

# Minutes

## Ordinary Meeting of Council

Tuesday, 12 November 2019  
6:30pm

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# Minutes of the Ordinary Meeting of Council

Tuesday, 22 October 2019 at 6:31pm  
held at the Moonee Valley Civic Centre

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**Members** Cr Samantha Byrne Mayor  
Cr John Sipek Deputy Mayor  
Cr Jim Cusack  
Cr Richard Lawrence  
Cr Nicole Marshall  
Cr Narelle Sharpe  
Cr Andrea Surace

**Officers:** Bryan Lancaster Chief Executive Officer  
Kendrea Pope Group Manager Operations  
Vincent Cammell Group Manager City Development  
Allison Watt Executive Manager Corporate Governance  
Jessie Keating Executive Manager Planning  
Kate McCaughey Executive Manager Community Planning  
Jim Karabinis Manager Leisure  
Petrus Barry Manager Statutory Planning  
Meghan Hopper Senior Coordinator Governance and Advocacy

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The following reports were considered:

## 10. Reports

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**1. Opening**

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

**2. Reconciliation Statement**

On behalf of Moonee Valley City Council, the Mayor welcomed 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**

An apology was received from Cr Rebecca Gauci Maurici and Cr Cam Nation.

**Minute No. 2019/259**

**Council Resolution**

Moved by Cr Surace, seconded by Cr Sharpe that Cr Gauci Maurici and Cr Nation's apologies be noted.

**CARRIED UNANIMOUSLY**

**4. Confirmation of Minutes**

**Minute No. 2019/260**

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Lawrence that the minutes of the Ordinary Meeting of Council held on Tuesday, 22 October 2019 and the Special Meeting of Council held on Tuesday, 29 October 2019 be confirmed.

**CARRIED UNANIMOUSLY**

**5. Declarations of Conflict of Interest**

Nil

**6. Presentations**

Mayor, Cr Samantha Byrne presented a plaque which she had received from a visiting delegation of Early Childhood Educators from Hanoi, Vietnam who were hosted by the Flemington Children's Centre.

## **7. Petitions and Joint Letters**

### **7.1 Telecommunications Tower – Walter Street Reserve**

**Minute No. 2019/261**

**Council Resolution**

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

1. Receive and note the petition.
2. Refer this matter to the relevant officer for investigation and reporting back to Council.
3. Advise the petition organiser accordingly.

**CARRIED UNANIMOUSLY**

## 8. Public Question Time

**Mary Sanders** asked Council:

My questions relate to the planning application MV/445/2018 at 23 Wendora Street Strathmore.

Without an appropriate engineering report, how can the Council determine the impact on 25 Wendora Street Strathmore, regarding foundations, flooding, due to the structure and what measures are in place for compensation should damage arise due to the significant building works including the underground car park?

**Petrus Barry, Manager Statutory Planning** responded, the appointed Building Surveyor is responsible for determining whether the proposed development is likely to impact on neighbouring properties. If so, the appointed Building Surveyor is required to ensure appropriate protection notices are served on the neighbouring owners in accordance with the Victorian Building Authority requirements, which, in some cases the Building Surveyor can, require works to be performed to protect any neighbouring property. This may include obtaining the appropriate insurance cover for the building work prior to commencing the protection work and is generally determined during the Building Permit application process.

**Mary Sanders** asked Council:

Are the Councillors aware of the communication by arborist Ben Kenyon (Homewood Consulting Pty Ltd) 15 October 2019 which identifies that the site cut for the dwelling has not changed with the amended plans and that there is still a significant negative impact on the health structure and longevity of the tree?

The communication was submitted along with an objection 22 October 2019.

**Petrus Barry, Manager Statutory Planning** responded, yes the officer report in the agenda for this meeting acknowledges the mentioned report. The report prepared by Ben Kenyon assessed the development impact on the Norfolk Island Pine Tree and recommended, as follows: 'Any cut and fill should be avoided within the TPZ (Tree Protection Zone) of the subject tree' (page 9) and 'Unless a non-destructive root investigation is conducted, there should be no grade changes (cut and fill) within the TPZ or SRZ (Structural Root Zone) of the subject tree' (page 11).

