  - i) Any internal modifications as a consequence of Condition 1h);
  - j) The south-facing window in Bedroom 4 of Dwelling 2 to be screened to comply with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
  - k) The storage facility for Dwelling 2 to be relocated to the northern boundary of the Secluded Private Open Space Area;

- l) All storage areas to be dimensioned to comply with Standard B30 of Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme;
  - m) All permeable and non-permeable areas to be noted on the floor plans to comply with the approved STORM report;
  - n) All appropriate STORM treatment measures and notations in accordance with the approved STORM report; and
  - o) The submission of a landscape plan in accordance with Condition 14.
- 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 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.
  - 4. 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.
- 5. 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 operate; 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.

6. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
7. 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 objective) 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.

8. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than 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.
9. 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.
10. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
11. Before the building/s approved by this permit is/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:

- a) be maintained and made available for such use; and
  - b) not be used for any other purpose,
- to the satisfaction of the Responsible Authority.
12. 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 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 the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

13. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
14. Before the development starts, and before any trees or vegetation are removed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and an electronic copy must be provided. The landscape plan must be generally in accordance with the plans submitted with the application but modified to show:
  - a) Any changes as required by Condition 1 of this permit;
  - b) All boundary fencing;
  - c) 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;
  - d) The use of drought tolerant species;
  - e) The provision of two canopy trees within the frontage of each dwelling which is able to achieve a minimum mature height of 4 metres;
  - f) The provision of one canopy tree within the secluded private open space areas of each dwelling which is able to achieve a minimum mature height of 4 metres;
  - g) The provision of garden beds along the side of the driveways, and along the front property boundary, to soften the appearance of the development;
  - h) Features such as paths, paving and accessways;
  - i) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
  - j) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee

Valley Planning Scheme; and

- k) An appropriate irrigation system.

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.

15. 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.
16. 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.

**Permit Notes:**

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, new crossings, building over easements etc.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- 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 to the satisfaction of the Responsible Authority.

**FOR:** Crs Byrne, Cusack, Gauci Maurici, Lawrence, Marshall, Nation, Surace

**AGAINST:** Sharpe, Sipek

**CARRIED**

**9.5 38-42 Scotia Street, Moonee Ponds (All land in Strata Plan 20307) - Construction of twelve dwellings, a reduction to the visitor car parking requirement 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.** 2018/10

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Cusack that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/230/2017 for the construction of twelve dwellings, a reduction to the visitor car parking requirement and alteration of access to a road in a Road Zone Category 1 at 38-42 Scotia Street, Moonee Ponds (All land in Strata 20307), in accordance with the following grounds of refusal:

1. The proposal fails to meet the overarching objective and strategies of Clause 15.01-5 (Cultural Identity and Neighbourhood Character) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond and contribute to neighbourhood character;
2. The visual bulk, scale, form and layout of the proposal fails to meet the objectives and strategies of Clause 21.06-1 (Neighbourhood Character) and Clause 21.06-4 (Urban Design) as it does not respect or contribute to the preferred character of the 'Garden Suburban 5' precinct and fails to appropriately respond to its location and surrounding context;
3. The proposal fails to satisfy the following standards contained within Clause 55 (Two or More Dwellings on a Lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
  - a) Clause 55.02-1 (Neighbourhood Character);
  - b) Clause 55.02-2 (Residential Policy);
  - c) Clause 55.03-1 (Street Setback);
  - d) Clause 55.03-3 (Site Coverage);
  - e) Clause 55.04-1 (Side and Rear Setbacks);
  - f) Clause 55.04-4 (North-facing Windows);
  - g) Clause 55.04-5 (Overshadowing).
4. The proposal represents an overdevelopment of the land;
5. The proposal will have an adverse effect on the residential amenity of neighbouring land;

6. The proposal fails to provide sufficient car parking as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and would exacerbate parking problems in the surrounding area; and
7. The design of the proposed accessways and parking areas does not comply with the design standards at Clause 52.06-9 of the Moonee Valley Planning Scheme, in particular the use of vehicle turntables.

