



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 28 May 2013

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 28 May 2013 at 7.12pm
held at the Moonee Valley Civic Centre

PRESENT

Members: Cr Narelle Sharpe Mayor
Cr Jim Cusack
Cr Jan Chantry
Cr Shirley Cornish
Cr Paul Giuliano
Cr Nicole Marshall
Cr Cam Nation
Cr John Sipek
Cr Andrea Surace

Officers: Mr Neville Smith Chief Executive
Mr Bryan Lancaster Director City Works & Development
Mr Anthony Smith Director Corporate Services
Mr Stuart Gillespie Executive Manager Citizen Services & Information Management
Mr Tony Ball Executive Manager Community Services
Mr Scott Widdicombe Executive Manager Environment & Lifestyle
Mr Henry Bezuidenhout Manager Statutory & Strategic Planning
Mr Ralph Anania Manager Governance & Local Laws

1. Opening

The Mayor, Cr Sharpe, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 28 May 2013.

2. Apologies

Nil.

Leave of Absence

Moved by Cr Giuliano, seconded by Cr Cornish that Council grant Cr Jan Chantry, Leave of Absence for all formal meetings during the period 22 July to 16 August 2013 inclusive.

CARRIED

3. Confirmation of Minutes

Moved by Cr Cusack, seconded by Cr Marshall that the Minutes of the Ordinary Meeting of Council held on Tuesday, 23 April 2013 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Council Resolution

Moved by Cr Cusack, seconded by Cr Chantry that Standing Orders be suspended, to allow an external presentation to be made.

CARRIED

The Mayor introduced Mr Richard Lawrence, from the Essendon Rotary Club, to address the meeting on the club's involvement with Northwest 4, Council and the Fit2drive workshops.

Mr Lawrence presented the Mayor with a cheque.

Cr Sharpe thanked Mr Lawrence and the Essendon Rotary Club for its ongoing support of the Northwest4 Community Road Safety Committee (comprising the Cities of Moonee Valley, Hume, Moreland and Darebin) for the club's ongoing commitment to support the delivery of the Fit2drive program.

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Standing Orders be resumed.

CARRIED

6. Petitions And Joint Letters

6.1 Request for Partial Change to Parking Restrictions in Raleigh Street, West of Napier Street, Essendon

File No. PR276911

Cr Giuliano tabled a petition signed by 119 individuals requesting that Council review the unrestricted car parking on Raleigh Street, west of Napier Street.

In tabling a petition/joint letter, the Appropriate Officer is required to undertake the necessary action and if necessary provide a further report to Council.

7. Public Question Time

Question 1 Ms Virginia Moylan of Essendon lodged the following statement –
“I'm a member of The Friends of Five Mile Creek, Essendon. We have had a great deal of support from Michelle Gooding an officer from the Council. She has been available not only to the group I'm involved with, but many other groups and is available for planting occasions with practical and planning support at all times, weekdays, weekends whenever. I believe she needs more

support ideally another person (or 2) as I don't know how she does what she does”.

The Chief Executive, Mr Neville Smith asked whether Ms Moylan was in attendance, but was not. As such, Mr Smith stated that Ms Goodings is a valued member of staff and it is pleasing to receive such feedback. Council remains committed to assisting and supporting worthy community groups and initiatives, with funds and other resources, when this can be achieved.

8. Reports By Mayor And Councillors

File No. FOL/12/1435

Minute No. 2013/68

Council Resolution

Moved by Cr Surace, seconded by Cr Nation that the reports by the Mayor and Councillors be received.

CARRIED

9. Reports

9.1 10 Elstone Court, Niddrie (Lot 237 on PS008376) - Construction of five dwellings and a reduction in the car parking requirement

File No: MV/55/2012

Author: Team Leader Development Approvals

Directorate: City Works & Development

Ward: Buckley

Minute No. 2013/69

Council Resolution

Moved by Cr Giuliano, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/55/2012 for the construction of five dwellings and reduction in the car parking requirement at 10 Elstone Court, Niddrie (Lot 237 on PS008376) subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) All obscure glazed windows to be fixed or provided with maximum openings of 150mm.

- b) The dimensions of the secluded open space areas, resulting in a minimum area of 25m².
- c) The width of the garage door openings associated with Dwellings 2 to 5 as 3.4 metres.
- d) The proposed crossover constructed as a double crossover with the existing crossover to the north at No. 12 Elstone Court.
- e) The existing fence located along the northern boundary to taper down to 1.15 metres forward of the front building line.
- f) The screening associated with the balcony of Dwelling 1 to comply with Clause 55.04-6 (Overlooking Objective) of the Moonee Valley Planning Scheme.
- g) The provision of a 1.8 metre high fence between the secluded open space areas of each dwelling in accordance with Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme.
- h) A landscape area with a maximum depth of 3m within the south-eastern corner of the site.
- i) Internal elevations of Dwellings 2, 3, 4 and 5.
- j) A bin storage area within the garage of Dwelling 1, which does not encroach onto the car space.
- k) A retractable clothesline within the balcony of Dwelling 1.
- l) Minimum sight lines for pedestrian safety in accordance with Section 3.2.4 (Figure 3.3) of AS2890.1 (2004) – Off-Street Car Parking Facilities.
- m) A schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roof, fascias, windows frames, fences and paving.

