

Minutes

Ordinary Meeting of Council

Tuesday, 26 February 2019

6:30pm

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Minutes of the Ordinary Meeting of Council

Tuesday, 26 February 2019 at 6:30pm
held at the Moonee Valley Civic Centre

Members:	Cr Narelle Sharpe	Mayor
	Cr John Sipek	Deputy Mayor
	Cr Samantha Byrne	
	Cr Rebecca Gauci Maurici	
	Cr Richard Lawrence	
	Cr Nicole Marshall	
	Cr Cam Nation	

Officers:	Mr Bryan Lancaster	Chief Executive Officer
	Mr Steven Lambert	Director City Services
	Ms Kendrea Pope	Director Organisational Performance
	Ms Natalie Reiter	Director Planning and Development
	Mr 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 Ordinary Council Meeting of Tuesday 26 February 2019.

2. Reconciliation Statement

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

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

3. Apologies

Apologies were received from Councillors Jim Cusack and Andrea Surace.

Minute No. 2019/19

Council Resolution

Moved by Cr Byrne, seconded by Cr Gauci Maurici that Council resolves to note Cr Cusack and Cr Surace's apologies.

CARRIED UNANIMOUSLY

4. Confirmation of Minutes

Minute No. 2019/20

Council Resolution

Moved by Cr Sipek, seconded by Cr Lawrence that the minutes of the Ordinary Meeting of Council held on Tuesday 12 February 2019, be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Cr Samantha Byrne declared an indirect conflict of interest in item 10.4, due to conflicting duty (s78B), as the policy impacts the Crs Byrne's workplace.

6. Presentations

Vale Lt. Col. Don Blanksby

Mayor, Cr Narelle Sharpe, on behalf of Moonee Valley City Council, acknowledged the sad passing of Lt. Col. Don Blanksby.

Don was the president of 58/32 Infantry Battalion Association and passed away unexpectedly last week.

Council would like to extend sympathies to Don's family and friends at this time, including members of 58/32 Infantry Battalion Association.

Because of Her, We Can!

Is a collection of 24 portraits of Aboriginal and Torres Strait Islander women who live and work in Melbourne's West, and is currently on display in the Council Chamber at the Civic Centre.

The exhibition is a part of a joint project created between Western Regional Local Government Reconciliation Network, Western Health and local communities. Originally this was a part of NAIDOC Week in 2018.

The exhibition specifically acknowledges Aboriginal and Torres Strait Islander women who have fought for justice, equal rights and rights to country, and who continue to maintain and celebrate Indigenous culture, language, music and art.

The exhibition will be on display until Monday, 4 March and members of the public can view the works on Friday 1 March from 1-4pm.

7. Petitions and Joint Letters

7.1 Pedestrian crossing Buckley Street, Essendon

Author: Tracey Classon - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/21

Council Resolution

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

1. Receives and notes the petition.
2. Refers this matter to the Director Asset Planning and Strategic Projects for investigation and reporting back to Council.
3. Advises the petition organiser accordingly.

CARRIED UNANIMOUSLY

8. Public Question Time

Vera Jokic asked Council:

Will Council support my request, as resident of 13 Clarence Street, that the plans be revised to meet Rescode Standard A11 on two fronts: that the wall height be reduced so as not to exceed an average of 3.2m, and that the wall length – which exceeds Rescode requirements by 3.4m – be reduced by one metre?

Petrus Barry, Manager Statutory Planning responded, the average wall height allowable under Standard A11 of Clause 54.04-2 (Walls on Boundary) of the Moonee Valley Planning Scheme is 3.2 metres, with no part higher than 3.6 metres.

The plans submitted do show the average wall height on both the southern and northern boundaries to be 3.2 metres, with no part higher than 3.6 metres, due to the slope of the land.

While there may be a minor non-compliance with the wall height, a condition of any permit issued can ensure that the development complies with the requirements of this standard.

The length of walls of the development, along the northern and southern property boundary do not comply with Standard A11 of Clause 54.04-2 (Walls on Boundary) of the Moonee Valley Planning Scheme in terms of length. The walls are proposed to be 16.4 metres in length, in lieu of the required maximum of 13 metres.

However, the standard is able to be varied if the development meets the overall objective which is:

To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings

The locality is derived by similarly constructed wall lengths on boundary and there is considered to be limited amenity impacts on the adjoining property as a result. As such a variation is considered acceptable in this instance.

Vera Jokic asked Council:

The plans for 15 Clarence Street do not meet Rescode A17 Private Open Space which states private open space should be not less than 40sqm. It is currently 32.94sqm.