**CARRIED UNANIMOUSLY**

**9.6                    421-431 Mt Alexander Road, Ascot Vale (Land is PC173659Y) - Construction of a multi storey mixed use building, use as accommodation, reduction in car parking requirements, waiver of loading requirements and alterations to access to a Road Zone, Category 1 road in the Design and Development Overlay Schedule 3**

**File No:** FOL/18/32  
**Author:** Grant Michell  
Principal Statutory Planner  
**Directorate:** Planning & Development  
**Minute No.** 2018/11

**Council Resolution**

Moved by Cr Nation, seconded by Cr Surace that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/720/2017 for the construction of a multi storey mixed use building, use as accommodation, reduction in car parking requirements, waiver of loading requirements and alterations to access to a Road Zone, Category 1 road in a Design and Development Overlay 3 at 421-431 Mt Alexander Road, Ascot Vale (Land in PC173659Y) 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) The provision of two additional car spaces within the basement level, which are to be allocated for retail use;
  - b) Details of the screening system proposed within the western elevation to ensure that there is no overlooking into the adjoining residential property at 1A Regent Street;
  - c) A notation that at least 25% of the stacker bays have a height of at least 1.8 metres;
  - d) The allocation of all resident and retail car parking spaces;
  - e) The provision of pedestrian visibility splays or alternative measures

- in accordance with the requirements of Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
- f) Details and specifications of the proposed car stacker systems, including swept path diagrams demonstrating access to all spaces can be achieved in no more than three manoeuvres;
  - g) A notation that the vehicle crossover is to be constructed in accordance with Council's Vehicle Crossing Policy;
  - h) All bicycle parking designed and annotated in accordance with the relevant Australian Standards;
  - i) A prominent note on all floor and elevation plans stating: "*Refer to endorsed BESS & STORM reports for detailed ESD & WSUD requirements & commitments including insulation, glazing, lighting, heating/cooling specifications and selection of building materials, fittings & fixtures. In accordance with the endorsed BESS report the development must achieve a minimum Housing Energy Rating weighted average of 6.5 stars across all dwellings. Provide individual utility meters to each dwelling. All major common area services are to be separately sub-metered. Car parking ventilation: to be either a) fully naturally ventilated or b) use Carbon Monoxide monitoring to control the operation and speed of the ventilation fans. Internal lighting: the maximum illumination power density (W/m<sup>2</sup>) for at least 90% of the relevant Building Class is to achieve at least 20% lower than required by Table J67.2a of the NCC BCA (2016) Volume 1 Section J (Clause 2 to 9) and Clause 3.12.5.5 NCC BCA (2016) Volume 2 Section J (Class 1 and 10)*";
  - j) A landscape plan in accordance with Condition 4 of this permit; and
  - k) An amended BESS report in accordance with Condition 3 of this permit.

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. An amended BESS assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The BESS Assessment must obtain a minimum 50% to comply with Clause 21.04-3 (Ecologically Sustainable Development) of the Moonee Valley Planning Scheme and include: a copy of the preliminary energy rating reports; note whether washing machines are provided and provide details or alter this section to be default and not scoped out; provide details on water efficient landscaping; and provide details on measures taken to reduce potable water consumption.
4. Before the development starts, and before any trees or vegetation are removed a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule 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 and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:

- a) Any changes as required by Condition 1 of this permit;

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

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

5. 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.
6. 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.
7. 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.
8. 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.

9. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
10. 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.
11. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
12. 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.
13. 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:

- a) Be maintained and made available for such use; and
  - b) Not be used for any other purpose,
- to the satisfaction of the Responsible Authority.

14. Before the development starts, 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) Details of timeframes and measures to be undertaken, to reinstate the car stackers back to working order, if the car stackers become non-operational; and
  - b) Details of measures to be undertaken if the car stackers are not operational, so not to provide any additional on-street parking demand.

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.

15. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
16. 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.

17. 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.
18. 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.

19. 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 in accordance with the Waste Management Plan, prepared by Frater dated 30 October 2017, but amended to show:

a) Modifications in accordance with Condition 1 of this permit.

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.

20. All wastes must be disposed of to the satisfaction of the Responsible Authority. Liquid waste or polluted waters must not be discharged into a sewer or stormwater drainage system.

21. This permit will expire if one of the following circumstances applies:

a) The development is not commenced within two (2) years from the date of issue of this permit, or

b) The development is not completed within four (4) years from the date of issue of this permit.

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may 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 land to pre-development levels in accordance with the following calculation:  $C=0.4$ ,  $t_c=5\text{mins}$ , ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or  $C=0.80$ .
- 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.