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 4. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
- 5. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must be to the satisfaction of the Responsible Authority:
 - a) Be provided and completed prior to the commencement of the use hereby permitted;
 - b) Thereafter be maintained;

- c) Be made available for such use at all times and not used for any other purpose;
 - d) Be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - e) Be drained and sealed with an all weather seal coat.
6. The car parking areas and access ways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable). The car park area and driveways must be maintained to the satisfaction of the Responsible Authority.
7. Prior to any building or works commencing, a Construction Management Plan must be submitted to and approved by the Responsible Authority detailing the construction activity proposed. The plan must include, but not be limited to:
- a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - j) On site stormwater contamination;
 - k) Chemical storage;
 - l) Noise and vibration;
 - m) Risk assessment;
 - n) Works timetable; and
 - o) Number of workers expected of work on the site at any one time.
- Once submitted and approved the works detailed by the Construction Management Plan must be carried out to the satisfaction of the Responsible Authority.
8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Any service units, including air conditioning units, must not be located on any of the balconies unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
10. Car spaces must not be used for any other purpose other than the parking of vehicles to the satisfaction of the Responsible Authority.

11. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all 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 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.
12. 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.
13. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
14. All stormwater runoff from the development is to drain via an underground drainage system and discharge to the kerb and channel via an On-Site Detention System.
15. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
16. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit.
 - b) 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.
 - c) The use of drought tolerant species.

- d) The planting of one canopy tree along the Elstone Court frontage and one within the south-eastern corner of the site, with a minimum mature height of 4 metres.
- e) Additional ground cover plants within the front setback.
- f) Features such as paths, paving and accessways.

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

- 17. 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.
- 18. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
- 19. This permit will expire if:-
 - a) The development is not commenced within two (2) years from the date of issue of this permit; or
 - b) The development is not completed within four (4) years from the date of issue of this permit.

Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request the responsible authority to extend the expiry date.

Permit Notes

- This is not a building permit. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant shall contact the Moonee Valley City Council's Technical Services regarding legal point of discharge, new crossings, building over easements etc.
- A permit must be obtained from Council for all vehicular crossings.
- 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.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.

- All works within the road reserve shall be in accordance with the requirements of the Moonee Valley City Council's Technical Services Department and to the satisfaction of the Responsible Authority.
- An Asset Protection Permit must be obtained from Council prior to commencement of works to ensure that Council assets in the vicinity of the works are not damaged during construction.
- Council will not accept any modifications to existing levels within the road reserve. Any change in levels to match existing surface levels along the property boundary line must be made within the property boundary. The long-section of the proposed vehicle crossing must not have a proposed height lower than the existing section across the nature strip.
- No on-street parking permits will be provided to the occupiers of the subject site.

CARRIED

9.2. 14 Glencara Street, Avondale Heights, Lot 82 on PS 041874 - Construction of a double storey dwelling to the rear of an existing dwelling

File No: MV/589/2012
Author: Statutory Planner
Directorate: City Works & Development
Ward: Rose Hill
Minute No. 2013/70

Council Resolution

Moved by Cr Nation, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/589/2012 for the construction of a double storey dwelling to the rear of an existing dwellings at 14 Glencara Street, Avondale Heights, Lot 82 on Plan of Subdivision 041874, subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Pedestrian access between garage 1 and the secluded private open space of Dwelling 1. Any doors must not encroach on the minimum internal dimensions of the garage.
 - b) The section of Garage 2 located over the easement replaced with a light weight structure (such as a carport).
 - c) The provision of a 300mm wide trench gate along the entrance of both garages.

- d) The location of bin storage for Dwelling 1.
- e) The provision of a 6 square meter externally accessible storage for Dwelling 1.

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
5. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
6. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
7. The car parking areas and access ways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable). The car park area and driveways must be maintained to the satisfaction of the Responsible Authority.
8. 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.
9. Stormwater runoff from the development shall drain via an underground system and discharge to the kerb and channel in front of the property. If discharge to the kerb and channel via gravity is not possible, the discharge to the kerb and channel in front of the property will need to be via a dual pump system in accordance with AS3500.3.2. 1998, Section 9.

A drainage layout plan prepared by a Civil Engineer together with computations, indicating the pump specification and location is to be submitted to and approved by the Responsible Authority prior to the commencement of any buildings and works (including drainage). All costs associated with the preparation of the plan and installation and construction of the required drainage works must be borne by the permit holder.
10. Prior to the issue of an Occupancy Permit, fencing in accordance with the endorsed plan must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

11. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
- a) Plans to accord with Condition 1 of this permit.
 - b) The use of non-invasive plant species within the easement along the eastern boundary to ensure that existing infrastructure assets are not damaged by root systems.

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

12. 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.
13. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Bollard lighting should be provided to the internal accessway. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
14. 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 from the date of issue of this permit.

Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request the responsible authority to extend the expiry date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements etc.
- An Asset Protection Permit must be obtained from Council prior to commencement of works to ensure that Council assets in the vicinity of the works are not damaged during construction.

- 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.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and to the satisfaction of the Responsible Authority.
- No on street parking permits will be provided to the occupiers of the subject site.

