

Minutes

Ordinary Meeting of Council

Tuesday, 9 July 2019

6:30pm

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Minutes of the Ordinary Meeting of Council

Tuesday, 9 July 2019 at 6:30pm
held at the Moonee Valley Civic Centre

Present

Members:	Cr Narelle Sharpe	Mayor
	Cr John Sipek	Deputy Mayor
	Cr Samantha Byrne	
	Cr Jim Cusack	
	Cr Richard Lawrence	
	Cr Cam Nation	
	Cr Andrea Surace	
Officers:	Bryan Lancaster	Chief Executive Officer
	Dino De Milis	Acting Director City Services
	Kendrea Pope	Director Organisational Performance
	Jessie Keating	Acting Director Planning and Development
	Gil Richardson	Director Asset Planning and Strategic Projects
	Petrus Barry	Manager Statutory Planning
	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, 9 July 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

Leave of Absence

Minute No. 2019/149

Council Resolution

Moved by Cr Surace, seconded by Cr Byrne that Council approves Cr Marshall's Leave of Absence for this meeting.

CARRIED UNANIMOUSLY

An apology was received from Cr Rebecca Gauci Maurici.

Apology

Minute No. 2019/150

Council Resolution

Moved by Cr Byrne, seconded by Cr Nation that the apology from Cr Gauci Maurici be noted.

CARRIED UNANIMOUSLY

4. Confirmation of Minutes

Minute No. 2019/151

Council Resolution

Moved by Cr Sipek, seconded by Cr Lawrence that the Minutes of the Ordinary Meeting of Council held on Tuesday, 25 June 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

Rose Iser asked Council:

Has there ever been an agreement, offer, offer of an agreement between a representative of the State Government and MVCC regarding the provision of, or funding for, a new Flemington Community Centre related to the Flemington estate redevelopment, and, if so, what was the nature and outcome of such agreement or offer?

Jessie Keating, Acting Director Planning and Development responded there has not ever been an agreement for funding a new Flemington Community Centre related to the Flemington estate redevelopment.

8. Public Question Time continued

Rose Iser asked Council:

There was a statement at the Council meeting of 11 June to the effect that the proposed \$40 million allocation for the Flemington Community Hub included a \$10 million contingency (time - 53:34 of the recorded meeting). If this statement was correct, what was its meaning?

Jessie Keating, Acting Director Planning and Development responded as part of Council planning for its major projects, a contingency is allowed for to address any future event or circumstance which is possible but cannot be predicted with certainty. This is best practice and common for projects of this scale. We are not able to provide details of contingency amounts as this information could prejudice any contractual arrangements in future.

9. Report from Special Committees

9.1 Grants Assessment Special Committee meeting

Author: Emily McBlack - Community Grants Officer

Directorate: Planning and Development

Minute No. 2019/152

Council Resolution

Moved by Cr Sipek, seconded by Cr Cusack that Council notes the minutes from the 27 May 2019 Grants Assessment Special Committee meeting for the 2018/19 Round Two Biannual and Social Support Grants included in this report as Attachment B (confidential), Attachment C and Attachment D (confidential).

CARRIED UNANIMOUSLY

10. Reports

10.1 **36 Wisewould Street, Flemington (Lot 2 on PS006391) - Construction of seven dwellings and removal of easement**

Author: Grant Michell - Principal Statutory Planner

Directorate: Planning and Development

Minute No. **2019/153**

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation that Council issues a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/562/2018 for the construction of seven dwellings and removal of easement at 36 Wisewould Street, Flemington (Lot 2 on PS006391), on the following grounds:

The proposal fails to meet the overarching objective and the strategies of Clause 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to positively contribute to the local character and fails to provide an appropriate transition in height from the corner of the site to the residential interface within Wisewould Street.

The proposal fails to meet the strategies contained within Clause 21.06-4 (Objectives and Strategies – Urban Design) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond to its location and the surrounding context.

The bulk, scale, form and layout of the proposal fails to meet Clause 55.02 of the Moonee Valley Planning Scheme (Neighbourhood Character and Infrastructure Objectives) and 21.06-1 (Objectives and Strategies – Neighbourhood Character), as it does not respect the character of the existing neighbourhood or integrate well with the streetscapes.

The proposal will cause adverse traffic impacts on the surrounding area which will be substantial and unreasonable, including during public events in the surrounding area.

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:

Clause 55.03-1 (Street setback);

Clause 55.04-1 (Side and Rear Setbacks);

Clause 55.06-2 (Private Open Space); and

Clause 55.06-2 (Front Fences).

