



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 29 January 2013

Minutes

Report Index

The following reports were considered:

9.1	314 Pascoe Vale Road, Essendon - Buildings and works comprising the construction of a multi storey building comprising dwellings, reduction in the statutory car parking requirements along with alteration of access to a road in a Road Zone Category 1	5
9.2	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.	13
9.3	23-25 Russell St, Essendon (Lot 1,2 & CM 1 PS527604 & Lot 3 PS 007523) - Construction of a six storey building comprising a shop and dwellings, reduction in the car parking requirements and waiver of the loading bay requirements.....	14
9.4	Lamart Street, Strathmore - Discontinued Section of Road (Southern End).....	20
9.5	Municipal Parking Strategy Update.....	20
9.6	Moonee Valley Flood Management Plan	21
9.7	Update on Proposed On-Road Bicycle Lanes on Mount Alexander Road from Essendon to Moonee Ponds	22
9.8	Amendment C108 to the Moonee Valley Planning Scheme (Stormwater Management - Water Sensitive Urban Design)	22
9.9.	Amendment C117 to the Moonee Valley Planning Scheme (Keilor Road and North Essendon Structure Plan Implementation).....	23
9.10.	Strategy Groups & Councillor Portfolio Terms of Reference and Community Advisory Committee Operating Guidelines	23

Minutes of the Ordinary Meeting of Council

Tuesday, 29 January 2013 at 7:06pm
held at the Moonee Valley Civic Centre

PRESENT

Members: Cr Narelle Sharpe Mayor
Cr Jim Cusack (7.08pm)
Cr Jan Chantry
Cr Shirley Cornish
Cr Paul Giuliano
Cr Nicole Marshall
Cr Cam Nation
Cr John Sipek
Cr Andrea Surace (8.31pm)

Officers: Mr Neville Smith Chief Executive
Mr Bryan Lancaster Director City Works & Development
Ms Angela Buckley Acting 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 Strategic & Statutory Planning
Mr Ralph Anania Manager Governance & Local Laws

1. Opening

The Mayor, Cr Sharpe, opened the meeting and welcomed all present to the Ordinary Council Meeting of Tuesday, 29 January 2013.

2. Apologies

Nil.

3. Confirmation of Minutes

Moved by Cr Marshall, seconded by Cr Sipek that the Minutes of the Ordinary Meeting of Council held on Tuesday, 18 December 2012 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Nil.

(Late arrivals, were also asked if they had any Declarations of Conflict of Interest).

5. Presentations

Nil.

6. Petitions And Joint Letters

Nil.

Cr Chantry tabled a letter from a local resident, who was concerned about the health and look of Woodlands Park.

7. Public Question Time

Question 1 Mr Norman Dench of Aberfeldie asked the following question in relation to the Aberfeldie Park Master Plan:

Described within the Moonee Valley Community Services Plan 2011, adopted by Council in May 2011, a Sports Pavilion is typically, a single purpose facility with change rooms, toilets and kitchen space. In October 2012, an enquiry initiated the following response from the Environment and Lifestyle Directorate:- "Council utilises the AFL Preferred Facility Guidelines as our minimum requirements for sporting pavilions which host AFL, these are adapted for soccer and other sports, with the view that pavilions are developed in multi-use format to ensure the best outcome for a range of user groups. & etc. etc."

At which meeting and on what date, would 'Council' have passed the resolution to adopt the utilisation of the 'AFL Preferred Guidelines for sporting pavilions', in the City of Moonee Valley?

The Chief Executive, Neville Smith informed Mr Dench that such guidelines had not been formally endorsed by Council. However - 'The AFL Facilities Facility Requirement guidelines are a set of standards used as a guide by State and Territory Football Controlling Bodies, Councils, Leagues and Clubs for the provision and development of appropriate facilities for Australian Football venues.

In attempting to achieve best practice with any new facility upgrades, Moonee Valley City Council is guided by the AFL's preferred facility requirements for Local level facilities' – this ensures that facilities being designed and built for our community are suitable for the uses intended.

8. Reports By Mayor And Councillors

File No. FOL/10/357

Minute No: 2013/01

Council Resolution

Moved by Cr Chantry, seconded by Cr Sipek that the reports by the Mayor and Councillors be received.