CARRIED

**9.3 12 Leonard Crescent, Ascot Vale (Lot 7 PS404069L) -
Construction of a double storey building comprising 12
dwellings and a reduction in car parking requirements**

File No: MV/181/2012
Author: Senior Town Planner
Directorate: City Works & Development
Ward: Myrnong
Minute No. 2013/71

Council Resolution

Moved by Cr Sipek, seconded by Cr Surace that with respect to an application for review against Council's refusal to grant a permit , Council resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the amended application, that the decision would have been to Grant a Permit in relation to Planning Application MV/181/2012 for the construction of a double storey building comprising 12 dwellings and a reduction in car parking requirements at 12 Leonard Crescent, Ascot Vale subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans prepared by BD Design all Project No:12_800 and comprising: TP03 – Rev F, TP04 – Rev F, TP05 – Rev F, TP06 – Rev F, TP10 – Rev F, but modified to show:
 - a) The deletion of the visitor car space within the front setback.
 - b) The entire ground and first floor front setback increased by 1.0 metre from the front title boundary.
 - c) The location of the rainwater tanks as required by Condition 12.Once approved these plans become the endorsed plans of this permit.
2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be

altered or modified without the further written consent of the Responsible Authority.

3. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. 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.
5. Prior to any building or works commencing, a Construction Management Plan must be submitted to and approved by the Responsible Authority detailing the construction activity proposed. The plan must include, but not be limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - j) On site stormwater contamination;
 - k) Chemical storage;
 - l) Noise and vibration;
 - m) Risk assessment;
 - n) Works timetable; and
 - o) Number of workers expected of work on the site at any one time.

Once submitted and approved the works detailed by the Construction Management Plan must be carried out to the satisfaction of the Responsible Authority.

6. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
7. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
8. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
9. Prior to the commencement of the development, a Car Parking Management Plan prepared by an appropriately qualified traffic consultant must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must include:

- a) Details as to how the car stackers are to be regularly maintained and serviced.
- b) In the case where the car stackers becoming non-operational, details of time frames and measures to be undertaken to reinstate the car stackers back to working order.
- c) Details as to what measures will be undertaken in the event that the stackers are not operational, so not to provide any additional on-street parking demand.

The Car Parking Management Plan must be to the satisfaction of the Responsible Authority. Once submitted and approved the plan must be implemented to the satisfaction of the Responsible Authority.

- 10. 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.
- 11. Prior to the commencement of buildings and works, a drainage layout plan, including stormwater outlets and legal points of discharge, must be prepared and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
- 12. All stormwater runoff from the proposed roof area must be harvested via rainwater tank(s) and reused for the building's facilities (toilets, irrigation etc.). All stormwater overflow from the rainwater tank(s) must drain via an underground drainage system and discharge to an approved legal point of discharge to the satisfaction of the Responsible Authority.
- 13. All stormwater runoff from the development is to drain via an underground system and discharge to the kerb and channel in front of the property.
- 14. Prior to the issue of an Occupancy Permit, all boundary fences as per 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.
- 15. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
- 16. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.

17. 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.
18. Prior to the occupation of the development hereby permitted, all landscaping, (including trees, shrubs and lawn) must be completed in accordance with the approved landscape plans prepared by Keystone Alliance Landscape Design, dated 21.03.13 or any other approved landscape plan to the satisfaction of the Responsible Authority.
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 three (3) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements etc.
- A permit must be obtained from Council for all vehicular crossings.
- No on street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works) as prepared by the Moonee Valley City Council.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and to the satisfaction of the Responsible Authority.

CARRIED

9.4 23A Gladstone Street, Moonee Ponds (Lot 2 PS548579F) - Partial demolition, alterations and additions to a church in a Heritage Overlay; use of the land for a food and drink premise; a reduction in car parking; and a waiver in loading bay requirements

File No: MV/737/2012
Author: Senior Town Planner
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2013/72

Council Resolution

Moved by Cr Sipek, seconded by Cr Surace that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/737/2012 for the partial demolition, alterations and additions to a church in a Heritage Overlay; use of the land for a food and drink premise; a reduction in car parking; and a waiver in loading bay requirements at No. 23A Gladstone Street, Moonee Ponds (Lot 2 PS548579F), subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) A reduction in the height of the first floor rear balcony screening to a maximum of 2.0 metres, in accordance with the elevation plans received by Council on 21 February, 2013.
 - b) The provision of a double sided bicycle hoop within the front setback area, in accordance with the ground floor plan received by Council on 21 February, 2013.
 - c) The dimensions (length and width) of the car parking stackers.
 - d) The allocation of car parking spaces.
 - e) Modifications to the ground floor car parking area to allow vehicles to enter car stackers in a forwards direction, safely and efficiently, and then exit the site without conflicting with the support posts associated with the roller doors to comply with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.
 - f) Modifications to the ground floor car parking area to allow vehicles, particularly car spaces '1/2' and '11/12', to exit into the Right of Way in a safe manner with clear visibility of any oncoming pedestrian or vehicular traffic (i.e. the provision of splays, transparent sections of wall or suitable convex traffic mirrors).

- g) Modifications to ground floor pedestrian doors providing access to the Right of Way so that they don't impact/encroach on vehicles entering or exiting the site.
- h) Modifications to ground floor pedestrian doors/gates to allow waste bins to be moved on-site for collection purposes.
- i) 'Fence Type 1' to be a maximum of 1.8 metres in height.
- j) Details of the ramp and any associated fencing, handrails or retaining walls on the northern elevation plan.
- k) Details and the location of existing crossovers along the front property boundary (Gladstone Street).
- l) A notation that existing crossovers along the front property boundary (Gladstone Street) are to be removed and reinstated at the owner/developer's cost.