Given this will be a family home of 4 bedrooms and 3 bathrooms on a lot of 162sqm, will the Council support my request that the plans for 15 Clarence Street increase the private open space to meet ResCode requirements of 40sqm?

Petrus Barry, Manager Statutory Planning responded, the application is compliant with the requirements of Clause 54.05-2 (Standard A17) Private Open Space of the Moonee Valley Planning Scheme which states:

A dwelling should have private open space of an area and dimensions specified in a schedule to the zone.

If no area or dimensions is specified in a schedule to the zone, a dwelling should have private open space consisting of an area of 80 square metres or 20 per cent of the area of the lot, whichever is the lesser, but not less than 40 square metres.

8. Public Question Time continued

At least one part of the private open space should consist of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres at the side or rear of the dwelling with convenient access from a living room.

The dwelling is provided with 32.9 square metres of secluded private open space in the rear yard and a further 16.5 square metres of private open space in the front yard, thus equating to a total area of 49.4 square metres. Therefore, the development meets the above requirements of this standard.

Tony Fisher asked Council:

Council have announced that they will be introducing paid car parking into a number of areas, including an area of direct impact to Maribyrnong River precinct users, sporting club members and participants, and Boathouse patrons, being The Boulevard between Orford Road and Holmes Road Moonee Pond.

As this would appear to be contrary to Council's own policy of encouraging active participation in organised sport and casual leisure activities, why was this site chosen?

Natalie Reiter, Director of Planning and Development responded, a range of sites were chosen to introduce a \$1 per hour fee for parking; these were largely chosen to encourage turnover and in this instance, was selected due to the high parking demand.

Tony Fisher asked Council:

Given this will severely impact on participants, members and volunteers at Maribyrnong Park and the surrounding precinct, how do we elicit from Council and assurance that this will not proceed and parking in the precinct will remain free?

Natalie Reiter, Director of Planning and Development responded, at \$1- per hour for a limited number of places within the precinct, it is not considered the introduction of paid parking will severely impact users.

There is a Council resolution for Council to proceed with the one dollar per hour fee and a commitment to review the matter after six months.

9. Reports of the Special Committees

Nil.

10. Reports

10.1 579-591 Mt Alexander Road, Moonee Ponds (Land in Plan of Consolidation 355526S) - 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. 2019/22

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council issue a Planning Permit in relation to Planning Permit Application No. MV/555/2018 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 579-591 Mt Alexander Road, Moonee Ponds (Land in Plan of Consolidation 355526S), 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 development layout as shown on the amended plans TP01.01 to TP01.07 (inclusive), TP02.02, TP02.03, TP03.01 and TP03.02, 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 20 metre mandatory limit, with corresponding notations on the elevations and sections where relevant;
 - c) The deletion of any structures protruding above the 20 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) Landscaping provided to comply with Standard D10 of Clause 58.03-5 (Landscaping) of the Moonee Valley Planning Scheme;
 - f) Treatment to improve the visual interest of the northern boundary wall which protrudes above the neighbouring building toward Ascot

Vale Road;

- g) Habitable room windows and balconies at the south-western corner of the building screened or otherwise treated to limit direct views into the habitable rooms and balconies of apartments within the building under construction at 350 Ascot Vale Road;
- h) The allocation of external storage areas with their capacity annotated to comply with the requirements of Standard D20 of Clause 58.05-4 (Storage) of the Moonee Valley Planning Scheme;
- i) Notations on the plans to accord with the Sustainable Management Plan (SMP) required by Condition 5;
- j) A landscape plan as required by Condition 6;
- k) Any modifications as a result of the acoustic report required by Condition 9; and
- l) A notation that the Right of Way is to be constructed in accordance with Condition 20.

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, the Sustainable Management Plan (SMP) prepared by JBA Consulting Engineers dated 3 October 2018 is to be updated as required by Condition 1 and submitted to the Responsible Authority for endorsement. The SMP must achieve all minimum requirements, meet best practice standards and be to the satisfaction of the Responsible Authority for approval. 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) The olive tree species replaced with a native variety, and the Ficus climber replaced with a non-invasive climber species;
 - e) Provision of street tree planting along Mt Alexander Road in front of the site to the satisfaction of Council's Landscape Architect and Arborist;
 - f) A notation regarding the retention and protection of the existing street trees along Ascot Vale Road;
 - g) Design details of planter structures at the upper levels with dimensions to accommodate meaningful planting; and
 - h) An appropriate irrigation system for all ground and upper level planting, including details of maintenance.

