

# Minutes

## Ordinary Meeting of Council

Tuesday, 12 February 2019

6:30pm

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# Report Index

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The following reports were considered:

## 10. Reports

- 10.1 325 Ascot Vale Road, Moonee Ponds (Lot 1 on TP 376479D, Lot 1 on TP 101004S and Lot 1 on TP 446906X) - Construction of a multi-storey building, a reduction in the car parking requirement and alteration of access to a road in a Road Zone, Category 1 .....5
- 10.2 11 Ian Crescent, Airport West (Lot 1 on PS083646) - Construction of ten dwellings .....13
- 10.3 Audit Committee Chairman's Report – 2017/18.....14
- 10.4 Financial Performance Report December 2018 .....15
- 10.5 Waste collector permits for private waste and recycling collections.....16
- 10.6 Proposed disposal of 344 Ascot Vale Road, Moonee Ponds .....17

## 14. Confidential Reports

- 14.1 Tender Evaluation for the award of the Contract to construct Woodlands Park Stormwater Harvesting Works .....18
- 14.2 280-282 Pascoe Vale Road, Essendon (Lots 1 and 2 on TP611229W and Lots 1 and 2 on TP631336H) - Construction of a multi-storey building comprising multiple dwellings and creation and alteration of access to a Road Zone, Category 1 .....18

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# Minutes of the Ordinary Meeting of Council

Tuesday, 12 February 2019 at 6:30pm  
held at the Moonee Valley Civic Centre

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<b>Members:</b>	Cr Narelle Sharpe	Mayor
	Cr John Sipek	Deputy Mayor
	Cr Samantha Byrne	
	Cr Jim Cusack (6.38pm)	
	Cr Rebecca Gauci Maurici	
	Cr Richard Lawrence	
	Cr Nicole Marshall	
	Cr Cam Nation	
<b>Officers:</b>	Mr Bryan Lancaster	Chief Executive Officer
	Ms Kendrea Pope	Director Organisational Performance
	Mr Gil Richardson	Director Asset Planning and Strategic Projects
	Mr Petrus Barry	Manager Statutory Planning
	Ms Allison Watt	Manager Governance and Communications

## 1. Opening

The Mayor, Cr Sharpe, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 12 February 2019.

## 2. Reconciliation Statement

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

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

**3. Apologies**

**Minute No. 2019/17**

**Council Resolution**

Moved by Cr Gauci Maurici, seconded by Cr Byrne that Cr Andrea Surace's apology be accepted.

**CARRIED UNANIMOUSLY**

**4. Confirmation of Minutes**

**Minute No. 2019/18**

**Council Resolution**

Moved by Cr Lawrence, seconded by Cr Sipek that the Minutes of the Ordinary Meeting of Council held on Tuesday, 29 January 2019 be confirmed.

**CARRIED UNANIMOUSLY**

**5. Declarations of Conflict of Interest**

Nil.

**6. Presentations**

Nil.

**7. Petitions and Joint Letters**

Nil.

**8. Public Question Time**

Nil.

**9. Reports from the Special Committees**

Nil.

Cr Cusack arrived at the meeting before the vote on this item at 6.38pm.

## 10. Reports

### 10.1 325 Ascot Vale Road, Moonee Ponds (Lot 1 on TP 376479D, Lot 1 on TP 101004S and Lot 1 on TP 446906X) - Construction of a multi-storey building, a reduction in the 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 and Development

**Minute No.** 2019/19

#### Council Resolution

Moved by Cr Marshall, seconded by Cr Sipek that Council issue a Planning Permit in relation to Planning Permit Application No. MV/554/2018 for the construction of a multi-storey building, a reduction in the car parking requirement and alteration of access to a road in a Road Zone, Category 1 at 325 Ascot Vale Road, Moonee Ponds (Lot 1 on TP 376479D, Lot 1 on TP 101004S and Lot 1 on TP 446906X), subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) The amendments to the car parking areas and the first and second level apartment windows as shown on the amended plans 'TP01.01 to TP01.04, Revision B' prepared by Rothe Lowman Architects dated 26 November 2018;
  - b) A separate plan with detailed and accurate contours, illustrating the maximum overall height of the main building to the parapet as being within the 26 metre mandatory limit, with corresponding notations on the elevations and sections where relevant;
  - c) The deletion of any structures protruding above the 26 metre mandatory height limit, excluding rooftop services exempt by Clause 4.4 of Schedule 1 to Clause 37.08 of the Moonee Valley Planning Scheme;
  - d) Any modifications to comply with the requirements of Clause 58.03-2 (Communal open space) of the Moonee Valley Planning Scheme, as a result of Condition 1 c);
  - e) A revised design for the residential and retail frontages at ground level to improve visual interest and their presentation to the public realm;
  - f) Landscaping provided to comply with Standard D10 of Clause 58.03-

5 (Landscaping) of the Moonee Valley Planning Scheme;

- g) North-facing living room windows designed or treated to prevent direct views to habitable rooms and balconies of the neighbouring building to the north;
- h) Notations on the plans to accord with Condition 5 in relation to the Sustainable Management Plan (SMP);
- i) Any modifications as a result of the acoustic report in Condition 8;
- j) A landscape plan as required by Condition 10; and
- k) The requirements of VicRoads outlined at Conditions 21 to 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, 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.