CARRIED

9. Reports

9.1 314 Pascoe Vale Road, Essendon - Buildings and works comprising the construction of a multi storey building comprising dwellings, reduction in the statutory car parking requirements along with alteration of access to a road in a Road Zone Category 1

File No: MV/447/2012
Author: Principal Town Planner
Directorate: City Works and Development
Ward: Buckley
Minute No: 2013/02

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/447/2012 for buildings and works comprising the construction of a multi storey building comprising 78 dwellings along with alteration of access to a road in a Road Zone Category at 314 Pascoe Vale Rd, Essendon 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) Deletion of the left in/left out vehicle restriction to enable an 'all movements' vehicle access arrangement to Pascoe Vale Road.
 - b) Provision for a minimum 95 car spaces comprising 79 resident and 16 visitor car spaces.
 - c) Pedestrian visibility splays to be incorporated into the accessway in accordance with Clause 52.06-8 of the Moonee Valley Planning Scheme.
 - d) Notation to indicate the erection of pedestrian warning signage and a stop-line installed at the exit point to raise awareness of pedestrian safety.
 - e) Notation to indicate the mechanical room to be internally treated so as to minimise any external noise potential.
 - f) Provision for a pedestrian footpath between the private access point of the development to Government Road in accordance with Condition 3.

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 completion of the development a pedestrian footpath between the private access-point of the development to Government Road is to be constructed to the satisfaction of the Responsible Authority. The cost of all works shall be borne by the permit holder and once constructed in accordance with Council's Standards shall be an asset maintained by Moonee Valley City Council.
4. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
5. All piping and ducting, excepting for gutters and rainwater downpipes, above the ground floor storey of the building must be concealed to the satisfaction of the Responsible Authority.
6. 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.
7. 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) Features such as paths, paving and accessways.
 - d) Provision for canopy trees and garden beds along the Pascoe Vale Road frontage.
 - e) Screen planting provided along the northern and southern boundaries.
 - f) Canopy trees provided along the interface with the Five Mile Creek parkland to 'soften' the visual impact of the proposal.
 - g) The use of drought tolerant species.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.
8. Prior to the occupation of the development hereby permitted, all landscaping, (including trees, shrubs and lawn) must be completed in accordance with any approved landscape plan to the satisfaction of the Responsible Authority
9. 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.

10. Existing tree(s) to be retained on the endorsed plan, must not be damaged, removed or destroyed without the written consent of the Responsible Authority (other than in accordance with a Notice given pursuant to the Local Government Act).
11. Prior to the commencement of buildings and works a report by a qualified Arborist must be submitted to and approved by the Responsible Authority. When approved, the Report will be endorsed and will then form part of the permit. Three copies of the report must be provided. The Report must include any recommendations considered appropriate to protect all adjoining trees located within the adjoining Five Mile Creek and recreational reserves.
12. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must be to the satisfaction of the Responsible Authority:
 - a) Be provided and completed prior to the commencement of the development 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;
 - e) Be drained and sealed with an all weather seal coat; and
 - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
13. Prior to the commencement of the development (other than constituted solely by the breaking up of a concrete floor only to the extent necessary to test soil conditions underneath), either:
 - a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970; or
 - b) An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of the Act that the environment conditions of the land are suitable for the use and development that are the subject of this permit.

Should the Responsible Authority conclude it necessary it may, at the cost of the permit holder, obtain a peer review of environmental site assessment and/or certificate or statement of environmental audit.

In the event that the management measures are required or a statement is issued in accordance with Part IXD of the Environment Protection Act, before the use is occupied all management measures of the site assessment or conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional. The Statement is to confirm that the site is suitable for occupation by the proposed use and development.

If the management measures of the site assessment or the conditions of the Statement of Environmental Audit require ongoing maintenance or monitoring, before the use is occupied the owner of the land must enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority. This agreement must be to the effect that except with the written consent of the Responsible Authority all management measures of the site assessment or conditions of the Statement of Environmental Audit issued in respect of the land will be complied with to the satisfaction of the Responsible Authority. Written confirmation of compliance with the management measures of the site assessment or the conditions of the Statement of Environmental Audit must be provided by a suitably qualified environmental professional.