**FOR:** Crs Byrne, Gauci Maurici, Lawrence, Nation, Surace, Sharpe, Sipek

**AGAINST:** Crs Cusack and Marshall

**CARRIED**

**9.7 Planning Scheme Amendment C182 Update - Heritage Overlay 62, 64, 66 and 68 Buckley Street, Essendon**

**File No:** FOL/17/11

**Author:** Corina de Araujo  
Strategic Planner

**Directorate:** Planning & Development

**Minute No.** 2018/12

**Council Resolution**

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

1. Having complied with Part 3 of the *Planning and Environment Act 1987*, and in accordance with Section 29(1), formally adopt Moonee Valley Planning Scheme Amendment C182 in accordance with the revised map in **Appendix B**.
2. Submit Moonee Valley Planning Scheme Amendment C182 to the Minister for approval pursuant to Section 31(1) of the *Planning and Environmental Act 1987*.

**CARRIED UNANIMOUSLY**

**9.8 Planning Scheme Amendment C186 Update - Heritage Overlay 5 Alma Street, Aberfeldie**

**File No:** FOL/18/32

**Author:** Corina de Araujo  
Strategic Planner

**Directorate:** Planning & Development

**Minute No.** 2018/13

**Council Resolution**

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

1. Receive this report.
2. Note that Amendment C186 will be referred to an independent Planning Panel pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*, and in accordance with the resolution adopted at the Ordinary Meeting on 26 September 2017.

**CARRIED UNANIMOUSLY**

**9.9 Council Plan 2017-21 progress report for July-December 2017**

**File No:** FOL/18/32  
**Author:** Marianne McArthur  
Corporate Planning Officer  
**Directorate:** Organisational Performance  
**Minute No.** 2018/14

**Council Resolution**

Moved by Cr Gauci Maurici, seconded by Cr Surace that Council receive and note the report.

**CARRIED UNANIMOUSLY**

**9.10 Audit Committee Chairman's Report – 2016/17**

**File No:** FOL/18/32  
**Author:** Damian Hogan  
Manager Finance Operations  
**Directorate:** Financial Services  
**Minute No.** 2018/15

**Council Resolution**

Moved by Cr Gauci Maurici, seconded by Cr Cusack that Council receive and note the Audit Committee Chairman's Report 2016/17.

**CARRIED UNANIMOUSLY**

**9.11 Financial Performance Report December 2017**

**File No:** FOL/18/32  
**Author:** Damian Hogan  
Manager Finance Operations  
**Directorate:** Financial Services  
**Minute No.** 2018/16

**Council Resolution**

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

1. Receive and note the Financial Performance Report for the period 1 July 2017 to 31 December 2017.
2. Receive and note the Grants Register Status Report for December 2017.
3. Receive and note the Quarterly Councillor Expenses Report from 1 July 2017 to 31 December 2017.

**/CARRIED UNANIMOUSLY**

**9.12 Proposed Activities & General Amenities Local Law 2018  
- Update**

**File No:** FOL/17/11

**Author:** Carey Patterson  
Manager Regulatory & City Compliance

**Directorate:** City Services

**Minute No.** 2018/17

**Council Resolution**

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

That Council:

1. Endorse the proposed Activities & General Amenities Local Law 2018 and the draft Community Impact Statement for the purposes of consultation and to assist with the submission process with the following amendments:

- a) Clause 2.1.1 (h):

Any surveillance must be carried out in accordance with the Guidelines to Surveillance and Privacy in the Victorian Public Sector 2017 being a document incorporated by reference into this Local Law.

- b) Clause 4.1.1 (b)

Allow graffiti to remain on their property in accordance with the Graffiti Prevention Act 2007 and Council's Graffiti Management Policy, being a document incorporated by reference into this Local Law

- c) Clause 5.2:

The owner or occupier of any land who keeps bees on that land must register with the Department of Primary Industries and act in accordance with the relevant Apiary Code of Practice being a document incorporated by reference into this Local Law.

Note: Council does not remove bees and/or wasps from private property however it will use its best endeavours to organise the relocation of bee swarms and colonies ethically from Council managed land through a local apiarist or registered beekeeper wherever possible.

- d) Clause 5.3:

Any land or structure under ten square metres used for housing an animal must be maintained, in a clean, inoffensive and sanitary condition, so as not to cause any nuisance and to the satisfaction of the Council or an Authorised Officer.

2. Place a notice in the Victorian Government Gazette, the Moonee Valley Leader and on Council's website, advising of Council's intention to make the *Activities & General Amenities Local Law 2018*, in accordance with sections 119 and 223 of *the Act*, stating:

- a) The purpose and the general purport of the proposed Local Law;

- b) That a copy of the proposed Local Law and Community Impact Statement can be obtained from Council offices or from Council's website; and
- c) That any person affected by the Local Law may make a submission relating to the proposed Local Law under Section 223 of *the Act*, and that submissions will be received from 5 March 2018 to 6 April 2018. The closing date for submissions will be the close of business on 6 April 2018.