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, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by an arborist with suitable qualifications to the satisfaction of the Responsible Authority and must provide recommendations and set out actions required to minimise damage to the health of the existing street trees on Ascot Vale Road as a consequence of the proposed development.

When approved, the Tree Management Plan will be endorsed under the planning permit.

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

All works in the endorsed Tree Management Plan to, or affecting, street trees must be supervised by an arborist with qualifications to the satisfaction of the Responsible Authority.

9. 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.

10. Before the development commences, the Waste Management Plan

prepared by Leigh Design Pty Ltd dated 5 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.

11. 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 Right of Way, and to ensure appropriate vehicles utilise the zone;
 - d) Ventilation and lighting of parking areas, entries and exits;
 - e) No charge being made for car parking without the consent of the Responsible Authority;
 - f) The access points to be provided with appropriate signage and line marking; and
 - g) Traffic calming measures for inclusion within the accessways and car parking areas as appropriate.

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.

12. 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.
13. 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 entities or authorities with an interest in the easement to the satisfaction of the Responsible Authority.
14. Floor levels shown on the endorsed plans must not be altered or modified

without the prior written consent of the Responsible Authority.

15. 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.
16. 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.
17. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater downpipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
18. 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.
19. 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.
20. Before the building approved by this permit is occupied, the Right of Way is to be constructed from the entrance on Ascot Vale Road up to the access point to the basement level car park in accordance with the Moonee Valley City Council Drawing No. 34 (Standard Reinforced Concrete Paving/Asphalt for Right of Ways). All costs associated with the survey, design and construction of the Right of Way must be borne by the

permit holder.

Before the development starts, detailed engineering drawings to show the 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 by a licensed surveyor and designed by a civil engineer with suitable qualifications to the satisfaction of the Responsible Authority. The plans are to indicate existing surface levels, proposed surface levels and construction of the Right of Way in accordance with Moonee Valley City Council Drawing No. 34.

Before the building approved by this permit is occupied, construction of the Right of Way as specified in this permit must be completed to the satisfaction of the Responsible Authority.

Following the completion of the Right of Way, and before the building approved by this permit is occupied, as constructed plans must be submitted to and approved by the Responsible Authority.

The Right of Way must be constructed and properly drained to the satisfaction of the Responsible Authority

21. 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.
22. 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.

23. The development must be provided with external lighting capable of illuminating access to each pedestrian and vehicle access point, 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.
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.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land, other than those which are exempt from the need for a planning permit under the Moonee Valley Planning Scheme.
- 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 C_w or $C_w=0.80$.
- 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 entrance and/or 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 online system at <http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx> or in person at 9 Kellaway Avenue, Moonee Ponds.

CARRIED UNANIMOUSLY

10.2 **15 Clarence Street, Flemington (Lot 1 on TP568421S) -
Construction of a dwelling on a lot less than 300 square
metres and a reduction in carparking requirements**

Author: Susan Wlodarczyk - Coordinator Statutory Planning

Directorate: Planning and Development

Minute No. **2019/23**

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/12/2018 for the Construction of a dwelling on a lot less than 300 square metres and a reduction in carparking requirements at 15 Clarence Street, Flemington (Lot 1 on TP 568421S), 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 first floor to be setback 5.45 metres from the front (eastern) boundary;
 - b) A 1.8 metre high fence along the northern and southern boundaries tapered to 900mm within the front setback;
 - c) The dwelling (at ground and first floor) to be setback an additional 1.0 metre from the western boundary;
 - d) The average wall on boundary height modified to be 3.2 metres as required by Standard A11 of Clause 54.04-2 (Walls on Boundary) of the Moonee Valley Planning Scheme;
 - e) The modification to the wall height/setbacks of the dwelling to accord with the requirements of Standard A14 of Clause 54.04-5 (Overshadowing Open Space) of the Moonee Valley Planning Scheme. The correct area of unencumbered open space must also be delineated;
 - f) Any internal reconfigurations as a result of Condition a), c) and e);
 - g) The sill height of the first floor window on the northern elevation to comply with the requirements of Clause 54.06-4 (Overlooking) of the Moonee Valley Planning Scheme;
 - h) The skylights provided to bedroom 2 to be notated as being openable;
 - i) An elevation plan of the rear roller door, including overall heights and construction material;

- j) The relevant setbacks of the ground and first floor from all relevant title boundaries;
- k) The first floor window proportions along the eastern elevation to be increased in size to reflect the locality.
- l) A schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roof, fascias, window frames, fences and paving. The selected external materials and colours to be in accordance with the Inner Urban 1 neighbourhood character precinct profile. The following modifications are also to be included:
 - i. The roof to be either Colorbond “Dune” or “Woodland Grey”.
- m) All permeable and non-permeable areas as per the nominated STORM report; and
- n) All stormwater treatment measures and their associated annotations in accordance with the amended STORM Report as required by Condition 3.