Following this report, a notation on the amended advertised Site and Ground Floor Plans provided to Council, states there will be no cut or fill within the Tree Protection Zones (TPZ) of the neighbouring trees at 25 Wendora Street, Strathmore. Further, the amended advertised Slab Layout Plan illustrates all piers situated outside the Tree Protection Zones of these trees.

Also, conditions have been included in the Recommendation in the agenda for tonight to ensure this is met, through the requirement to delete the concrete pads within the secluded private open space areas of Dwellings 2 and 3 (Condition 1i) and notations on the plans to state no cut and fill within the relevant tree protection zone (Condition 1o).

## 8. Public Question Time continued

**Vicky Casey**, asked Council:

My question relates to the proposed leases to Axicom and Optus over part of Walter Street Reserve.

There has been great objection to this item. Council have received 14 written submissions, a petition currently running with 180 written and 41 digital signatures (that will be personally delivered to Council prior to this meeting). A letter of support from Danny Pearson MP (State Member for Essendon).

How can local residents be sure that Council has appropriately addressed their concerns and investigated all the possible alternative solutions to this issue?

**Vincent Cammell, Group Manager City Development** responded, at its Ordinary Meeting on 9 April 2019, Council resolved to commence the statutory procedures in accordance with sections 190 and 223 of the *Local Government Act 1989* in relation to proposed leases to Axicom and Optus over part of Walter Street Reserve. Fourteen submissions were received opposing the proposed leases. The concerns raised in the submissions were thoroughly investigated by Council officers, the investigations included consultation with relevant regulatory bodies. Detailed comments to each of the issues raised in the submissions were published on Council's website on 16 August and are also attached to the report on the agenda this evening.

Relocation options for the telecommunication facilities were raised in July 2017, and in 2018 and 2019 after extensive investigation were determined as unviable solutions. While there were multiple factors considered that led to this opinion, the primary reason for officers to not recommend a relocation, was the concern that the facilities would be transferred onto another resident group at a relocation area. The removal of the facility was also investigated, it was determined that the area is already underserved by base station telecommunication facilities. Therefore, removal of the facility would significantly impact mobile service in the area or result in the installation of multiple low impact facilities which may be installed by the providers pursuant to their powers under the Telecommunications Act 1997.

**Veronica Sanders**, asked Council:

My questions relate to the planning application MV/445/2018 at 23 Wendora Street Strathmore.

Considering the potential irreparable damage to canopy trees on the adjacent property of 25 Wendora St (a Norfolk Pine and an Elm tree) and the loss of established vegetation and large trees on the proposed development site, can the council explain how the planning application meets and supports the Moonee Valley Council's current initiative of increasing tree canopy from 11 percent to 30 percent by 2040 - an initiative recognised globally for its prioritisation of sustainability - and why the Council's 'Tree and Canopy Protection Guidelines' have not been adhered to?

**Jessie Keating, Executive Manager Planning** responded, the site is not located in any vegetation protection overlay that requires existing trees on the site to be retained.

## 8. Public Question Time continued

The Landscape Plan proposes to plant three new trees on the site. Condition 9b) of the permit further requires an additional three to be trees planted on the site. These conditions ensure that 6 new canopy trees will be planted throughout the site that will contribute to increasing the tree canopy across Moonee Valley.

Notably, the existing eight canopy trees located around the perimeter of the site will be retained as part of this development.

**Veronica Sanders**, asked Council:

How does the Council aim to mitigate issues and threats to the Neighbourhood Character Garden Court 3 as identified in the Council's own documented Neighbourhood Character profiles, including:

- Loss of garden settings, including generous front setbacks with lawns.
- Loss of established large trees and vegetation, including street trees.
- Lack of suitable and larger scale landscaping in new developments.
- Large areas of impervious surfaces around dwellings.
- Boundary to boundary development that restricts views between dwellings where this is typical of the street.
- Development that breaks the general rhythm of built form along the street with inconsistent setbacks.
- New developments and additions that dominate the streetscape.
- Lack of articulation of building facades.
- High or solid front fencing that restricts views from the street.
- Garages, carports or crossovers that dominate site frontages

**Jessie Keating, Executive Manager Planning** responded, an assessment against the Garden Court 3 has been undertaken and is outlined in the Council report. Where any development does not accord with the relevant neighbourhood character precinct profile, these developments have been either conditioned to comply or refused.