Authorise the establishment of a Special Committee consisting of all Councillors, to consider any submission received.

Authorise the CEO to arrange the time and date of the Special Committee if required.

Request a further report be provided to Council at the completion of the submission process.

**CARRIED UNANIMOUSLY**

8.19pm Having declared a conflict of interest in the following item Cr Byrne left the meeting at this point.

**9.13 Community Facility Management Policy Update**

**File No:** FOL/18/32

**Author:** Craig Dodson  
Community Planning Officer

**Directorate:** Planning & Development

**Minute No.** 2018/18

**Council Resolution**

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

1. Notes the delivery and outcomes of the community engagement and transition plan delivered to hirers of Council facilities impacted by the Community Facility Management Policy.

**Formal Amendment**

Moved by Cr Cusack, seconded by Cr Gauci Maurici that a second point be added as follows:

2. Request a further report be brought back to Council in February 2019.

**CARRIED UNANIMOUSLY**

**Substantive Motion CARRIED UNANIMOUSLY**

8.31pm Cr Byrne returned to the meeting at this point.

**ADJOURNMENT**

Cr Cusack was not present when the meeting resumed at 8.39pm.

8.40pm Having declared a conflict of interest in Item 9.16 Cr Sharpe left the meeting.

8.41pm Cr Cusack returned to the meeting.

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that the following reports be considered En Bloc

**CARRIED UNANIMOUSLY**

### **Reports Considered En Bloc**

**Minute No.** 2018/19

#### **Council Resolution**

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that the recommendations contained in reports:

- 9.14 Niddrie Business Precinct Special Rate and Charge Declaration
- 9.15 Flemington Business Precinct Special Rate and Charge Declaration
- 9.16 Union Road Business Precinct Special Rate and Charge Declaration

be adopted by Council.

**CARRIED UNANIMOUSLY**

#### **9.14 Niddrie Business Precinct Special rate and Charge Declaration**

**File No:** FOL/18/32

**Author:** Joy Saunders  
Business Development Officer

**Directorate:** Planning & Development

**Minute No** 2018/19

#### **Council Resolution**

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

1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (**Act**), and otherwise according to law, hereby declares a Special Rate and Charge under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Niddrie Trader's Association (**Traders Association**), which funds, subject always to the approval, direction and control of Council, are to be used for the purposes of funding a part-time Shopping Centre Coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and the Traders Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Niddrie Business Precinct (**Business Precinct**).

2. Endorse that the criteria which form the basis of the declaration of the Niddrie Special Rate and Charge are the ownership and the capital improved value of rateable land used, or reasonably capable of being used, for commercial retail or professional purposes, which rateable land is situated within the geographical area in which the properties described in paragraphs 7 and 8 of this declaration are included.
3. In declaring the Niddrie Special Rate and Charge, is performing functions and exercising powers in relation to peace, order and good government of the municipal district of the City of Moonee Valley, in particular the encouragement of commerce, retail activity and employment opportunities within the area for which the Niddrie Special Rate and Charge is declared.
4. Endorse the total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Niddrie Special Rate and Charge is declared); and confirm that the total amount of the special rate and charge to be levied by Council is referable to an amount of \$125,000 in the first year and increase in \$5,000 increments, for a five year period (year five will collect \$150,000) collecting a total of \$675,000.
5. Set the period for which the Niddrie Special Rate and Charge is declared and will remain in force is a period of five years commencing 1 July 2018 and ending on 30 June 2023.
6. Note amounts have respectively been assessed by –
  - a) an 80 per cent special rate component calculated and assessed by multiplying the capital improved value of each property in the boundary by a rate in the dollar (adjusted annually);
  - b) a 20 per cent fixed special charge component assessed as a flat charge of \$111.11 in the first year;
  - c) the Special Rate and Charge will be capped at a maximum amount of \$5,000 per rated property.
7. Define that the area for which the Niddrie Special Rate and Charge is declared, as all of the land referred to as the Business Precinct, as identified and shown on the plan set out in the attachment forming a part of this declaration (**Appendix A** – Schedule 1 – separately circulated).
8. Define the land in relation to which the Niddrie Special Rate and Charge is declared as all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration (**Appendix A** – Schedule 2 – separately circulated).
9. Levy the Special Rate and Charge by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Rate and Charge, which will require that the Special Rate and Charge must be paid by two instalments, to be paid by the dates which are fixed by Council in the notice.
10. Consider cases of financial and other hardship and may reconsider other payment options for the Niddrie Special Rate and Charge.
11. Endorse that no incentives will be given for payment of the Niddrie Special

Rate and Charge before the due date for payment.