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 4. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority.
- 5. Prior to any building or works commencing, a Construction Management Plan must be submitted to and approved by the Responsible Authority detailing the construction activity proposed. The plan must include, but not be limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - j) On site stormwater contamination;
 - k) Chemical storage;
 - l) Noise and vibration;

- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected of work on the site at any one time.

Once submitted and approved the works detailed by the Construction Management Plan must be carried out to the satisfaction of the Responsible Authority.

6. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
7. The privacy screens/obscured glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
8. The car parking areas and access ways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable). The car park area and driveways must be maintained to the satisfaction of the Responsible Authority.
9. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
10. Bicycle parking spaces must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
11. 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.
12. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
13. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
14. Equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
15. The development must be provided with external lighting capable of illuminating access to each car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or

loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.

16. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
17. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and must be connected to a registered security service.
18. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit.Once approved these plans become the endorsed plans of this permit. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.
19. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the responsible authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
20. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
21. The amenity of the area must not be detrimentally affected by the use of land, through:
 - a) Transportation of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil.
 - d) Presence of vermin.
 - e) or in any other way.to the satisfaction of the Responsible Authority.
22. The hours of operation of the food and drink premises (Cafe), shall not exceed Monday to Sunday, 7am to 9pm.
23. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit; or

- b) the development is not completed and the use is not commenced within four (4) years from the date of issue of this permit.

Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements etc.
- This property is located within a Heritage Overlay control area. Planning permission is required for any additional works to the site in accordance with Clause 43.01 of the Moonee Planning Scheme.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- This permit does not discharge an occupier from any liability relating to the construction, maintenance or the repair of a dividing fence, pursuant to the provisions of the Fences Act 1968 (as amended).
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All 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.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

DIVISION CALLED

A Division was called and voting was as follows:

FOR: Crs Surace, Sipek, Nation, Giuliano and Sharpe.

AGAINST: Crs Marshall, Cusack, Cornish and Chantry.

CARRIED

Cr Sipek left the meeting at 8.09pm.

9.5 17 Fisher Parade, Ascot Vale (Lot 1 on TP 429169D) - Construction of a multi-level residential building and removal of vegetation in a DDO, IPO, LSIO, and PAO and alteration to access on a Road Zone Category 1.

File No: MV/398/2012
Author: Statutory Planner
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2013/73

Council Resolution

Moved by Cr Cusack, seconded by Cr Giuliano that with respect to an Application for Review against Council's Failure to determine the application within the prescribed time, Council resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the amended application, that the decision would have been to Grant a Permit in relation to Planning Application MV/398/2012 for the construction of a multi-level residential building and removal of vegetation in a DDO, IPO, LSIO and PAO and alteration to access on a Road Zone Category 1 at 17 Fisher Parade, Ascot Vale subject to following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted to VCAT (TP01 REVD, TP02 REVC, TP04 REVC, TP05 REVC, TP06 REVC, TP07 REVC, TP08 REVC, all dated 28 April 2013) but modified to show:
 - a) The retention of the three peppercorn trees to the rear of the site.
 - b) An amended landscape plan in accordance with condition 16.
 - c) The provision of a vehicle detection device in the basement car park to advise vehicles entering the premises that there is a vehicle exiting.
 - d) The northern wall adjacent to the boundary provided with a visibility splay in accordance with the requirements of Clause 52.06 (Car Parking).Once approved these plans become the endorsed plans of this permit.
2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.

3. Prior to the issue of an Occupancy Permit, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. 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.
5. Prior to any building or works commencing, a Construction Management Plan must be submitted to and approved by the Responsible Authority detailing the construction activity proposed. The plan must include, but not be limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - j) On site stormwater contamination;
 - k) Chemical storage;
 - l) Noise and vibration;
 - m) Risk assessment;
 - n) Works timetable; and
 - o) Number of workers expected of work on the site at any one time.

Once submitted and approved the works detailed by the Construction Management Plan must be carried out to the satisfaction of the Responsible Authority.

6. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
7. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must be to the satisfaction of the Responsible Authority:
 - a) Be provided and completed prior to the commencement of the use hereby permitted;
 - b) Thereafter be maintained;
 - c) Be made available for such use at all times and not used for any other purpose;

- d) Be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - e) Be drained and sealed with an all weather seal coat.
8. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all 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 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.
 9. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
 10. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected as per the endorsed plans. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
 11. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
 12. Before the development starts a Geotechnical report must be carried out to ascertain the stability of the slope and measures to be adopted to minimise the impacts of the development on the adjoining land and Maribyrnong River. The Geotechnical report must be to the satisfaction of the Responsible Authority and any recommendation of the geotechnical report must be implemented to the satisfaction of the Responsible Authority before the development starts.
 13. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
 14. Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria must be notified immediately of any such discovery.
 15. Prior to the commencement of any buildings and works, an arborist report prepared by a suitably qualified arborist must be submitted to and approved by the Responsible Authority. The arborist report must outline any specific threats to the on-going health of the existing Peppercorn trees located to the rear of the property as a consequence of the approved development. The report must outline any specific recommendations to be implemented to ensure the on-going health of these trees whether this includes modifications to the proposed

development and/or use of tree protection measures during construction. Once approved, the arborist report will be endorsed under the planning permit. Once endorsed, all recommendations forming part of that report must be complied with to the satisfaction of the Responsible Authority and all resulting costs borne by the permit holder.

16. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
- a) Plans to accord with Condition 1 of this permit.
 - b) The landscaping provided to be in accordance with Appendix 1 of the Maribyrnong River Interface Guidelines 2001.
 - c) The provision of higher and denser landscaping along the nominated landscaped sections of the northern and southern boundaries. The landscaping must be of a species and height to allow for filtering of views of the building when viewed from the neighboring properties.
 - d) The provision of additional landscaping within the rear setback generally in accordance with the plans submitted to VCAT (TP01 – REVD).
 - e) The retention of the existing peppercorn trees along the rear setback.
 - f) The provision of at least 4 canopy trees.
 - g) 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.
 - h) The use of drought tolerant species.
 - i) Features such as paths, paving and accessways.

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

17. 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.

VicRoads Condition

18. All vehicular movements to Fisher Parade from the proposed access point must be made in a forward direction.

End Vic Roads Condition

Department of Sustainability and Environment Conditions

19. There is to be no formalised access from the subject land to the adjoining Crown land known as the Maribyrnong River.

20. There must be no discharge of stormwater or other concentrated flow of water onto the Crown land. All stormwater and surface drainage should be directed to a legal point of discharge away from the Crown land.
21. Prior to commencement of works, the land must be tested for potential acid sulfate soils, and if found present, a management plan must be drawn up showing mitigation and disposal methods in accordance with Victorian Best Practice Guidelines for Assessing and Managing Coastal Acid Sulfate Soils, 2010 and carried out to the satisfaction of DSE and Council.

End Department of Sustainability & Environment Conditions

22. Erosion and sediment control measures must be in place prior to commencement of works and maintained through to completion of works to the satisfaction of the Responsible Authority. Should soil erosion or slumping occur as a result of the development, immediate works are to be undertaken to stabilise the site by the land owner to the satisfaction of the Responsible Authority.
23. 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 three (3) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements etc.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site. All drainage works undertaken must be in accordance with stormwater drainage requirements for development works as prepared by the Moonee Valley City Council.

CARRIED

Cr Sipek returned to the meeting at 8.17pm.

9.6 **New Residential Zones**
File No: FOL/12/1012
Author: Coordinator Strategic Planning
Directorate: City Works & Development
Ward: Municipal
Minute No: 2013/74

Council Resolution

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

1. Endorse the criteria for the application of the new residential zones for the purpose of community consultation as part of the planning scheme review.
2. Notes that the recommendation for the Heritage Overlay Criteria, listed on page 127 of the Council agenda papers, which reads “Investigate the Neighbourhood Residential Zone as the preferred option for properties within a heritage precinct of the Heritage Overlay (outside of activity centres), should read “Investigate the Neighbourhood Residential Zone as the preferred option for properties within a heritage precinct of the Heritage Overlay”.

CARRIED

9.7 **Parking Permit Policy**
File No: FOL/ 12/706
Author: Acting Coordinator Transport
Directorate: City Works & Development
Ward: Municipal
Minute No: 2013/75

Council Resolution

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

1. Note the community feedback received during the public consultation period.
2. Adopt the Parking Permit Policy as shown in Appendix F for implementation with the inclusion of details from Appendix B relating to the provision of parking permits to organisations and associated conditions of use, along with the following amendments:
 - a) Provision of 22 permits for the Essendon Citizens Advice Bureau.
3. Amend Table 5.1 Definition 4 of the Parking Permit Policy as follows:
 - a) After the words “permits” add the following sentence “A resident in this type of premise who holds a current parking permit as at 28 May 2013 shall be entitled to retain that permit until they vacate that premise”; and
 - b) Swap numbers 4 with 3, to be consistent with Dwelling Type in table 5.1.

4. Update Appendix 1, Section 4 of the Municipal Parking Strategy as follows:
 - a) Replace the following sentence “where a statement of compliance for subdivision was issued after 1 January 2006” with “where a property division date occurred on or after 1 January 2006”;
 - b) Replace the following sentence “For every crossover a property (house) has, one less Resident or Visitor Parking Permit will be issued” with “If a House has 1 or more crossovers; one less Resident or Visitor Parking Permit will be issued”;
 - c) Replace the following sentence “subject to the condition above, where the residents of the House were issued with more than 2 Resident Permits prior to 20 September 2011” with “subject to the condition above, where the residents of the House were issued with more than 2 Resident Permits continuously since 20 September 2011”;
 - d) After the word “permits” add the following sentence “A Resident in this type of premise who holds a current parking permit as at 28 May 2013 shall be entitled to retain that permit until they vacate that premise”; and
 - e) Amend the definition of a House and Townhouse to be consistent with the definition of a House and Townhouse in the Parking Permit Policy.
5. Write to all individuals and organisations involved with the development of the Parking Permit Policy thanking them for their valuable feedback and contribution.
6. Defer any decision on the Trader Parking Permits to the Ordinary Council Meeting to be held on 25 June 2013, to allow further discussion and consideration.

DIVISION CALLED

A Division was called and voting was as follows:

FOR: Crs Surace, Sipek, Nation, Giuliano, Sharpe, Chantry and Marshall.

AGAINST: Crs Cusack and Cornish.