**Pauline Anne Dumaresq**, asked Council:

My questions relate to the planning application MV/445/2018 at 23 Wendora Street Strathmore.

Why isn't there a proposed screen on the northern end of the front balcony of dwelling 1 to prevent overlooking into the front bedroom of 25 Wendora Street Strathmore?

**Petrus Barry, Manager Statutory Planning** responded, the northern side of the balcony to Dwelling 1 is situated adjacent to the neighbouring habitable room window at 25 Wendora Street, Strathmore and does not have a direct view into this dwelling's habitable room window. Therefore, the proposal complies with Standard B22, Overlooking of Clause 55, ResCode of the Moonee Valley Planning Scheme.

**8. Public Question Time continued**

**Pauline Anne Dumaresq**, asked Council:

A trellis on top of the fence boarding 25 Wendora Street will not be very lasting and will be able to be seen through. Surely this is a planning consideration?

**Petrus Barry, Manager Statutory Planning** responded Standard B22, Overlooking of Clause 55, ResCode allows trellis with a maximum of 25 percent openings to be attached to existing fencing as a way to obscure views. The trellis forms part of the permit and would need to be maintained in future as part of the permit.

**William Evans**, asked Council:

My questions relate to the planning application MV/445/2018 at 23 Wendora Street Strathmore.

What steps, if any, are to be taken to ensure the project arborist, whether a firm or person, has suitable qualifications with regards to pier and beam construction and is truly independent?

We have experienced conflicting arborist opinions on potential tree damage with the original plan of cut / fill construction on this proposed development between the developer's arborist and our own arborist.

**Jessie Keating, Executive Manager Planning** responded, the appointed project Arborist is responsible to ensure buildings and works are undertaken in accordance with the recommendations contained in the endorsed Arborist Report. Also, Condition 1n) requires that all works near the Tree Protection Zone (TPZ) of the trees be supervised by an appropriately qualified project Arborist.

Further, Condition 8 of the permit requires an amended Arborist Report to reflect the changes to the building footprint. This report will be internally referred to Council's Arborist to review whether appropriate tree protection measures are in place, prior to this report being endorsed as part of the permit.

**William Evans**, asked Council:

In the event that any of the specified trees at 25 Wendora Street suffer damage during the construction process that does not manifest itself immediately but arises in the future and leads to the need to remove either or both trees due to safety reasons, who is responsible for the cost of removal and is compensation for the loss of the tree/s applicable?

**Jessie Keating, Executive Manager Planning** responded, the report prepared by Ben Kenyon (Homewood Consulting Pty Ltd) 15 October 2019 assessed the development impact on the Norfolk Island Pine Tree which recommended, and I quote, 'The redesign must be offset 3.2 metres away south, away from the trunk of the tree. The TPZ encroachment will still be 'Major' (19.6%), however there would be no SRZ encroachment and construction can be considered, permitting there is no cut and fill within the TPZ' (page 11).

**8. Public Question Time continued**

The amended advertised plans (57A Plans) lodged after advertising made major changes to address all the recommendations outlined in the Arborist Report prepared by Ben Kenyon through setting back Dwelling 3 beyond 3.2 metres, i.e. to 4.5 metres from the trunk of this tree with all piers situated outside the Tree Protection Zones (TPZ) of these trees.

Further, numerous tree protection conditions have been imposed on the planning permit, including the supervision of works.

All protections have been addressed via the amended advertised plans and conditions of the planning permit. Therefore, any suggestion of the decline of the tree as a result of construction works is a civil matter.

**9. Reports from Special Committees**

Nil.