12. Considers that there will be a special benefit to the persons required to pay the Niddrie Special Rate and Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Rate and Charge, and directly and indirectly as a result of the expenditure of the Special Rate and Charge the viability of the Business Precinct as a business, commercial and retail area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Niddrie Special Rate and Charge will be maintained or enhanced through increased economic activity.
13. For the purposes of having determined the total amount of the Niddrie Special Rate and Charge to be levied under the scheme, further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the special rate and charge is in a ratio of 1:1 (100 per cent). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Niddrie Special Rate and Charge are marketing, promotion and advertising related and will accordingly only benefit those properties and businesses included in the scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.
14. Authorise the Chief Executive or the person for the time being acting in that position, for the purposes of paragraph 14 of this resolution, to prepare the funding agreement between Council and the Traders Association by which administrative arrangements in relation to the Niddrie Special Rate and Charge are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any fund by Council to the Traders Association, Council is and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Niddrie Special Rate and Charge in accordance with its obligations under the Local Government Act 1989 to do so, and such funding agreement to be submitted to Council for sealing.
15. Enters into a funding agreement with Niddrie Traders Association to enable the administration of proceeds of the Niddrie Special Rate and Charge for the period of the Special Rate and Charge.
16. Give notice to all owners and occupiers of properties included in the Niddrie Special Rate and Charge and all persons who have lodged a submission and/or objection in writing of the decision of Council to declare and levy the Niddrie Special Rate and Charge commencing on 1 July 2018, and the reasons for the decision.
17. Confirm that for the purpose of paragraph 16, the reasons for the decision of Council to declare the Niddrie Special Rate and Charge are that –
  - a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Rate and Charge from all property owners and occupiers;

- b) Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;
  - c) All persons who are liable or required to pay the Niddrie Special Rate and Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and
  - d) The basis of distribution of the Niddrie Special Rate and Charge amongst those persons who are liable or required to pay the Special Rate and Charge is considered to be fair and reasonable.
18. Advise the Traders Association of the matters specified in paragraphs 1, 14 and 15 of this resolution.

**CARRIED UNANIMOUSLY**

**9.15 Flemington Business Precinct Special Rate and Charge Declaration**

**File No:** FOL/18/32  
**Author:** Joy Saunders  
Business Development Officer  
**Directorate:** Planning & Development  
**Minute No** 2018/19

**Council Resolution**

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

1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (**Act**), and otherwise according to law, hereby declares a Special Rate and Charge under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Flemington Chamber of Commerce (**Chamber**), which funds, subject always to the approval, direction and control of Council, are to be used for the purposes of funding a part-time Shopping Centre Coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and the Chamber, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Flemington Business Precinct (**Business Precinct**).
2. Endorse that the criteria which form the basis of the declaration of the Flemington Special Rate and Charge are the ownership and the capital improved value of rateable land used, or reasonably capable of being used, for commercial retail or professional purposes, which rateable land is situated

- within the geographical area in which the properties described in paragraphs 7 and 8 of this declaration are included.
3. In declaring the Flemington Special Rate and Charge, is performing functions and exercising powers in relation to peace, order and good government of the municipal district of the City of Moonee Valley, in particular the encouragement of commerce, retail activity and employment opportunities within the area for which the Flemington Special Rate and Charge is declared.
  4. Endorse the total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Flemington Special Rate and Charge is declared); and confirm that the total amount of the Special Rate and Charge to be levied by Council is referable to an amount of \$60,000 in the first year and increase in \$2,500 increments, for a five year period (year five will collect \$70,000) collecting a total of \$325,000.
  5. Set the period for which the Flemington Special Rate and Charge is declared and will remain in force is a period of five years commencing 1 July 2018 and ending on 30 June 2023.
  6. Note amounts have respectively been assessed by –
    - a) an 80 per cent special rate component calculated and assessed by multiplying the capital improved value of each property in the boundary by a rate in the dollar (adjusted annually);
    - b) a 20 per cent fixed special charge component assessed as a flat charge of \$96.00 in the first year;
    - c) the Special Rate and Charge will be capped at a maximum amount of \$5,000 per rated property.
  7. Define that the area for which the Flemington Special Rate and Charge is declared, as all of the land referred to as the Business Precinct, as identified and shown on the plan set out in the attachment forming a part of this declaration (**Appendix A** – Schedule 1 - separately circulated).
  8. Define the land in relation to which the Flemington Special Rate and Charge is declared as all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration (**Appendix A** – Schedule 2 - separately circulated).
  9. Levy the Special Rate and Charge by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Rate and Charge, which will require that the Special Rate and Charge must be paid by two instalments, to be paid by the dates which are fixed by Council in the notice.
  10. Consider cases of financial and other hardship and may reconsider other payment options for the Flemington Special Rate and Charge.
  11. Endorse that no incentives will be given for payment of the Flemington Special Rate and Charge before the due date for payment.
  12. Considers that there will be a special benefit to the persons required to pay the Flemington Special Rate and Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to