A memorandum of the Agreement must be entered on the Title to the land and the owner must pay the costs of the preparation and execution of the Agreement and entry of the memorandum on Title.

14. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but limited to the following:
 - a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;
 - b) Outline Green Travel Plan measures for the development including, but not limited to:
 - i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
 - ii) Bicycle parking and facilities available on the land
 - iii) Monitoring & review; and
 - c) A plan showing the bicycle parking areas to be provided for use by residents.

Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land to ensure the Green Travel Plan continues to be implemented by residents / owners to the satisfaction of the Responsible Authority.

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. 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.

17. 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.
18. 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 over-flow 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.
19. 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 with the exception of the Melbourne Water requirements as prescribed in Condition 36 of this permit.
20. All stormwater runoff from the development is to drain via an underground drainage system and discharge to Melbourne Water Drain/Creek to the satisfaction of Melbourne Water. An application to Melbourne Water seeking consent will need to be made.
21. 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.

VicRoads Conditions

- 22. Before the buildings are occupied, the following roadworks on Pascoe Vale Road must be completed at no cost to and to the satisfaction of the Responsible Authority:
A stop sign must be installed within the development immediately at the building line/eastern side of the Pascoe Vale Road footpath, facing exiting drivers.
- 23. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 6 metres inside the property to allow vehicles to store clear of the Pascoe Vale Road pavement and footpath.
- 24. At no cost to Vicroads and to the satisfaction of the Responsible Authority, sight distance requirements and access driveways, for a minimum sight lines for pedestrian safety must be in accordance with AS/NZS 2890.1 – 2004 part 1 Off Street Carparking’.
- 25. Waste material must be collected on-site with the waste vehicle operations being completely clear of Pascoe Vale Road, as well as the adjacent footpath, to the satisfaction of VicRoads.
- 26. Finish of driveways and crossovers:
 - a) The crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to VicRoads prior to the occupation of the buildings hereby approved.
 - b) Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - i) Formed to such levels and drained so that they can be used in accordance with the plan.
 - ii) Treated with an all-weather seal or some other durable surface.
 - c) Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
- 27. All disused or redundant vehicle crossings must be removed and the area reinstated with kerb, channel, footpath and nature strip to the satisfaction of the Responsible Authority and at no cost to VicRoads prior to the commencement of the occupation of the buildings.
- 28. All Vehicular movements to and from Pascoe Vale Road must be made in a forward manner.

29. A traffic management plan must be presented to VicRoads for consent at least 14 days prior to commencement of any works on site.
30. Work site traffic management practices must be in accordance with Australian Standard AS 1742.3-2009 'Manual of Uniform Control Devices – Part 3: Traffic Control Devices for works on Roads' and VicRoads 'Worksite Traffic Management (Road Works Signing) Code of Practice'
31. Any works associated with the proposed development shall be performed at no cost to VicRoads.
32. To ensure an 'all movements' option can operate with sufficient sight lines for entering and exiting traffic, parking restrictions must be created on Pascoe Vale Road generally in accordance with the plans forwarded by VicRoads to the responsible Council officer on 19/10/2012, to the satisfaction of the Responsible Authority.

End VicRoads Conditions

Melbourne Water Conditions

33. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
34. Ground floor level must be constructed with finished floor levels a minimum of 300mm above the applicable flood level.
35. Lower ground floor dwellings 1-4 must be constructed with finished floor levels at a minimum height of 27.7 metres to Australian Height Datum.
36. The entry / exit driveway of the basement carpark must incorporate a flood proof apex of a minimum of 300 mm above the applicable flood level.
37. All doors, windows, vents and openings to the basement car park must be a minimum of 300mm above the applicable flood level.
38. A licensed surveyor must be engaged to determine the exact location of the Melbourne Water's main drain which abuts the north-eastern boundary of the site.
39. The dwelling including footings, eaves etc. must be set outside any easement or a minimum 1.5 metre laterally clear of the outside edge of the main drain, whichever is greater.
40. The depth of the footings must be adequate to satisfy the angle of repose relative to the drain (as per Melbourne Water's specifications).
41. Prior to commencement of works a cross sectional plan for the drain depth and foundation details must be submitted to Melbourne Water for approval.
42. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