## 10. Reports

### 10.1 **23 Wendora Street, Strathmore (Lot 194 on Plan of Subdivision 011110) - Construction of three double storey dwellings**

**Author:** Vi Neilsen - Senior Statutory Planner

**Directorate:** Planning and Development

**Minute No.** 2019/262

#### **Council Resolution**

Moved by Cr Cusack, seconded by Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/445/2018 for the construction of three dwellings at 23 Wendora Street, Strathmore (Lot 194 on Plan of Subdivision 011110), 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) All internal Elevations;
  - b) The architectural parapet feature on the northern side of the frontage to Dwelling 1 reduced to the height of the Finished Floor Level of the balcony;
  - c) The full extent of the balcony balustrade to Dwelling 1 be clear glass;
  - d) The front porches to Dwellings 2 and 3 be less than 3.6 metres in height;
  - e) The external brickwork or render material be of an earthy tone to accord with the Garden Court 3 Precinct Profile;
  - f) The ground floor, north facing kitchen window to Dwelling 3 screened to accord with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
  - g) Details of the type of window opening to be provided to the first floor north facing bedroom 4 window to Dwelling 2 and the first floor west facing bedroom 3 window to Dwelling 3 and to accord with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
  - h) The first floor east facing bedroom 3 window of Dwelling 2 screened to accord with Standard B23 of Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme;
  - i) Removal of concrete pads within the secluded private open space areas to Dwellings 2 and 3;

- j) Side boundary fences to be a minimum of 1.8 metres in height and tapering to 900mm within the front setback;
- k) The driveway grade between the property boundary and Dwelling 3's garage nominated as 1:6.7;
- l) Provision of trench grates to Dwellings 2 and 3 and connected to the internal drainage;
- m) All vehicle crossovers constructed in accordance with Council's Vehicle Crossing Design Standards and Vehicle Crossing Policy;
- n) Notation stating 'All works within/near the Tree Protection Zone will need to be supervised by a qualified, independent project arborist appointed at the satisfaction of Council's senior arborist with all protection measures in place', in accordance with Condition 8;
- o) Notation stating 'No buildings and works including land cut/fill to occur within the Tree Protection Zones of the trees at 25 Wendora Street, Strathmore';
- p) Notation stating 'No storage of building materials within the canopy dripline of the Norfolk Pine and Sweet Pittosporum trees located at 25 Wendora Street';
- q) The part of Peck Avenue which is to be constructed as part of this permit will be signed at the cost of the developer and to the satisfaction of the Responsible Authority to advise motorists and pedestrians this is a shared pathway;
- r) The northern end of the front balcony of dwelling one to be partially screened to prevent overlooking into the front bedroom of 25 Wendora Street;
- s) Amended BESS report in accordance with Condition 7;
- t) Notation stating 'All tree protection measures to accord with the recommendations in the Arborist Report' in accordance with Condition 8;
- u) All STORM and BESS measures annotated on the plans;
- v) An amended Landscape Plan in accordance with Condition 9; and
- w) Provision of engineering plans and streetscape detail in accordance with Condition 13.

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. Stormwater from the development must be treated to meet the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999 (Guidelines), as amended. The performance objectives of the Guidelines must be met entirely on site as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and

approved by the Responsible Authority; except that with the written consent of the Responsible Authority, up to 20% of treatment may be delivered offsite as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority.

4. A minimum 30 days prior to any building or works commencing, all 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 WSUD Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
  - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.
  - a) Once submitted and approved the works detailed by the WSUD Site Management Plan must be carried out to the satisfaction of the Responsible Authority.
6. A maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
  - a) Inspection frequency;
  - b) Cleanout procedures;
  - c) As installed design details/diagrams including a sketch of how the system operates; and
  - d) A report confirming completion and commissioning of all WSUD Response treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

7. Before the development commences, an amended BESS Report must be submitted to and approved by the Responsible Authority. The amended BESS Report shall refer to the endorsed plans. The BESS Report must be

generally in accordance with the BESS Report submitted with the application, but modified to include:

- a) Any changes as a result of Condition 1.