persons who are not subject to the Special Rate and Charge, and directly and indirectly as a result of the expenditure of the Special Rate and Charge the viability of the Business Precinct as a business, commercial and retail area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Flemington Special Rate and Charge will be maintained or enhanced through increased economic activity.

13. For the purposes of having determined the total amount of the Flemington Special Rate and Charge to be levied under the scheme, further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the special rate and charge is in a ratio of 1:1 (100 per cent). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Flemington Special Rate and Charge are marketing, promotion and advertising related and will accordingly only benefit those properties and businesses included in the scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.
14. Authorise the Chief Executive or the person for the time being acting in that position, for the purposes of paragraph 14 of this resolution, to prepare the funding agreement between Council and the Chamber by which administrative arrangements in relation to the Flemington Special Rate and Charge are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any fund by Council to the Chamber, Council is and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Flemington Special Rate and Charge in accordance with its obligations under the Local Government Act 1989 to do so, and such funding agreement to be submitted to Council for sealing.
15. Enters into a funding agreement with Flemington Chamber of Commerce to enable the administration of proceeds of the Flemington Special Rate and Charge for the period of the Special Rate and Charge.
16. Give notice to all owners and occupiers of properties included in the Flemington Special Rate and Charge and all persons who have lodged a submission and/or objection in writing of the decision of Council to declare and levy the Flemington Special Rate and Charge commencing on 1 July 2018, and the reasons for the decision.
17. Confirm that for the purpose of paragraph 16, the reasons for the decision of Council to declare the Flemington Special Rate and Charge are that –
  - a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Rate and Charge from all property owners and occupiers;
  - b) Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;

- c) All persons who are liable or required to pay the Flemington Special Rate and Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and
  - d) The basis of distribution of the Flemington Special Rate and Charge amongst those persons who are liable or required to pay the Special Rate and Charge is considered to be fair and reasonable.
18. Advise the Chamber of the matters specified in paragraphs 1, 14 and 15 of this resolution.

**CARRIED UNANIMOUSLY**

**9.16 Union Road Business Precinct Special Rate and Charge Declaration**

**File No:** FOL/18/32  
**Author:** Joy Saunders  
Business Development Officer  
**Directorate:** Planning & Development  
**Minute No** 2018/19

**Council Resolution**

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

1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (Act), and otherwise according to law, hereby declares a Special Rate and Charge under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Union Road Traders (Traders Association), which funds, subject always to the approval, direction and control of Council, are to be used for the purposes of funding a part-time Shopping Centre Coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and the Traders Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Union Road Business Precinct (Business Precinct).
2. Endorse that the criteria which form the basis of the declaration of the Union Road Special Rate and Charge are the ownership and the capital improved value of rateable land used, or reasonably capable of being used, for commercial retail or professional purposes, which rateable land is situated within the geographical area in which the properties described in paragraphs 7 and 8 of this declaration are included.
3. In declaring the Union Road Special Rate and Charge, is performing functions and exercising powers in relation to peace, order and good government of the municipal district of the City of Moonee Valley, in particular the encouragement of commerce, retail activity and employment opportunities within the area for