CARRIED

9.8 Review of Parking Restrictions for Sydenham Street, Moonee Ponds

File No: 63/019/032
Author: Senior Traffic Engineer
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2013/76

Council Resolution

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

1. Refer for completion the review of the current traffic and parking conditions in Sydenham Street, Moonee Ponds as part of the Holmes Road Local Area Traffic Management Study to be undertaken in the 2015-16 Financial Year.
2. Consult owners and occupiers of Sydenham Street, Moonee Ponds regarding a proposal to convert the existing Permit Zones in Sydenham Street to 2P 9am – 5pm Monday to Friday; Permit Zone All Other Times.
3. Provide a report to Council on the results of the consultation.

CARRIED

Cr Giuliano left the meeting at 8.57pm and returned at 9.05pm.

Cr Giuliano left the meeting at 9.08pm and returned at 9.09pm.

9.9 Flemington Hill Traffic & Parking Study

File No: FOL/11/460

Author: Senior Traffic Engineer

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2013/77

Council Resolution

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

1. Adopt the Traffic Management and Parking Management Plan as presented at Appendix F (separately circulated), including a 3 month trial of partial road closures.
2. Prior to the commencement of the trial, consider a report from the Roads Corporation and develop evaluation criteria in consultation with the Working Group.
3. Undertake traffic surveys prior to the consultation of the trial period including consultation with residents to include a survey and feedback opportunities at the local Farmers market and Flemington Community Centre.
4. Delegate to a Special Committee of Council comprising Crs Cusack, Marshall Nation, Chantry, Cornish, Sharpe and Surace, the authority to make a decision on the trial outlined in 1 above.
5. Commence the identified parking management items in the following streets as soon as practical:
 - Norwood Street,
 - Lewis Street, and
 - Finsbury Street.
6. Undertake further localised consultation on a street by street basis to refine the parking proposals in the following streets:
 - Pin Oak Crescent,

- Brighton Street,
 - Farnham Street,
 - Church Street, and
 - Bryant Street.
7. Refer the traffic management items within the adopted Traffic Management Plan to future Capital Works Budget for funding consideration.
 8. Finalise the required consultation with VicRoads and the Truck Operation Group to gain consent to install the proposed non-local destination truck bans in Wellington Street, Shields Street, Princes Street and Victoria Street as soon as possible.
 9. Undertake further development of the proposal to install traffic signals at Kent Street and Mt Alexander Road and advocate to VicRoads for funding of the project.
 10. Advise residents and traders within the Flemington Hill study area of the outcome of this report.

CARRIED

9.10 Update on Melbourne Airport Rail Link, Network Development Plan-Metropolitan Rail & East-West Tunnel Link

File No: FOL/13/462
Author: Senior Transport Planner
Directorate: City Works and Development
Ward: Municipal
Minute No: 2013/78

Council Resolution

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

1. Note the report.
2. Write to the Minister for Public Transport to:
 - a) Advise that Council's preferred option for the Melbourne Airport Rail Link is the Flemington Link Corridor with train stations at Airport West and East Keilor and request that further consideration be given to this option;
 - b) Request details on the cost comparison between the Albion East Base Case and the Flemington Link option;
 - c) Advise that Council does not support the construction of the proposed East-West Link tunnel between the Eastern Freeway and City Link;
 - d) Advise that Council rejects any proposal to use public park or creek areas for the construction of roads;

- e) Request that priority be given to improvements to public transport infrastructure including bringing forward the Melbourne Metro Rail Tunnel project; and
 - f) Request the involvement of Council and the community in future discussions on the East-West Tunnel Link.
3. Write to neighbouring Councils, including the Cities of Moreland, Melbourne, Maribyrnong and Yarra, to advise in terms of 2c) to 2f) above.

CARRIED

Cr Sipek left the meeting at 9.26pm and returned at 9.28pm.
Cr Surace left the meeting at 9.32pm and returned at 9.38pm.

9.11 Craigieburn Rail Corridor Walking and Cycling Route from Essendon Station to Newmarket Station

File No: FOL/12/446
Author: Sustainable Transport Officer
Directorate: City Works & Development
Ward: Municipal
Minute No: 2013/79

Council Resolution

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

1. Note the community feedback received during the public consultation period.
2. Support in principle safety improvements to the existing walking and cycling route along the Craigieburn Rail Corridor between Essendon and Newmarket stations including Options 8A, 12A, 13B and 16B.
3. Undertake further consultation with residents and owners on Sherbourne Avenue, Milfay Avenue and Queens Avenue on concept plans and also with VicRoads and SITA bus company around potential road crossings on Ascot Vale Road, Maribyrnong Road and Kent Street.
4. Implement the remainder of the actions which do not involve significant changes and to which there was no objections during community consultation.
5. Receive a report on the results of the additional consultation in 3 above.
6. Advise respondents of the outcome of this report.

CARRIED

The Chairperson agreed to a request that the meeting deal with Council Report 9.18 as the next item of business.