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

8. An amended Arborist Report prepared by a qualified, independent project arborist appointed at the satisfaction of Council's senior arborist to reflect the changes to the building footprint as required by Condition 1, including tree protection measures for the existing Norfolk Island Pine and Sweet Pittosporum trees at 25 Wendora Street, Strathmore and the existing street trees abutting the site within the Wendora Street and Peck Avenue, road reserve.
9. 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 an electronic copy must be provided. The amended landscape plan and schedule must be generally in accordance with the development plans submitted with the application but modified to show:
  - a) Any changes in accordance with Condition 1 of this permit;
  - b) The provision of an appropriate canopy tree species within the rear setback of each dwelling which are able to achieve a minimum mature height of 3 metres;
  - c) Provision of tree protection fencing to all abutting street trees adjoining the subject site within the Wendora Street and Peck Avenue, road reserve;
  - d) Notation stating 'All works within/near the Tree Protection Zone will need to be supervised by a qualified, independent project arborist appointed at the satisfaction of Council's senior arborist with all protection measures in place';
  - e) Notation stating 'No storage of building materials within the canopy dripline of the Norfolk Island Pine and Sweet Pittosporum trees located at 25 Wendora Street';
  - f) Notation stating 'All tree protection measures to accord with the recommendations in the Arborist Report' in accordance with Condition 8;
  - g) No tree planting within the rear easement;
  - h) The use of drought tolerant species;
  - i) Features such as paths, paving and accessways;
  - j) The use of non-invasive plant species within any easements which

will ensure that existing infrastructure assets are not damaged by root systems;

- k) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-9 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and
- l) 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.

- 10. A minimum 30 days prior to any building and 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 used. The CSMP must be in accordance with the 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.

### **End of Endorsement Conditions**

#### **Development Conditions**

- 11. The water sensitive urban design treatments as specified within the Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority must be implemented on site prior to the occupation of the development unless an alternative agreement is reached with the Responsible Authority.
- 12. Buildings or works must not be constructed over or adjacent to any easements or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
- 13. Before the building/s approved by this permit is/are occupied, a 3.0 metre road (Peck Avenue) is to be constructed for the length of the western property boundary (approximately 52 metres) generally in accordance with the Moonee Valley City Council Drawing No.34 (Concrete for Right of Ways) and including kerb and channel and drainage to the satisfaction of the Responsible Authority, it shall be considered an asset to be maintained by Moonee Valley City Council. All costs associated with the survey, design and construction of the road must be borne by the permit holder.

Before the development starts, detailed engineering drawings and

streetscape detail to show the construction of the road, including materials, colours and finishes are to be submitted to and approved by the Responsible Authority. The road 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, services, trees and construction of the road in accordance with Moonee Valley City Council Drawing No. 34.

Before the building/s approved by this permit is/are occupied, construction of the road as specified in this permit must be completed to the satisfaction of the Responsible Authority.

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

The road must be constructed and properly drained 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. Before the buildings approved by this permit are occupied, all boundary fencing is to be constructed in accordance with the endorsed plans at the cost of the permit holder to the satisfaction of the Responsible Authority.
16. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
17. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

18. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater 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 trees on Wendora Street and Peck Avenue road reserve 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 trees located within the Wendora Street and Peck Avenue 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 trees located within the Wendora Street and Peck Avenue 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. 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.
24. 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 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.

25. 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.
26. 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.
27. 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.
28. 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.
- 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.
- 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:  $C_w=0.4$ ,  $t_c=10\text{mins}$ ,  $t_{so}=5\text{mins}$ , ARI 1 in 5. An ARI of 1 in 100 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 [www.mvcc.vic.gov.au/Planning-And-Building/Planning/I-need-to/Submit-documents-for-endorsement](http://www.mvcc.vic.gov.au/Planning-And-Building/Planning/I-need-to/Submit-documents-for-endorsement) or in person at 9 Kellaway Avenue, Moonee Ponds.

**For:** Crs Byrne, Cusack, Marshall, Sipek, Surace

**Against:** Crs Lawrence, Sharpe

**CARRIED**

Item 10.8 on the agenda was brought forward and dealt with before item 10.2.