- which the Union Road Special Rate and Charge is declared.
4. Endorse the total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Union Road Special Rate and Charge is declared); and confirm that the total amount of the Special Rate and Charge to be levied by Council is referable to an amount of \$60,000 in the first year and increase in \$2,500 increments, for a five year period (year five will collect \$70,000) collecting a total of \$325,000.
  5. Set the period for which the Union Road Special Rate and Charge is declared and will remain in force is a period of five years commencing 1 July 2018 and ending on 30 June 2023.
  6. Note amounts have respectively been assessed by:
    - a) an 80 per cent special rate component calculated and assessed by multiplying the capital improved value of each property in the boundary by a rate in the dollar (adjusted annually);
    - b) a 20 per cent fixed special charge component assessed as a flat charge of \$73.62 in the first year; and
    - c) the Special Rate and Charge will be capped at a maximum amount of \$5,000 per rated property.
  7. Define that the area for which the Union Road Special Rate and Charge is declared, as all of the land referred to as the Business Precinct, as identified and shown on the plan set out in the attachment forming a part of this declaration (**Appendix A** – Schedule 1 – separately circulated).
  8. Define the land in relation to which the Union Road Special Rate and Charge is declared as all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration (**Appendix A** – Schedule 2 – separately circulated).
  9. Levy the Special Rate and Charge by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Rate and Charge, which will require that the Special Rate and Charge must be paid by two instalments, to be paid by the dates which are fixed by Council in the notice.
  10. Consider cases of financial and other hardship and may reconsider other payment options for the Union Road Special Rate and Charge.
  11. Endorse that no incentives will be given for payment of the Union Road Special Rate and Charge before the due date for payment.
  12. Considers that there will be a special benefit to the persons required to pay the Union Road Special Rate and Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Rate and Charge, and directly and indirectly as a result of the expenditure of the Special Rate and Charge the viability of the Business Precinct as a business, commercial and retail area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Union Road Special Rate and Charge will be maintained or enhanced through increased economic activity.

13. For the purposes of having determined the total amount of the Union Road Special Rate and Charge to be levied under the scheme, further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the special rate and charge is in a ratio of 1:1 (100 per cent). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Union Road Special Rate and Charge are marketing, promotion and advertising related and will accordingly only benefit those properties and businesses included in the scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.
14. Authorise the Chief Executive or the person for the time being acting in that position, for the purposes of paragraph 14 of this resolution, to prepare the funding agreement between Council and the Chamber by which administrative arrangements in relation to the Union Road Special Rate and Charge are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any fund by Council to the Chamber, Council is and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Union Road Special Rate and Charge in accordance with its obligations under the Local Government Act 1989 to do so, and such funding agreement to be submitted to Council for sealing.
15. Enters into a funding agreement with Union Road Traders Association to enable the administration of proceeds of the Union Road Special Rate and Charge for the period of the Special Rate and Charge.
16. Give notice to all owners and occupiers of properties included in the Union Road Special Rate and Charge and all persons who have lodged a submission and/or objection in writing of the decision of Council to declare and levy the Union Road Special Rate and Charge commencing on 1 July 2018, and the reasons for the decision.
17. Confirm that for the purpose of paragraph 16, the reasons for the decision of Council to declare the Union Road Special Rate and Charge are that –
  - a) There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Rate and Charge from all property owners and occupiers;
  - b) Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;
  - c) All persons who are liable or required to pay the Union Road Special Rate and Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and

d) The basis of distribution of the Union Road Special Rate and Charge amongst those persons who are liable or required to pay the Special Rate and Charge is considered to be fair and reasonable.

18. Advise the Traders Association of the matters specified in paragraphs 1, 14 and 15 of this resolution.

**CARRIED UNANIMOUSLY**

8.42pm Cr Sharpe returned to the meeting.

**9.17 Response to NoM 2017/23 - Skateboard Park at Fanny Street Reserve**

**File No:** FOL/18/32

**Author:** Rachael Fry  
Acting Youth Planner

**Directorate:** Planning & Development

**Minute No.** 2018/20

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Surace that Council defer consideration of this report to the Ordinary Meeting of Council to be held 27 March 2018.

**CARRIED UNANIMOUSLY**

**9.18 Response to NoM 2017/26 – Establishment of a Community Garden**

**File No:** FOL/18/32

**Author:** Venta Slizys  
Coordinator City Design

**Directorate:** Planning & Development

**Minute No.** 2018/21

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Nation that Council consider the report and implement the option presented for a communal growing space at Walter Street Reserve.

**CARRIED UNANIMOUSLY**

8.47pm Cr Surace left the meeting.

8.48pm Cr Surace returned to the meeting.

**9.19 Notices of Motion Quarterly Report**

**File No:** FOL/18/32  
**Author:** Rosie Ferreira  
Governance Officer  
**Directorate:** Organisational Performance  
**Minute No.** 2018/22

**Council Resolution**

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

1. Receives and notes the report on all endorsed Notices of Motion for the period 10 November 2016 to 12 December 2017 as Appendix A.
2. Notes that one Notice of Motion (No. 2017/27) for the period 1 October 2017 to 31 December 2017 requested Council to write to a Member of Parliament or Government agency and that this action is awaiting the outcome of a heritage report.