CARRIED UNANIMOUSLY

10.2 **97 Glass Street, Essendon (Lot 1 on TP 906566J) -
Construction of six dwellings**

Author: Justin Scriha - Senior Statutory Planner

Directorate: Planning and Development

Minute No. **2019/154**

Council Resolution

Moved by Cr Lawrence, seconded by Cr Sipek that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/992/2018 for the construction of six dwellings at 97 Glass Street, Essendon (Lot 1 on TP 906566J), subject to the following conditions:

Endorsement 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 be in an electronic format. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Either the wall height, setback, or both, of the second floor level of Dwellings 2-5 modified to comply with Standard B17 of Clause 55.04-1 (Side and Rear Setbacks) of the Moonee Valley Planning Scheme along the western elevation;
 - b) Any structures such as mail boxes and services located within the pedestrian visibility splays must be no higher than 0.9 metres or be relocated outside of the splays. Any relocated structures must be no higher than 1.5 metres;
 - c) Any vegetation adjacent to the southern edge of the accessway to be limited to plants/shrubs with a maximum height of not more than 150mm to allow vehicles exiting Dwelling 6 to overhang when manoeuvring (alternatively, this area should not be landscaped);
 - d) The headroom clearance at the garage entrance to each parking area to be shown at a minimum of 2.1m with the garage door in an open position, to the satisfaction of the Responsible Authority;
 - e) The Ground Floor plan to demonstrate that the Dwelling 6 garage is at least 6 metres long internally;
 - f) The Ground Floor plan to demonstrate that the bicycle parking space within the Dwelling 6 garage does not interfere with the area set aside for car parking;
 - g) The gradients between the property boundary and the dwellings and between the garages of Dwellings 5 and 6 to be confirmed on the plans in accordance with Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme and any relevant Australian Standard;

- h) A minimum grade of 1:200 towards a discharge point to be achieved for all garages and demonstrated on the plans;
- i) The existing vehicle crossing is to be widened to 3 metres, appropriately splayed in accordance with the Vehicle Crossings Policy, and aligned with the driveway at the property boundary;
- j) Demonstrate satisfactory access by the B99 design vehicle to the vehicle crossing with on-street parking occupied, using an industry recognised software, i.e. AutoTurn;
- k) All bicycle parking spaces located within the garages must be designed in accordance with Clause 52.34 (Bicycle Facilities) of the Moonee Valley Planning Scheme and AS2890.3-2015;
- l) An amended BESS report in accordance with Condition 3 of this permit;
- m) A notation referring all ESD measures and design features to the approved SDA and BESS report; and
- n) An amended Landscape Plan in accordance with Condition 7.

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 and STORM report in accordance with Condition 1. The BESS Assessment must comply with Clause 21.04 (Sustainable Environment) of the Moonee Valley Planning Scheme and must accord with the approved STORM report.
4. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
5. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's Guidelines and Template.

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

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

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

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

7. Before the development 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 landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the landscape plan submitted with the application but modified to show:
- a) Any changes as required by Condition 1.

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.

End Endorsement Conditions

Development Conditions

8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
9. Service units, including air conditioning units, must be visually and acoustically screened to the satisfaction of the Responsible Authority.
10. 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.
11. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

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 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.

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; 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, access lanes and the waste and loading zone 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. 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.
15. 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.

16. Before the buildings approved by this permit are occupied, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
17. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
18. 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.

End Development Conditions

19. 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.
- No on street parking permits will be provided to the occupiers of the land.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- 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.
- 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: $C_w=0.4$, $t_c=10$ mins, $t_{so}=5$ 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 $C_w=0.80$.
- 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 CSMP's 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.

For: Crs Sipek, Byrne, Cusack, Lawrence, Nation

Against: Crs Sharpe, Surace

CARRIED

10.3 19-21 Park Street and 2-4 Smith Street, Moonee Ponds (Lot 1 and Lot 2 on PS338924M, Lot 1 on TP216316F and Lot 1 on TP401597M) - Construction of ten dwellings with basement parking and variation and removal of easements

Author: Grant Michell - Principal Statutory Planner

Directorate: Planning and Development

Minute No. 2019/155

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation

PART A

That Council undertakes a localised Traffic Management assessment six (6) months following completion of the development contemplated in Part B

PART B

that Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/605/2018 for the construction of ten dwellings with basement parking and variation and removal of easements at 19-21 Park Street and 2-4 Smith Street, Moonee Ponds (Lot 1 and Lot 2 on PS338924M, Lot 1 on TP216316F and Lot 1 on TP401597M), subject to the following conditions:

Endorsement Conditions

1. Prior to the commencement of any part of the development, Lot 1 and Lot 2 on PS338924M, Lot 1 on TP216316F and Lot 1 on TP401597M must be consolidated and a copy of the Plan of Consolidation including proof of its registration must be submitted to the Responsible Authority.
2. 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 be in an electronic format. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The removal of Easement 'A' and the variation of Easement 'B' to along the western boundary of 21 Park Street, Moonee Ponds, on a separate plan;
 - b) Alterations to the screening within the eastern elevation in accordance with the without prejudice plans being sheets A-101 and A-401 Revision C, A-028 Revision E, and A-029 Revision D dated 23 May 2019;
 - c) The location of the existing power pole on all floor plans;
 - d) All habitable room windows on the eastern and western elevations and the eastern and western elevations of the roof terrace to be screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;

- e) All habitable room windows and roof terraces to be screened in accordance with Standard B23 of Clause 55.04-7 (Internal Overlooking) of the Moonee Valley Planning Scheme;
- f) A notation that the roof terraces are not roofed;
- g) Details and location of bollard lighting within the pedestrian walkway;
- h) Details of storage provided within the basement levels of Dwellings 4-8;
- i) The pedestrian walkway along the eastern boundary to incorporate permeable paving where not located over the basement level;
- j) A notation that all vehicle crossovers are to be constructed in accordance with Council's Vehicle Crossing Design Standards and Vehicle Crossing Policy;
- k) Trench grates with a width of 300mm at the bottom of the basement ramp;
- l) The height of the kerbs along the basement ramp to be no more than 150mm in height;
- m) A 2 metre by 2 metre splay at both ends of the laneway;
- n) A warning/signal system to manage access in and out of the basement. Access priority is to be assigned to vehicles entering the car park including a holding line in the basement where the exiting vehicles are required to queue and wait for a green signal;
- o) A convex mirror installed at the corner of garage 3 and the eastern boundary wall to allow vehicles travelling northbound outside of garages 4-8 to observe the conditions outside of garage 1;
- p) Pedestrian visibility splays in accordance with Clause 52.06-9 (Car Parking) of the Moonee Valley Planning Scheme;
- q) The headroom clearance at the basement access with the security door in an open position of at least 2.1 metres in height;
- r) A headroom clearance of at least 2.3 metres where waste collection is to occur and at least 2.1 metres anywhere else within the basement;
- s) All BESS annotations and measures in accordance with Condition 5
- t) All permeable and impermeable surfaces clearly noted and all WSUD treatment measures and associated annotations in accordance with the amended STORM report required by Condition 4 and
- u) An amended Landscape Plan in accordance with Condition 8.

When approved, these plans will be endorsed and will form part 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. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 2. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
5. A published BESS report (or equivalent) must be submitted simultaneously with amended plans in accordance with Condition 2 and must comply with Clause 21.04-3 (Ecologically Sustainable Development) of the Moonee Valley Planning Scheme.
6. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Design 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 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 User's Guide or a Building Maintenance Guide.

8. Before the development starts and before any trees or vegetation are removed, an amended landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended 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 in an electronic format. The amended 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 2 of this permit;
- b) A notation that any planting within the Smith Street nature strip is to the satisfaction of the Responsible Authority;
- 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 one small canopy tree within the front setback of each dwelling which are able to achieve a minimum mature height of 4 metres;
- f) Features such as paths, paving and accessways;
- g) All Environmentally Sensitive Design (ESD) design solutions in accordance with the successful STORM/BESS reports;
- h) All planting abutting the accessway 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
- i) An appropriate irrigation system.

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.

9. 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.

10. Before the development starts, an Amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

The Amended Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' in relation to expected recycling rates and bin capacities.

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 starts, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an Agreement with the Responsible authority under Section 173 of the *Planning and Environment Act 1987*, which provides for the following:
 - a) Allowing for the establishment of landscaping within the frontage to Smith Street to the satisfaction of the Responsible Authority; and
 - b) Liability and maintenance of those parts of the development which extends into land under the care and management of Council and disclaiming any right or intention to make or cause to be made at any time any claim or application relating to adverse possession of the land.

The owner of the land, or other person in anticipation of becoming the owner of the land must pay all costs and expenses (including legal expenses) of, and incidental to, the agreement (including those incurred by the Responsible Authority).

End Endorsement Conditions

City West Water Conditions

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

End City West Water Conditions

Development Conditions

15. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
16. 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 (Standard B22 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.