**10.2 Development Contributions Plan Amendment C194moon  
- post-exhibition consideration**

**Author:** Fiona McDougall - Senior Strategic Planner

**Directorate:** Planning and Development

**Minute No.** 2019/263

**Council Resolution**

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

- a. Note submissions and responses received following exhibition of Amendment C194moon (Attachment A).
- b. Note officers have, under delegation, referred all submissions under section 23(1)(b) of the Planning and Environment Act 1987 to a Panel appointed under Part 8 of the Planning and Environment Act 1987.
- c. Acknowledge the 'Panel Version' recommended revisions to the exhibited Moonee Valley Development Contributions Plan 2018 (Attachment C) and Schedule 1 to Clause 45.06 Development Contributions Plan Overlay (Attachment D).
- d. Adopt the 'Panel Version' recommended revisions to the exhibited Moonee Valley Development Contributions Plan 2018 (Attachment C) and Schedule 1 to Clause 45.06 Development Contributions Plan Overlay (Attachment D), as Council's updated position to be presented at the Panel hearing in response to the submissions received.
- e. Authorise officers to effect minor changes to the 'Panel Version' recommended revisions to the exhibited Moonee Valley Development Contributions Plan 2018 (Attachment C) and Schedule 1 to Clause 45.06 Development Contributions Plan Overlay (Attachment D) in response to Panel submissions and discussions.
- f. Note Council officers will provide a further report to Council after receipt of the Panel report from Planning Panels Victoria to further consider Amendment C194moon.

**CARRIED UNANIMOUSLY**

**10.3 Neighbourhood Hero Awards**

**Author:** Veronica Cybulski - Coordinator Visual Arts, Festivals and Events Leisure

**Directorate:** City Services

**Minute No.** 2019/264

**Council Resolution**

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

- a. Note the revised civic recognition awards transition from the Spirit of Moonee Valley Awards to Moonee Valley Neighbourhood Spirit Awards in alignment with the Festivals and Events Transition and Action plan endorsed by Council 10 July 2018.
- b. Endorse the establishment of the Neighbourhood Spirit Special Committee in accordance with Section 86 of the *Local Government Act 1989* for a period of one year.
- c. Endorse the Neighbourhood Spirit Special Committee Charter provided as (Attachment A).
- d. Delegate to the Neighbourhood Spirit Special Committee those functions, powers and duties set out in the Instrument of Delegation (Attachment B) in accordance with Section 86 of the *Local Government Act 1989*.
- e. Authorise the Common Seal of Moonee Valley City Council to be affixed to the Instrument of Delegation to the Neighbourhood Spirit Special Committee (Attachment B).
- f. Appoint all Councillors as members of the Neighbourhood Spirit Special Committee for the term of Council, with a quorum of one Councillor per ward, effective from the date of this resolution.
- g. Amend the Neighbourhood Spirit Special Committee Charter to reflect the changes as detailed in part f) of this recommendation.

**CARRIED UNANIMOUSLY**

**10.4 Financial Performance Report September 2019**

**Author:** Damian Hogan - Manager Finance

**Directorate:** Organisational Performance

**Minute No.** 2019/265

**Council Resolution**

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

- a. Receive and note the Financial Performance report for the period 1 July 2019 to 30 September 2019.
- b. Receive and note the 2019/20 Capital Works Program – quarterly report to 30 September 2019.
- c. Receive and note the Grants Register Status report for September 2019.

**CARRIED UNANIMOUSLY**

**10.5 Response to Notice of Motion 2019/15 - Sharing sheds and library of things**

**Author:** Kate McCaughey - Manager Community Planning

**Directorate:** Planning and Development

**Minute No.** 2019/266

**Council Resolution**

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

- a. Note the attached 'Moonee Valley Library of Things, Issues & Opportunities Report' (Attachment A – circulated separately).
- b. Note the role library of things/sharing sheds can play in fostering community connections, promoting alternative models of consumption underpinned by the principles of refuse, reduce, re-use and repair with the local community and other levels of government.
- c. Provide support for a community-run and operated library of things/sharing shed within Moonee Valley.
- d. Request Council officers to continue exploring opportunities to partner with a non-profit organisation emerging through its' Sustainability Champions program.
- e. Note that Council's support for a community-run and operated library of things/sharing shed could include provision of space, potential funding through Council's grants program, advice and promotional support.
- f. Note any community-run library of things/ sharing shed initiative operating out of a Council owned site would require a lease and be subject to endorsement by Council.
- g. Establish an agreed evaluation framework at the onset of any partnership to capture learnings for future initiatives.
- h. Bring a report back to an Ordinary Council Meeting within 18 months' time.