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 STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
5. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council’s CSMP’s guideline and templates.

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

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

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

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

7. Before the development 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.
8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
9. 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.
10. 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 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 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 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.

CARRIED UNANIMOUSLY

10.3 Citizenship Ceremony

Author: Natalie Reiter - Director Planning and Development

Directorate: Planning and Development

Minute No. **2019/24**

Council Resolution

Moved by Cr Lawrence, seconded by Cr Sipek that Council resolves to

- a. Agree the revised Australian Citizenship Ceremonies Code does not require feedback to be provided.
- b. Request the CEO to consider the calendar changes required to facilitate a Citizenship Ceremony on September 17 each year.

For: Crs Sipek, Gauci Maurici, Lawrence, Sharpe

Against: Crs Byrne, Marshall, Nation

CARRIED

Cr Byrne left the meeting due to an indirect conflict of interest in this item at 7.12pm.

10.4 Community Facility Management Policy Update

Author: Craig Dodson - Community Planning Officer

Directorate: Planning and Development

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Sipek that Council resolves to:

- a. Request the Chief Executive Officer to continue to implement the Community Facility Management Policy as per Council resolution, 27 February 2018.

CARRIED UNANIMOUSLY

Cr Byrne returned to the meeting after the item at 7:17pm.

10.5 Shuter Street update

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

Directorate: City Services

Minute No. 2019/25

Council Resolution

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

1. Approve new business model three (with an amendment to operating hours as detailed below), for the future operation of Shuter Street Occasional Care, with implementation to occur in term two of 2019 to enable appropriate transition time. This model includes:
 - operating hours of 8.30am to 2.30pm Monday and Friday and 8.30am to 4.30pm Tuesday to Thursday;
 - revised staff-to-children ratios, in line with *Children's Services Regulations 2009*;
 - revised staffing model, with affected staff given the opportunity to be redeployed at one of Council's five long day centres
2. Note that as part of the implementation of the new business model above, advance bookings will be accepted to the end of the current term.
3. Note that officers are currently undertaking work to source a provider for an online booking system for the service.
4. Note that officers will continue to investigate further opportunities to increase Occasional Care usage and availability within Moonee Valley, including potential additional locations for Occasional Care.
5. Note that officers will continue to promote the Shuter Street Occasional Care service in an effort to increase utilisation.
6. Refer the fees charged to the annual budget review process.
7. Receive a further update in 12 months on the utilisation of the new business model.

CARRIED UNANIMOUSLY

10.6 Notices of Motion Quarterly Report

Author: Rosie Ferreira - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/26

Council Resolution

Moved by Cr Lawrence, seconded by Cr Byrne that Council resolves to:

- a. Receive and note the report on the progress of all endorsed Notices of Motion for the period 10 November 2016 to 31 January 2019 as Attachment A.
- b. Note that there has been two Notices of Motion for the period 26 September 2018 to 31 January 2019 requesting that Council write to a Member of Parliament or Government agency as Attachment B.

CARRIED UNANIMOUSLY

10.7 Assemblies of Councillors

Author: Tracey Classon - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/27

Council Resolution

Moved by Cr Nation, seconded by Cr Sipek that Council resolves to:

In accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the following Assemblies of Councillors:

Assembly	Strategic Briefing held on Tuesday 22 January 2019 at 6.00pm. Council Chamber, Civic Centre	
Matters considered	<ol style="list-style-type: none"> 1. Essendon Rowing change room upgrade project 2. Operating models for leisure centres 3. Financial implications of where we're going – preparation for Councillor Planning Day Response to Notice of Motion on Shuter Street 4. 2019/20 budget – current and future state of capital 5. Budget – Asset management framework and renewal gap Draft 2019/2020 Capital Works Program 6. Draft OCM agenda for 29 January 2019 	
Councillors present	Cr Narelle Sharpe (Mayor) Cr John Sipek (Deputy Mayor) Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Andrea Surace (6.30pm)	
	Apology: Crs Samantha Byrne, Nicole Marshall and Cam Nation	
Staff present	Bryan Lancaster Natalie Reiter Kendrea Pope Steven Lambert Gil Richardson	Allison Watt Kate Heissenbuttel Damian Hogan Jim Karabinis Ed Elliott
External	Jim Corbett (consultant)	
Conflict of interest	Nil.	