- 4. 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.

5. Before the development commences, an amended Sustainable Management Plan (SMP) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP submitted with the application but modified as follows:
  - a) Any changes as required by Condition 1 of this permit; and
  - b) Demonstrate adequate daylight access is achieved to the secondary bedrooms of apartment types D and F on levels 1 and 2.

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

6. Before the development commences, and before any trees or vegetation are removed amended landscape plans prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The amended landscape plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) Any changes as required by Condition 1 of this permit;
  - b) A complete and fully detailed planting schedule;
  - c) Provision of shade tolerant species within the ground level garden area;
  - d) Provision of street tree planting within the road reserve in front of the site to the satisfaction of Council's Landscape and Open Space Unit and Arborist;
  - e) Design details of planter structures at the upper levels; and
  - f) An appropriate irrigation system for all ground and upper level planting.

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

7. 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.
8. Before the development starts, an acoustic report must be submitted to and approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail the noise

attenuation measures required to all habitable rooms within each dwelling to ensure minimal impacts from external noise sources. This includes building and works so as to achieve SEPPN-2 base noise limits inside habitable rooms with windows and doors closed, having regard to a range of external noise sources including the adjacent live music venue at 593-597 Mt Alexander Road.

When approved, the acoustic report will be endorsed and will form part of the permit.

The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and compliance achieved to the satisfaction of the Responsible Authority.

Within three months of the completion of the development, an acoustic compliance report must be prepared by a suitably qualified acoustic engineer. This report must measure the compliance of the development with the requirements of this condition including SEPPN-2 base noise limits inside habitable rooms with windows and doors closed. This acoustic compliance report must be submitted to and endorsed by the Responsible Authority. Any non-compliance must be rectified to the satisfaction of the Responsible Authority.

9. Before the development commences, the Waste Management Plan prepared by Leigh Design Pty Ltd dated 8 October 2018 is to be updated as required by Condition 1 and submitted to the Responsible Authority for endorsement. 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.
10. Before the development commences, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:
  - a) Arrangements for the provision and allocation of car spaces to accord with the endorsed development plans;
  - b) The management of the residential and retail parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances and directional signage;
  - c) The management of the waste and loading zone to minimise impacts on the operation of the car park and to ensure appropriate vehicles utilise the zone;
  - d) Details as to how the car stackers are to be regularly maintained and serviced;
  - e) Details of time frames and measures to be undertaken, to reinstate the car stackers back to working order, in the event of car stackers



becoming non-operational;

- f) Details of measures to be undertaken if the car stackers are not operational, to minimise any impacts on on-street parking;
- g) Ventilation and lighting of parking areas, entries and exits;
- h) No charge being made for car parking without the consent of the Responsible Authority;
- i) The entry point and exit point to be provided with appropriate signage and line marking;
- j) Traffic calming measures for inclusion within the accessways and car parking areas as appropriate; and
- k) The requirement for left-in, left-out access to Ascot Vale Road in accordance with VicRoads Condition 23.

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.

- 11. Before the building approved by this permit is occupied, all boundary walls/structures must be cleaned and finished to the satisfaction of the Responsible Authority if the occupier of the adjoining land allows access for the purpose.
- 12. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 13. 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.
- 14. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
- 15. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water downpipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 16. 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.
- 17. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles together with the associated driveways, access lanes and the waste and loading zone 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, access lanes and the waste and loading zone as shown on the endorsed plans must:

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

18. Before the buildings approved by this permit are occupied, concrete vehicular crossings must be constructed to suit the proposed driveways in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

19. 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.
20. 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.

#### VicRoads conditions

21. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the buildings or works hereby approved.
22. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of any works forming part of the application.
23. The proposed access is to be left in, left out to the satisfaction of the Roads Corporation with appropriate signage and line marking.

#### End of VicRoads conditions

24. This permit will expire if one of the following circumstances applies:
  - a) The development is not commenced within two (2) years from the date of issue of this permit; or
  - b) The development is not completed 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.
- No on street parking permits will be provided to the occupiers of the land.
- 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.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following:  $C_w=0.4$ ,  $t_c=10\text{mins}$ ,  $t_{so}=5\text{mins}$ , ARI 1 in 5.

An ARI of 1 in 10 shall be used for storage and the greater of post development Cw or Cw=0.80.

- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- A requirement for 300mm wide trench grates at the bottom of each ramp may be made.
- The pump system is to be in accordance with AS3500.3:2003 Section 9 and is to be installed by a person with suitable qualifications to the satisfaction of the Responsible Authority.
- Council will not be responsible for any damage to the land or neighbouring properties in the event that the pump system fails due to mechanical failure, exceedance of maximum design rainfall or otherwise. Property owner/s may face liability for any damage to neighbouring properties as a result of such failure.
- The use of an underground pump system is only considered an interim measure. Should an easement drain be constructed in future via a Special Charge Scheme, the owner may be required to contribute to the cost of the construction of an easement drain.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council's new online system at <http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx> or in person at 9 Kellaway Ave, Moonee Ponds.
- The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- The proposed development requires the construction of a crossover. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

**CARRIED UNANIMOUSLY**

**10.2 11 Ian Crescent, Airport West (Lot 1 on PS083646) - Construction of ten dwellings**

**File No:** Fol/18/32

**Author:** Jennifer Kemp - Senior Statutory Planner

**Directorate:** Planning and Development

**Minute No.** 2019/20

**Council Resolution**

Moved by Cr Byrne, seconded by Cr Sipek that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/560/2018 for the construction of ten dwellings at 11 Ian Crescent, Airport West (lot 1 on PS083646), in accordance with the following grounds of refusal:

1. The proposal represents an overdevelopment of the land.
2. The proposal will cause adverse traffic impacts on the surrounding area which will be substantial and unreasonable, and also cause traffic conflicts in the driveway and impact on passing traffic, as a result of the steep slope and narrow entrance, making it unsafe, contrary to the decision guidelines of Clause 52.06-9 of the Moonee Valley Planning Scheme.
3. The proposal fails to satisfy Clause 55.03-10 (Parking Location) of the Moonee Valley Planning Scheme.
4. The proposal fails to meet the objectives and strategies contained within Clause 21.06-4 (Objectives and Strategies – Urban Design) of the Moonee Valley Planning Scheme and would result in visual bulk presenting to adjoining properties.

**.CARRIED UNANIMOUSLY**

**10.3 Audit Committee Chairman's Report – 2017/18**

**File No:** Fol/18/32

**Author:** Damian Hogan - Manager Finance

**Directorate:** Organisational Performance

**Minute No.** 2019/21

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Cusack that Council receives and notes the Audit Committee Chairman's Report 2017/18.

**CARRIED UNANIMOUSLY**

#### **10.4 Financial Performance Report December 2018**

**File No:** Fol/18/32

**Author:** Damian Hogan - Manager Finance

**Directorate:** Organisational Performance

**Minute No.** 2019/22

##### **Council Resolution**

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

1. Receives and notes the Financial Performance report for the period 1 July 2018 to 31 December 2018.
2. Receives and notes the 2018/19 Capital Works Program – monthly report to 31 December 2018.
3. Receives and notes the Grants Register Status report for December 2018.
4. Continues to support the Drivelink Program and contribute the shortfall of \$45,000 for the 2018/19 financial year.

**CARRIED UNANIMOUSLY**

## **10.5 Waste collector permits for private waste and recycling collections**

**Author:** Michelle Martin - Waste Strategy and Planning Officer

**Directorate:** Planning and Development

**Minute No.** 2019/23

### **Council Resolution**

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

1. Requires private waste management companies hold a valid permit to operate in designated areas of the City commencing in western Moonee Ponds Activity Centre (MPAC), or if in breach of a permit, incur a penalty charge for each offense.
2. Requests the Chief Executive Officer to proceed with development and implementation of an online permit form to be created and placed on Council's website for private waste companies to apply for permits online.
3. Allows the Chief Executive Officer to require a valid waste management operating permit in other precincts within the municipality as required.
4. Amends the waste management guidelines which are incorporated in the Local Law and makes any other changes necessary in order to provide enforcement powers and otherwise give effect to the permit system.
5. Receives a report 12 months post implementation of the permit process providing an update and review of the effectiveness of the permit process

**.CARRIED UNANIMOUSLY**



## **10.6 Proposed disposal of 344 Ascot Vale Road, Moonee Ponds**

**File No:** Fol/18/32

**Author:** Morgan Brown - Acting Coordinator Commercial Property

**Directorate:** Asset Planning and Strategic Projects

**Minute No.** 2019/24

### **Council Resolution**

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

1. Resolves not to dispose of the property at 344 Ascot Vale Road, Moonee Ponds.
2. Requests that the CEO consider further appropriate uses for the site, including, without limitation, use by community groups, use as social and/or emergency housing (including potential development of the site for this purpose) or use as open space and brings a further report to a future ordinary council meeting as appropriate.

**CARRIED UNANIMOUSLY**

**11. Notices of Motion**

Nil.

**12. Urgent Business**

Nil.

**13. Delegates Reports**

Nil.

**14. Confidential Reports**

**Minute No.            2019/25**

**Council Resolution**

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

**14.1 Tender Evaluation for the award of the Contract to construct Woodlands Park Stormwater Harvesting Works**

Item 14.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

**14.2 280-282 Pascoe Vale Road, Essendon (Lots 1 and 2 on TP611229W and Lots 1 and 2 on TP631336H) - Construction of a multi-storey building comprising multiple dwellings and creation and alteration of access to a Road Zone, Category 1**

Item 14.2 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**

**15. Close of Meeting**

The meeting closed to the public at 7.20pm.

**CR NARELLE SHARPE  
CHAIRPERSON**