**CARRIED UNANIMOUSLY**

**10.6 Response to Notice of Motion 2019/06 - Safety lighting in public open spaces**

**Author:** Venta Slizys - Coordinator City Design

**Directorate:** Planning and Development

**Minute No.** 2019/267

**Council Resolution**

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

- a. Install two environmentally-sustainable lights in the walkway between Keilor Park Drive and Darling Close in line with findings outlined in Attachment A
- b. Endorse officers to undertake community consultation regarding the Hassett Reserve lighting project in line with findings outlined in Attachment A and Table 1 including promotion of personal safety initiatives to encourage behaviour change and community safety awareness.
- c. Receive a Hassett Crescent Reserve lighting project community consultation findings report, with a view to confirming project scope, cost and relative benefits, prior to a municipal wide assessment being undertaken.
- d. Prepare a proposal as part of Council's 2020/21 budget process to undertake a municipal wide assessment for priority locations for the installation of safety lighting over the 2020 year and come back to Council with a priority list for consideration.

**.CARRIED UNANIMOUSLY**

**10.7                    2019-20 Capital Works Program Update**

**Author:**                Nikhil Aggarwal - Coordinator Program Management Office

**Directorate:**         Asset Planning and Strategic Projects

**Minute No.**          **2019/268**

**Council Resolution**

Moved by Cr Sharpe, seconded by Cr Sipek that Council resolves to authorise requested 2019/20 Capital Works Project variations as per Section A of Attachment A.

**CARRIED UNANIMOUSLY**

**10.8 Proposed Leases to Axicom and Optus over part of  
Walter Street Reserve**

**Author:** Jaci Underwood - Senior Commercial Property Officer

**Directorate:** Asset Planning and Strategic Projects

**Minute No.** 2019/269

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Cusack that consideration of this report be deferred until the Ordinary Council meeting to be held 26 November 2019.

**CARRIED UNANIMOUSLY**

**11. Notices of Motion**

Nil.

**12. Urgent Business**

**Minute No. 2019/270**

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Cusack that the item proposed by Cr Sipek regarding the bushfires in NSW, be considered as Urgent Business.

**CARRIED UNANIMOUSLY**

**Minute No. 2019/271**

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Surace that Council resolves to offer any assistance and support it can provide to those communities and services involved in the fires in NSW.

**CARRIED UNANIMOUSLY**

Cr Marshall left the meeting at 8.08pm and returned at 8.09pm.

**13. Delegates Reports**

**Cr Andrea Surace** reported to Council that on 6 November she attended a meeting of the Metropolitan Transport Forum (MTF), where the Secretary of the Department of Transport delivered a presentation.

Cr Surace said that she had the opportunity to promote Council's campaign for a train station at Airport West to the Secretary, who advised that planning for the Airport Rail Link business case is still underway.

Cr Surace also advised that there was interest from other Councillors present at the MTF in reestablishing meetings to discuss rail transport matters.

**Cr Richard Lawrence** reported to Council that representatives on the Western Melbourne Tourism Authority recently received a presentation on the benefits of the Melbourne Airport Rail Link to the western suburbs.

Cr Lawrence also advised that he promoted the campaign for a station at Airport West to this committee.

**Cr Jim Cusack** reported to Council that he had recently attended two Annual General Meetings. At the Annual General Meeting of Moonee Valley Legal Service, attendees received an address from a Magistrate of the Drug Court, Mr Bernie Fitzgerald.

Cr Cusack also attended the Farnham Street Neighbourhood Learning Centre AGM, which doubled as a celebration of that organisation's 40<sup>th</sup> Anniversary.

Cr Lawrence left the meeting at 8.12pm and returned 8.14pm.

**14. Confidential Reports**

**Minute No. 2019/272**

**Council Resolution**

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

**14.1 48 Holmes Road, Moonee Ponds (Lot 1 on TP803507A) - Demolition of a fence and construction of a three-storey apartment building in a Heritage Overlay**

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

**CARRIED UNANIMOUSLY**

The meeting closed to the public at 8.14pm.