Assembly	Ordinary Council Meeting pre-meet held on Tuesday 29 January 2019 at 6.00pm. Committee Room, Civic Centre
Matters considered	Ordinary Council Meeting agenda to be held 29 January 2019.

Councillors present	Cr Narelle Sharpe (Mayor) Cr John Sipek (Deputy Mayor) Cr Samantha Byrne Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall	
	Apologies: Crs Jim Cusack, Andrea Surace and Cam Nation	
Staff present	Bryan Lancaster (CEO) Natalie Reiter Kendrea Pope Steven Lambert	Gil Richardson Petrus Barry Allison Watt
	Nil.	
Conflict of interest	Nil.	

Assembly	Strategic Briefing held on Tuesday 5 February 2019 at 6.08pm. Council Chamber, Civic Centre	
Matters considered	<ol style="list-style-type: none"> 1. Protecting trees and open space against drought 2. Water sensitive urban design (WSUD) voluntary contribution scheme 3. Councillor appointments to committees 4. Draft OCM agenda for 12 February 2019 	
Councillors present	Cr Narelle Sharpe (Mayor) Cr John Sipek (Deputy Mayor) Cr Samantha Byrne Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall	
	Apology: Crs Andrea Surace and Cam Nation	
Staff present	Bryan Lancaster Kendrea Pope Steven Lambert Gil Richardson Petrus Barry	Allison Watt Peter Gaffney Penny Ball Sarah Wigley Anthony Mousely
	Nil.	

Assembly	Councillors' Planning Day held on Sunday 10 February 2019 at 9.00am-5.45pm. Hyatt Place, Essendon Fields	
Matters considered	<ol style="list-style-type: none"> 1. Presentation on Futures Thinking 2. Values session 3. Long term capital works program 4. 2019-20 operating budget including income statement, fees and charges 5. 2019-20 capital works 	
Councillors present	Cr Narelle Sharpe (Mayor) Cr John Sipek (Deputy Mayor) Cr Samantha Byrne Cr Jim Cusack	

	Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall	
	Apology: Crs Andrea Surace and Cr Cam Nation	
Staff present	Bryan Lancaster Natalie Reiter Kendrea Pope Steven Lambert Gil Richardson	Damian Hogan Ed Elliott Viv Cunningham Lauren McDaniel
Conflict of interest	Nil.	

Assembly	Ordinary Council Meeting pre-meet held on Tuesday 12 February 2019 at 6.00pm. Committee Room, Civic Centre	
Matters considered	Ordinary Council Meeting agenda to be held 12 February 2019.	
Councillors present	Cr Narelle Sharpe (Mayor) Cr John Sipek (Deputy Mayor) (6.08pm) Cr Samantha Byrne Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall	
	Apologies: Crs Jim Cusack, Andrea Surace and Cam Nation	
Staff present	Bryan Lancaster (CEO) Kendrea Pope Gil Richardson	Petrus Barry Allison Watt
Conflict of interest	Nil.	

CARRIED UNANIMOUSLY

11. Notice of Motion

Nil.

12. Urgent Business

Minute No. 2019/28

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Marshall that the item from Cr Byrne regarding speakers for International Women's Day, be considered as urgent business.

For: Crs Sipek, Byrne, Gauci Maurici, Lawrence, Marshall, Nation

Against: Cr Sharpe

CARRIED

Minute No. 2019/29

Motion

Moved by Cr Byrne, seconded by Cr Gauci Maurici that Council resolves to only have female speakers (excluding the Mayor of the day, if applicable) as main speakers at any Council run International Women's Day event inclusive of the 2019 event.

Amendment

Moved by Cr Sipek, seconded by Cr Lawrence that Council resolves to predominately have female speakers (excluding the Mayor of the day, if applicable) as main speakers at any Council run International Women's Day event inclusive of the 2019 event.

For: Crs Sipek, Lawrence

Against: Crs Byrne, Gauci Maurici, Marshall, Nation, Sharpe

LOST

Council Resolution

Moved by Cr Byrne, seconded by Cr Gauci Maurici that Council resolves to only have female speakers (excluding the Mayor of the day, if applicable) as main speakers at any Council run International Women's Day event inclusive of the 2019 event.

For: Crs Sipek, Byrne, Gauci Maurici, Lawrence, Marshall, Nation

Against: Cr Sharpe

CARRIED

13. Confidential Reports

Nil.

14. Delegates Reports

Nil.

15. Close of Meeting

The meeting concluded at 7.55pm

**CR NARELLE SHARPE
CHAIRPERSON**