End Melbourne Water Conditions

43. 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

Melbourne Water Notes

- The applicable flood level for the property is 30.02 metres to Australian Height Datum.
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference **212195**.
- The property is located within close proximity of a Melbourne Water underground stormwater drain. For operational reasons Melbourne Water can not relocate this asset. It is the developer's responsibility to avoid the inappropriate siting of a new/modified land use or development that would adversely impact upon the underground drain. Such impacts may arise from the construction of below ground floor levels or construction activity that involves pile driving / ground anchors. The location of the underground drain may be obtained by using the 'Dial Before You Dig' service, telephone 1100.
- Prior to the commencement of works, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system. The development will have a detrimental effect on vegetation along the north-eastern boundary of the reserve due to shading. Vegetation within the creek reserve should not be removed as part of this development, and species chosen for the landscaped area to the south east of the site should be appropriate, preferably indigenous species, but definitely not species with a possibility of becoming weedy.
- The Best Practice Environmental Management Guidelines for Urban Stormwater (The Stormwater Committee, 1999) may be used as a guide when developing site controls to minimise sediment laden runoff and stormwater pollution during construction. Section 6.3, titled Construction Activity, of these guidelines provides a useful checklist to develop a site management plan.

End Melbourne Water Notes

- A legal point of discharge is required for any development of this site.
- Paving abutting an adjacent property must be provided with 150mm high concrete kerb.
- All works within the road reserve shall be in accordance with the requirements of Council's Assets and Engineering Services Department.
- Any existing vehicle crossing may need to be upgraded at the discretion of the Asset Protection Officer.

- A “*Drainage Inspection Permit*” is required for this development
- An “*Application for consent*” (or road opening permit) is also required where works are within Council’s road reserve.
- Council must be contacted before completion in order to install the ‘No Stopping’ parking restrictions along Pascoe Vale Road.
- No on street parking permits will be provided to the occupiers of the subject site.

CARRIED

**9.2 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: Senior Town Planner
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2013/03

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that with respect to an Application for Review against Council’s failure to decide 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 application, that the decision would have been to issue a Refuse to Grant a Permit in relation to Planning Permit Application No. 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 on the following grounds:

1. The proposal fails to meet the objectives and strategies of Clause 12.04-1 (Environmentally sensitive areas) as the proposal will create a development which will have adverse impacts on the amenity, character and identity of the Maribyrnong River.
2. The proposal fails to respond to the objectives and strategies of Clause 14.02-1 (Catchment planning and management) as the development fails to retain a natural drainage corridor with vegetated buffer zones at least 30m wide along the Maribyrnong River.
3. The proposed development fails to respond to the objectives and strategies of Clause 15.01-2 (Urban design principals) as the development fails to take into account the natural, cultural and strategic context of its location.
4. The proposal fails to comply with the objectives and strategies of Clause 21.05-2 (Character) of the Moonee Valley Planning Scheme as it fails to appropriately respond to the preferred neighbourhood character for Ascot Vale.

5. The proposal fails to comply with the objectives of Clause 21.05-3 (Urban Design) as the development fails to appropriately respond to its location and context and will result in considerable off-site amenity impacts to the adjoining properties.
6. The development would present a visually dominant and unsympathetic built form not in keeping with the character and appearance of the area contrary to Clauses 21.05-3 (Objectives and Strategies-Urban Design) and 43.02-1 (Schedule 1 - Design Objectives – Design and Development Overlay) of the Moonee Valley Planning Scheme.
7. The proposed development fails to comply with the purpose of Clause 43.03 (Schedule 1 – Incorporated Plan Overlay) and Clause 45.01 (Public Acquisition Overlay) as the development will prejudice the purpose for which the land is to be used and acquired.