17. 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.

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

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and 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.

20. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Available for use in accordance with the endorsed plans;
 - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving),

in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:

- 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.
21. The existing street tree on Park Street must not be removed or damaged as a result of the permitted development.
22. The following street tree/nature strip protection measures must be undertaken:
 - a) The nature strip and street tree located within the Park Street frontage of the land must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder;

- b) No pruning of the nature strip and street tree located within the Park Street frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and
 - c) No building materials are to be stacked and/or dumped on any nature strip during construction.
23. The street tree within Smith Street 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.
24. 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.
25. 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.

26. A Council drain (minimum 300mm dia uPVC or FRC or RCP RRJ) must be constructed to reach the approved point of discharge. Before the development commences, Engineering Design Plans and a Drainage Layout Plan (with computations) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The Engineering Design Plans and Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must accord with Council's Drainage Design Guidelines.

When approved, the Engineering Design Plans and Drainage Layout Plan will be endorsed and will form part of this permit.

The drainage must be constructed in accordance with the endorsed Engineering Design Plans and Drainage Layout Plan and the provisions, recommendations and requirements of the endorsed Engineering Design Plans and Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

After the drainage works have been constructed and before the building/s approved by this permit is/are occupied, as constructed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

All costs associated with the preparation of the plans and installation and construction of the required drainage works must be borne by the permit holder.

27. Prior to the issue of an Occupancy Permit, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
28. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
29. 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.

End Development Conditions

30. 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.
 - c) The approved easement variation and removal is not registered with the Land Titles Office, within two (2) years of the date 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.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- 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: $C_w=0.4$, $t_c=10$ mins, $t_{so}=5$ 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 $C_w=0.80$.
- 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 CSMP's 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.

For: Crs Byrne, Cusack, Nation, Sharpe

Against: Crs Sipek, Lawrence, Surace

CARRIED

10.4 Proposed At Call Hard Waste Collection

Author: David Basil - Coordinator Integrated Waste Services

Directorate: City Services

Minute No. 2019/156

Motion

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

- a. Endorse the at call hard waste collection model as the new hard waste collection service to commence by October 2019.
- b. Award the contract for at call hard waste collection as recommended Attachment B.

Amendment

Minute No. 2019/157

Council Resolution

Moved by Cr Sipek, seconded by Cr Surace that the following part be added:

- c. Receive a report back in 12 months.

CARRIED UNANIMOUSLY

Minute No. 2019/158

Council Resolution

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

- a. Endorse the at call hard waste collection model as the new hard waste collection service to commence by October 2019.
- b. Award the contract for at call hard waste collection as recommended Attachment B.
- c. Receive a report back in 12 months

For: Crs Byrne, Cusack, Lawrence, Nation, Sharpe, Surace

Against: Cr Sipek

CARRIED

10.5 Response to petition regarding Park and Ride Shuttle Bus Service

Author: Natalie Smyth - Senior Coordinator Healthy Ageing

Directorate: City Services

Minute No. 2019/159

Council Resolution

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

- a. Note its previous decision to cease the Moonee Ponds Park and Ride shuttle bus service.
- b. Advise organisers of the petition requesting reinstatement of the Moonee Ponds Park and Ride shuttle bus service, that the service will not be reinstated.

For: Crs Sipek, Byrne, Cusack, Lawrence, Surace

Against: Crs Nation, Sharpe

CARRIED

10.6 Submission to the Local Government Bill 2019

Author: Meghan Hopper - Advocacy Coordinator

Directorate: Organisational Performance

Minute No. 2019/160

Council Resolution

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

- a. Endorse the submission in response to the Local Government Bill – A reform proposal discussion paper, with the following amendment:
 - i. the deletion of the first part of the first sentence on page 124 'Whilst we thus support the option of single member wards in principle'
 - ii the addition of a sentence that, 'Moonee Valley does not support single member wards in this municipality'
- b. Send the submission to the Minister for Local Government, the Hon. Adem Somyurek MLC, with copies provided to the Member for Essendon, Mr Danny Pearson MP and the Member for Niddrie, the Hon. Ben Carroll MP.

For: Crs Sipek, Byrne, Lawrence, Nation, Sharpe, Surace

Against: Cr Cusack

CARRIED

11. Notices Of Motion

Nil.

12. Urgent Business

Nil.

13. Delegates Reports

Nil.

14. Confidential Reports

Nil.

15. Close of Meeting

The meeting concluded at 8.03pm.

**CR NARELLE SHARPE
CHAIRPERSON**