9.18 **Niddrie Business District Special Rate Declaration**
File No: FOL/12/1402
Author: Manager Sustainability, Health and Economic Development
Directorate: Corporate Services
Ward: Buckley
Minute No: 2013/80

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council:

1. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the Local Government Act 1989 (Act), and otherwise according to law, hereby declares a Special Rate and Charge under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Niddrie Traders Association (Traders Association), which funds, subject always to the approval, direction and control of Council, are to be used for the purposes of funding a part-time Shopping Centre Coordinator, promotional, advertising, marketing, business development and other incidental expense as approved by Council and agreed to from time to time between Council and the Traders' Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Niddrie Business District (Business Precinct).
2. Endorse that the criteria which form the basis of the declaration of the Special Rate and Charge are the ownership and the capital improved value of rateable land used, or reasonably capable of being used, for commercial retail or professional purposes, which rateable land is situated within the geographical area in which the properties described in paragraphs 6 and 7 of this declaration are included.
3. In declaring the Special Rate and Charge, is performing functions and exercising powers in relation to peace, order and good government of the municipal district of the City of Moonee Valley, in particular the encouragement of commerce, retail activity and employment opportunities within the area for which the Special Rate and Charge is declared.
4. Endorse the total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Special Rate and Charge is declared); and confirm that the total amount of the Special Rate and Charge to be levied by Council is referable to an amount of \$100,000 in the first year and increase in \$5,000 increments, for a five year period (year five will collect \$120,000) collecting a total of \$550,000.
5. Set the period for which the Special Rate and Charge is declared and will remain in force is a period of 5 years commencing 1 July 2013 and ending on 30 June 2018.

6. Define that the area for which the Special Rate and Charge is declared, as all of the land referred to as the Business Precinct, as identified and shown of the plan set out in the attachment forming a part of this declaration (Appendix A – separately circulated).
7. Define the land in relation to which the Special Rate and Charge is declared as all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration (Appendix B separately circulated).
8. Confirm the Special Rate and Charge will be declared and assessed in accordance with the amounts set out alongside each property in the attachment forming a part of this declaration (Appendix C separately circulated). In the first year such amounts have respectively been assessed by:
 - a) An 80 per cent Special Rate component, calculated and assessed by multiplying the capital improved value of each property in the Scheme by an amount of 0.000364 (to be adjusted annually); and
 - b) A 20 percent fixed Charge component , assessed as a flat charge \$90.50 for each property in the Scheme in the first yearwith the total amount of the Special Rate and Charge to be collected increasing by \$5000 in each year of the Scheme for the remaining for years of the Scheme.
9. Levy the Special Rate and Charge by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Rate and Charge, which will require that the Special Rate and Charge must be paid in the following manner –
 - a) by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or
 - b) by four instalments, to be paid by the dates which are fixed by Council in the notice.
10. Consider cases of financial and other hardship and may reconsider other payment options for the Special Rate and Charge.
11. Endorse that no incentives will be given for payment of the Special Rate and Charge before the due date for payment.
12. Considers that there will be a special benefit to the persons required to pay the Special Rate and Charge because there will be a benefit to those persons that is over and above, or greater than, the benefit that is available to persons who are not subject to the Special Rate and Charge, and directly and indirectly as a result of the expenditure of the Special Rate and Charge the viability of the Business Precinct as a business, commercial and retail area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Special Rate and Charge Scheme will be maintained or enhanced through increased economic activity.
13. For the purposes of having determined the total amount of the Special Rate and Charge to be levied under the Scheme, further considers and formally determines for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the

performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Rate and Charge is in a ratio of 1:1 (100%). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Special Rate and Charge are marketing, promotion and advertising related and will accordingly only benefit those properties and businesses included in the Scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.

14. Authorise the Traders' Association to administer the proceeds of the Special Rate on the express condition that the Trader's Association enters into a funding agreement with Council for the period of the Special Rate and Charge.
15. Authorise the Chief Executive or the person for the time being acting in that position, for the purposes of paragraph 14 of this resolution, to prepare the funding agreement between Council and the Traders' Association by which administrative arrangements in relation to the Special Rate are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any fund by Council to the Traders' Association, Council is and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate and Charge in accordance with its obligations under the Local Government Act 1989 to do so, and such funding agreement to be submitted to Council for sealing.
16. Give notice to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/or and objection in writing of the decision of Council to declare and levy the Special Rate and Charge commencing on 1 July 2013, and the reasons for the decision.
17. Confirm that for the purpose of paragraph 16, the reasons for the decision of Council to declare the Special Rate and Charge are that –
 - a) there is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Rate and Charge from all properties owners and occupiers;
 - b) Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;
 - c) all persons who are liable or required to pay the Special Rate and Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and
 - d) the basis of distribution of the Special Rate amongst those persons who are liable or required to pay the Special Rate and Charge is considered to be fair and reasonable.

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

CARRIED

**9.12 Essendon Junction Structure Plan - Consultation Outcomes
and Grade Separation Options**

File No: FOL/11/788
Author: Senior Strategic Planning Officer
Directorate: City Works & Development
Ward: Buckley
Minute No: 2013/81

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council defer consideration of this report, pending a proposed meeting between Council staff and State Government Departments regarding longer term planning outcomes for this area.

CARRIED

9.13 Road Management Plan (2013-2017)

File No: FOL/12/835
Author: Manager Infrastructure
Directorate: City Works & Development
Ward: Municipal
Minute No: 2013/82

Council Resolution

Moved by Cr Chantry, seconded by Cr Cusack that Council approve the Moonee Valley Road Management Plan 2013-2017 shown as Appendix A (separately circulated) in accordance with Section 54 of the Road Management Act 2004.

CARRIED

9.14 Review of Councillor Code of Conduct

File No: 20/005/021
Author: Coordinator Governance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/83

Council Resolution

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

1. Having undertaken a review of its Councillor Code of Conduct as required under Section 76C of the Local Government Act 1989, hereby endorse the adoption of its new Councillor Code of Conduct, provided as Appendix A, subject to the inclusion of the following words in Clause 3C, Designated Confidential Material – “or the material is no longer confidential by virtue of being in the public domain (other than as a consequence of a disclosure by a Councillor in contravention of the Act or this section).
2. Request the Chief Executive to:
 - a) ensure that the new Councillor Code of Conduct is signed by and a copy provided to each Councillor;
 - b) make a copy available for inspection at Council’s Civic Centre.