CARRIED

9.3 23-25 Russell St, Essendon (Lot 1,2 & CM 1 PS527604 & Lot 3 PS 007523) - Construction of a six storey building comprising a shop and dwellings, reduction in the car parking requirements and waiver of the loading bay requirements

File No: MV/321/2012
Author: Principal Town Planner
Directorate: City Works & Development
Ward: Buckley
Minute No: 2013/04

Motion

Moved by Cr Chantry, seconded by Cr Nation that in relation to application for Planning Permit No. MV/321/2012, Council Refuse to Grant a Permit for the construction of a six storey building comprising a shop and 25 dwellings, reduction in car parking requirements and a waiver of loading bay requirements at No 23-25 Russell Street, Essendon (Lots 1,2 and CM1 PS 527604 and Lot 3 PS 007523521) on the following grounds:

1. The proposal provides for inadequate car parking for the total number of residents and visitors of the proposed development, failing to satisfy Clause 52.06 of the Moonee Valley Planning Scheme.
2. The proposed car parking layout does not allow for convenient, safe and efficient vehicle movements within the development pursuant to Clause 55.03-9 (Access Objective) of the Moonee Valley Planning Scheme.
3. The proposal provides for inadequate loading and unloading facilities, failing to satisfy Clause 52.07 of the Moonee Valley Planning Scheme.
4. The kerb side waste collection arrangements are considered inadequate and inappropriate for the size of the development, and the kerb side collection area proposed would be located behind existing parking areas.

5. No swept path diagrams for the parking and access have been provided, despite the access arrangements utilising a sub-standard Right of Way, and the access cannot be properly assessed without such information.
6. The existing Right of Way in its current form is not an appropriate access point for a development of this size, as it is less than 3 metres wide and there is a power pole within 0.5 metres of the Right of Way where it meets Buckley Street.
7. The proposal is considered detrimental to the safe and efficient operation of Buckley Street.

LOST

Alternative Motion

Moved by Cr Giuliano, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/321/2012 for the construction of a multi storey building comprising a shop and dwellings, reduction in car parking requirements and a waiver of loading bay requirements at No. 23-25 Russell Street, Essendon (Lot 1, 2 and CM1 PS527604 and Lot 3 PS 007523521), subject to the following conditions:

1. Before the 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) Notation indicating provision for left in/left out vehicle access to Buckley Street along with any associated signage details.
 - b) The laneway to be constructed in accordance with Condition 16.
 - c) Any proposed balcony or habitable room window along the southern elevation within 9 metres of an existing habitable room window or private open space area to be appropriately screened in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
 - d) A 300mm trench grate specified along the entire access opening from the Right of Way.
 - e) A total headroom clearance of 3.5m within the ground level car park.
 - f) Provision for convex mirrors within and at the car park exit to increase motorist visibility.
 - g) Location of the sewer pit and type of pit cover (e.g. heavy duty) in the Right of Way close to the proposed car park entrance (currently located at the boundary between 23 and 25 Russell St, Essendon).
 - h) Any support columns on the ground floor level. Columns must be positioned outside the envelope set aside for the stackers, in accordance with the manufacture's specifications for Wöhr 543-2.0 car stacker systems, and in accordance with AS 2890.1 (2004).

- i) The parking aisle maintained at a minimum width of 6.4 metres though the car park, including the bin area.

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. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but limited to the following:
 - a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;
 - b) Outline Green Travel Plan measures for the development including, but not limited to:
 - i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
 - ii) Bicycle parking and facilities available on the land;
 - iii) Monitoring & review; and
 - c) A plan showing the bicycle parking areas to be provided for use by residents.

Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land to ensure the Green Travel Plan continues to be implemented by residents / owners to the satisfaction of the Responsible Authority.

- 6. 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.

7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
8. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
9. Before the commencement of the use signs must be erected in association with the car parking hereby provided, allowing for the identification of the car park, to the satisfaction of the Responsible Authority.
10. 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.
11. To the satisfaction of the Responsible Authority the loading and unloading of goods (including waste collection) from any vehicles must not disrupt the circulation and parking of vehicles, pedestrian circulation or access.
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. 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.
15. An easement drain (minimum 300mm dia uPVC or FRC or RCP RRJ) must be constructed within the Right of Way to reach the approved point of discharge. Engineering Design Plans prepared by a qualified Civil Engineer must be submitted to and approved by the Responsible Authority prior to the commencement of any building or works (including drainage). The Engineering Design Plans must accord with Council's Drainage Design Guidelines (see attached document).
16. The Right of Way to the rear of the property is to be constructed from Buckley Street to the northern boundary of the subject site and once constructed in accordance with Council's standards and to the satisfaction of Council's Asset Officer shall be an asset maintained by Moonee Valley City Council.
17. The Right of Way is to be surveyed and designed by qualified Surveyors/Civil Engineers respectively. Construction plans are to be submitted to this department for approval. Plans are to indicate, existing surface levels, proposed surface levels, construction of the ROW in accordance with Moonee Valley City Council Standard Drawing No MV34. (Concrete Construction) and provide for:
 - a) 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.
 - b) A 300mm trench grate must be specified along the entire access opening from the R.O.W.
18. The development must be provided with external lighting capable of illuminating access to the car park 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. Prior to the commencement of the development, the applicant shall submit a revised 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. The Waste Management Plan should also remove reference to the collection of waste within the Right of Way, with preference to collection on-site wherever possible.
20. 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 Engineering Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- 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.
- All redundant vehicle crossovers to be removed. Where crossovers are redundant, nature strip and kerb and channel must be reinstated to the satisfaction of the responsible authority.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Department and to the satisfaction of the Responsible Authority.