**CARRIED UNANIMOUSLY**

**10. Notices of Motion**

**10.1 Notice of Motion No. 2018/01: Transparency Measures**

**File No:** FOL/18/32  
**From:** Councillor Nicole Marshall  
**Minute No.** 2018/23

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Nation that the following actions be undertaken, as soon as practical or as otherwise indicated, to ensure that Council engages in best practice with regards to governance, accountability and transparency in its decision making:

1. Undertake a review of the way in which Council meetings are conducted in order to improve public participation and engagement.
2. By the date specified or otherwise May 2018, provide online access to the following information via the Council website under a separate "Governance and Transparency" tab as on and from the commencement of the current Council term unless otherwise specified:
  - a) Property lease register;
  - b) Register of delegations as per sections 87(1) and 98(4) of the *Local Government Act 1989* (LGA);
  - c) Register of Authorised Officers under s224 of the LGA;
  - d) Councillor and staff travel register;

- e) Election campaign donations;
- f) All donations, payments and grants made by Council under the Community Support Framework;
- g) Submissions received under section 233 of the LGA;
- h) Register of annual salaries for senior officers, including the Chief Executive Officer;
- i) Register of Authorised Officers under s188 of the *Planning and Environment Act 1987*;
- j) Councillor gift register;
- k) Council submissions made to third parties;
- l) Conflict of interest declarations for Councillors;
- m) As soon as practicable after the adoption of the 2018/19 Council Budget, a list of future tender opportunities, including proposed advertising period;
- n) Open space contributions including the contribution total as at the commencement of this Council term and on a post code basis, the contributions made each financial year;
- o) the address of all Council owned properties valued in excess of \$500K;
- p) as soon as practicable after the commencement of the 2018/2019 financial year, a list of major service contracts above \$750,000 including a description of the service provider and the services provided;
- q) Other contributions made by planning permit applicants pursuant to the Moonee Valley Planning Scheme in connection with a planning permit;
- r) A list of corporate sponsorships received by Council;
- s) With effect on and from the execution of the next contract of a CEO, the CEO's contract of employment and salary details. For the avoidance of doubt this does not include the current contract of Bryan Lancaster.

### **Formal Amendment**

Moved by Cr Surace, seconded by Cr Gauci Maurici that a clause 2 t) be added as follows:

- t) Publication of any political party memberships held by Councillors past and present.

**FOR:** Crs Gauci Maurici, Lawrence, Surace

**AGAINST:** Crs Byrne, Cusack, Marshall, Nation, Sharpe, Sipek

**LOST**

- 3. That the information disclosed pursuant to point 2 be updated no less frequently than every quarter other than 2s which should be disclosed upon execution of each new contract.

**CARRIED UNANIMOUSLY**

**10.2 Notice Of Motion No. 2018/02 - Establishment of Working Group with City of Melbourne**

**File No:** FOL/18/32

**From:** Councillor Nicole Marshall

**Minute No.** 2018/24

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Cusack that the CEO write to Mr Ben Rimmer, CEO of the City of Melbourne, and City of Melbourne Councillors, requesting the establishment of a working group made up of Councillors, officers and community members from the City of Moonee Valley and the City of Melbourne to consider:

1. Options to improve connectivity from Royal Park to the Flemington Racecourse; and
2. Opportunities for cohesive planning along Racecourse Road and the remaining shared boundary between the two municipalities.

**CARRIED**

**ABSTAINED:** Cr Lawrence

9.44pm Cr Surace left the meeting.

**10.3 Notice Of Motion No. 2018/03 - Request for reintroduction of the Moonee Valley City Council Waste Calendar**

**File No:** FOL/18/32

**From:** Councillor Narelle Sharpe

**Minute No.** 2018/25

**Council Resolution**

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

1. Bring a report back to Council regarding the costs associated with the printing and distribution of the MVCC Waste Calendar, with a view to re-implementing this publication for the 2019 year and beyond.
2. Report be brought back to Council on 27 March 2018.

**CARRIED UNANIMOUSLY**

**11. Urgent Business**

Nil.

9.57pm Cr Cusack left the meeting.

## 12. Confidential Reports

### **Council Resolution**

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

#### **12.1 Possible Property Acquisition**

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

#### **12.2 Highball Strategic Directions**

Item 12.2 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (e) proposed developments.

#### **12.3 National Disability Insurance Scheme in Moonee Valley**

Item 12.3 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (a) personnel matters.

#### **12.4 Arbitration Report**

Item 12.4 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**

**CR JOHN SIPEK  
CHAIRPERSON**