CARRIED

9.15 Media and Issues Management Policy Review

File No: 2/050/001
Author: Media and Communications Team Leader
Directorate: Corporate Services
Ward: Municipal
Minute No. 2013/84

Council Resolution

Moved by Cr Surace, seconded by Cr Chantry that Council approve the Media and Issues Management Policy, provided as Appendix A.

CARRIED

9.16 **Draft City Sustainability Policy**
File No: FOL/13/69
Author: Coordinator Sustainable Environment
Directorate: Environment and Lifestyle
Ward: Municipal
Minute No: 2013/85

Council Resolution

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

1. Endorse the Draft City Sustainability Policy for the purpose of community consultation.
2. Receive a further report following the completion of the community consultation.

CARRIED

Reports Considered En Bloc

Minute No: 2013/86

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that the recommendations contained in reports:

- 9.17 Adoption of the Domestic Animal Management Plan 2013-2017;
- 9.19 Council Plan Key Strategic Activities Performance Report - March 2013;
- 9.20 Financial Performance Report March 2013;
- 9.21 Loan Funds 2012/13;
- 9.22 General Revaluation 2014 and Valuer's Declaration of Impartiality;
- 9.23 Report on Tenders and Contracts Awarded;
- 9.24 Report on Strategy Groups; and
- 9.25 Report on Assemblies of Councillors;

be adopted by Council.

CARRIED

9.17 Adoption of the Domestic Animal Management Plan 2013-2017

File No: FOL/12/761
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/86

Council Resolution

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

1. Adopt its Domestic Animal Management Plan 2013-2017, provided as Appendix A.
2. Receive a progress report on the initiatives identified in the DAM Plan 2013-2017, in July each year during the term of the adopted DAM Plan.
3. Notes that any initiatives identified in the adopted DAM Plan which requires funding, shall be submitted as part of Council's annual budget deliberations.

CARRIED

9.19 Council Plan Key Strategic Activities Performance Report - March 2013

File No: FOL/09/577
Author: Business Performance Officer
Directorate: Citizen Services & Information Management
Ward: Municipal
Minute No: 2013/86

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that Council receive and note the Council Plan Key Strategic Activities Performance Report for the March 2013 quarter.

CARRIED

9.20 Financial Performance Report March 2013

File No: 10/018/002
Author: Manager Finance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/86

Council Resolution

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

1. Receive and note the Financial Performance Report for the period 1 July 2012 to 31 March 2013.
2. Approve the payment of \$1.5M against Council's Vision Super Defined Benefits Superannuation Liability.
3. Approve the payment of \$38,006 under the 2012/13 Urgent/Emergency Capital Works budget for projects as detailed in the report.

CARRIED

9.21 Loan Funds 2012/13

File No: 19/022/001
Author: Manager Finance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/86

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that Council delegate to the Chief Executive its powers and functions to accept or reject a tender for the provision of a \$4 million loan and sign all necessary documentation to executive the loan, having consideration to:

- a) The interest rate and associated fees and charges;
- b) Loan repayment term; and
- c) Principal and interest repayments.

CARRIED

9.22 General Revaluation 2014 and Valuer's Declaration of Impartiality

File No: 37/020/001
Author: Coordinator Rates
Directorate: Corporate Services
Ward: Municipality
Minute No: 2013/86

Council Resolution

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

1. In accordance with Section 6(1) the Act, undertake a General Revaluation of all rateable properties within the City of Moonee Valley, and that the valuation is to be returned at the levels of value as at 1 January 2014.
2. Provide written advice of Council's resolution to cause a general revaluation to be made to be sent to the Valuer General, State Revenue Office and neighbouring rating authorities.
3. Note receipt of the Contract Valuer's statutory declaration.

CARRIED

9.23 Report on Tenders and Contracts Awarded

File No: FOL/10/358
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/86

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that Council receive and note the report of Council's Tenders Committee and tenders awarded at its meeting held on 14 May 2013.

CARRIED

9.24 Report on Strategy Groups

File No: FOL/12/69
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/86

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that Council receive and note the following confirmed Strategy Group Minutes:

4. Strategy Group Place held 2 April 2013 (Appendix A);
5. Strategy Group People held 2 April 2013 (Appendix B); and
6. Strategy Group Environment held 2 April 2013 (Appendix C).

CARRIED

9.25 Report on Assemblies of Councillors

File No: FOL/09/1245
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/86

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that Council receive and note the written records of Assembly of Councillors, provided as Appendix A, received since the last report to Council in April 2013.

CARRIED

10. Notices of Motion

Nil.

11. Urgent Business

Nil.

12. Confidential Report

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss two matters dealing with a contractual matter and another which the Council considers would prejudice the Council or any person.

CARRIED

Consideration of Confidential Reports

12.1 Provision of Electricity Services and Public Lighting 2013

12.2 Report on Audit Committee

Council Resolution

Moved by Cr Surace, seconded by Cr Sipek that the meeting resume in Open Council.

CARRIED

The meeting concluded at 10.07pm.

CONFIRMED

**CR NARELLE SHARPE
CHAIRPERSON**