Division Called

A Division was called and voting was as follows:

FOR: Crs Marshall, Cusack, Cornish, Giuliano and Sipek.

AGAINST: Crs Chantry, Sharpe and Nation.

ALTERNATIVE MOTION CARRIED

9.4 Lamart Street, Strathmore - Discontinued Section of Road (Southern End)

File No: 63/012/002
Author: Coordinator Property Services
Directorate: Corporate Services
Ward: Buckley
Minute No: 2013/05

Council Resolution

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

1. Declares the portion of land between Lamart Street and Lebanon Street, Strathmore (between 1-11 & 2-12 Lamart Street, Strathmore) to be required for use as a public road in accordance with the provisions of the *Road Management Act 2004*.
2. Undertake the necessary statutory process to formalise the creation and naming of the required road reserve.
3. Inform VCAT and all interested parties in relation to an application for review (P3539/2012), of Council's declaration to re-open the road and advise that this decision will likely have implications on the proposed design and layout of the proposed development application for 2-12 Lamart Street, Strathmore which is currently awaiting a hearing date.
4. Advise the developer of the development at 1-11 Lamart Street, Strathmore of the proposal to reopen Lamart Street in a court bowl design in order to facilitate a better development outcome.
5. Note that any future construction of this section of road is to be constructed such that the northern section of this road truncates in a court bowl with no connection to the existing road in Lamart Street.

CARRIED

Cr Nation left the meeting at 8.10pm and returned at 8.12pm.

9.5 Municipal Parking Strategy Update

File No: FOL/10/1066
Author: Coordinator Transport
Directorate: City Works & Development
Ward: Municipal
Minute No: 2013/06

Council Resolution

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

1. Note the progress of the implementation plan for the Municipal Parking Strategy as outlined in Appendix A (separately circulated).
2. Refer actions outlined for implementation during the 2013-14 financial year for budget consideration.
3. Endorse the minor edits and refinements of the Municipal Parking Strategy, which are outlined in Appendices B and C (separately circulated).
4. Note the extensive consultation since the adoption of the Municipal Parking Strategy and the further consultation to be undertaken in 2013 as detailed in Appendix D.
5. Receive a further report on the status and progress of the Municipal Parking Strategy at the end of the 2013-14 financial year, including a summary of concerns raised by residents following the implementation of the Municipal Parking Strategy.

CARRIED

9.6 Moonee Valley Flood Management Plan

File No: 17/011/017

Author: Coordinator Engineering Services

Directorate: City Works & Development

Ward: Municipal

Minute No: 2013/07

Council Resolution

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

1. Note that a Flood Management Plan and Improvement Plan were prepared in 2011 for Melbourne Water and Moonee Valley City Council, with input from Victoria State Emergency Service (VICSES), Parks Victoria and VicRoads.
2. Note that the Flood Management Improvement Plan and Actions are reviewed annually (last review August 2012) in conjunction with Melbourne Water and State Emergency Services, to ensure that it continues to accurately reflect flood risks and their treatment within the Municipality, as well as prevailing statutory and policy requirements.
3. Write to the Minister for Water seeking the implementation of flood mitigation options to reduce flood risk, for catchments determined to have an 'extreme' Flood Risk Rating, including the implementation of structural flood mitigation measures in the Aberfeldie Main Drain Catchment.
4. Request the Chief Executive to prepare a report to Council, outlining the environmental benefits as a result of the Flood Management Plans Implementation.

CARRIED

9.7 Update on Proposed On-Road Bicycle Lanes on Mt Alexander Road from Essendon to Moonee Ponds

File No: FOL/12/453
Author: Sustainable Transport Officer
Directorate: City Works & Development
Ward: Municipal.
Minute No: 2013/08

Council Resolution

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

1. Note the community feedback received during the public consultation period.
2. Support in principle the proposed Option B to provide a conventional southbound on-road bicycle lane for Mt Alexander Rd, between Buckley St, Essendon and the Moonee Ponds Junction and the proposed improvements to the existing southbound bicycle lane from Glass St to Buckley St.
3. Refer the further detailed investigation into the feasibility of the proposed (southbound) on-road bicycle lanes for Mt Alexander Rd including a traffic and transport assessment of the key intersections identified in the report, to the 2013-14 Capital Works Program for budget consideration.
4. Write to VicRoads seeking their assistance and in-principle support for the provision of a high quality southbound on-road bicycle lane for Mt Alexander Rd, between Buckley St and the Moonee Ponds Junction.
5. Advise respondents of the outcome of this report.

CARRIED

9.8 Amendment C108 to the Moonee Valley Planning Scheme (Stormwater Management - Water Sensitive Urban Design)

File No: FOL/11/310
Author: Strategic Planner
Directorate: City Works & Development
Ward: Municipal
Minute No: 2013/09

Council Resolution

Moved by Cr Cornish, seconded by Cr Sipek that Council as the Planning Authority for Amendment C108 to the Moonee Valley Planning Scheme and having considered all submissions received, request the Minister for Planning to appoint a Panel to consider submissions to Amendment C108, in accordance with Part 8 of the Planning and Environment Act 1987.

CARRIED

**9.9. Amendment C117 to the Moonee Valley Planning Scheme
(Keilor Road and North Essendon Structure Plan
Implementation)**

File No: FOL/11/1332-2
Author: Principal Planner (Strategic Planning and Research)
Directorate: City Works & Development
Ward: Buckley
Minute No: 2013/10

Council Resolution

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

1. Adopt the North Essendon Activity Centre Built Form Guidelines.
2. Request the Minister for Planning to appoint a Panel in accordance with Section 23(1) (b) of the Planning and Environment Act 1987 to consider submissions in relation to Amendment C117.

CARRIED

**9.10. Strategy Groups & Councillor Portfolio Terms of Reference
and Community Advisory Committee Operating Guidelines**

File No: FOL/09/1450
Author: Director Corporate Services
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/11

Council Resolution

Moved by Cr Sipek, seconded by Cr Surace that Council endorse:

1. The Councillor Strategy Groups & Councillor Portfolio Terms of Reference, as provided in Appendix A.
2. The Community Advisory Committees Operating Guidelines, as provided in Appendix B.

CARRIED

10. Notices of Motion

10.1 **Notice of Motion No. 2013/01**

Title: **Review of Parking Restrictions for Sydenham St, Moonee Ponds**

From: Cr Cam Nation

Ward: Municipal

File No: FOL/12/1440

Minute No: 2013/12

Council Resolution

Moved by Cr Nation, seconded by Cr Marshall that Council request the Chief Executive to prepare a report on the process required and associated implications of undertaking a review of current traffic and parking conditions in Sydenham Street, Moonee Ponds, including:

- a) Bus Route 467;
- b) The existing car park associated with the Moonee Ponds Medical Centre, located at 34-36 Holmes Road, Moonee Ponds;
- c) Resident issued parking permits; and
- d) Current timed parking restrictions relating to Sydenham Street.

CARRIED

11. Urgent Business

Nil.

12. Confidential Report

Council Resolution

Moved by Cr Surace, 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 three reports dealing with contractual matters.

CARRIED

Consideration of Confidential Reports

12.1 Hansen Reserve Sports Pavilion Redevelopment

12.2 Update on Crown Street Stables

12.3 1 Prospect Street, Essendon West

Council Resolution

Moved by Cr Giuliano, seconded by Cr Nation that Council resume in Open Council.

CARRIED

The meeting concluded at 9.27pm.

CONFIRMED

**CR NARELLE SHARPE
CHAIRPERSON**