



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 22 October 2013

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 22 October 2013 at 7.01pm
held at the Moonee Valley Civic Centre

PRESENT

Members: Cr Jim Cusack Acting Chairperson
 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
 Ms Yvonne Hansen Acting Manager Governance

1. Opening

The Deputy Mayor, Cr Cusack, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 22 October 2013.

2. Apologies

An apology for non-attendance was received for Cr Narelle Sharpe.

3. Confirmation of Minutes

Moved by Cr Surace, seconded by Cr Marshall that the Minutes of the Ordinary Meeting of Council held on Tuesday, 24 September 2013 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Councillor Giuliano declared a conflict of interest in Item 9.2 due to an indirect interest because of a close association. A relative lives in close proximity to the proposed development.

Councillor Sipek declared a conflict of interest in Item 9.4 due to an indirect interest because of a residential amenity. He lives in close proximity to the proposed development.

Councillor Nation declared a conflict of interest in Item 9.8 due to an indirect interest because of a conflicting duty. He is on a Committee that has applied for Council grants.

Stuart Gillespie declared a conflict of interest in Item 9.8 due to an indirect interest because of a conflicting duty. He holds an Executive position on two organisations that have applied for Council grants.

5. Presentations

Nil.

6. Petitions And Joint Letters

6.1 Traffic Management Issues, Lowther Hall Anglican Grammar School

File No. FOL/13/48

Cr Chantry tabled various letters presented by Year 6 students from Lowther Hall Anglican Grammar School concerning traffic management issues impacting on their school.

6.2 Buckley Street Village Precinct

File No. FOL/12/1440

Cr Giuliano tabled a petition signed 11 Buckley Street Village traders requesting Council to plant trees for the purpose of beautifying and enhancing the Buckley Street Village precinct.

In tabling a petition or 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: Mr Andrew Gunter of Essendon West lodged a question in relation to Planning Permit MV/20736/2010 granted by Council at the direction of VCAT. The Chief Executive addressed each question and provided the following responses:

1. *What was the date of issue of the Permit?*

3 March 2011

2. *At the date of issue, what was the expiry date of the Permit if the development did not commence?*

Pursuant to Condition 20 of the planning permit, the expiry date of the Permit was two years from the date of the issue of the Permit, that being 3 March 2013. However, the condition also allows for the owner/occupier to apply in writing to request an extension of time within three months. This would extend the time to apply to 3 June 2013.

However, Section 69 of the Planning and Environment Act 1987 was amended in July 2013 which extended the expiry period for applying for an extension of time to '....before or within 6 months after the permit expiry date...'. The new times apply for all extensions of time requests, not just those made on or after 22 July 2013.

Given the above, the change in legislation has re-validated the expiry date of the planning permit to 3 September 2013.

3. *Did any of the Permit Amendments dealt with by VCAT amend the expiry date of the Permit?*

No.

4. *What was the last date by which a request to extend the permit could be made under Section 69 of the Planning & Environment Act?*

3 September 2013.

5. *On what date or dates did Council receive a request a) verbally or b) in writing for extension of the Permit?*

Council received a verbal request for extension of Permit on 2 September 2013 and in writing on 12 September 2013.

6. *Did Council receive an "extension of time" application fee and, if so, on what date?*

Yes, the appropriate fee of \$131 was received which was receipted on 18 September 2013.

7. *Did Council a) decide to grant or b) refuse to grant an extension of the Permit, and on what date?*

Council approved the extension of time on 23 September 2013.

8. *If Council decided to grant an extension, what expiry date was set?*

An extension of time for an additional 2 years was approved. As such, the development must commence construction by 3 March 2015 and be completed by 3 March 2017.

8. Reports By Mayor And Councillors

File No. FOL/12/1435

Minute No. 2013/166

Council Resolution

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

CARRIED

9. Reports

9.1 Moonee Valley City Council Annual Report 2012/13

File No: FOL/09/1251

Author: Manager Citizen & Information Services

Directorate: Citizen Services & Information Management

Ward: Municipal

Minute No: 2013/167

Council Resolution

Moved by Cr Marshall, seconded by Cr Cornish that Council adopt the Annual Report 2012/13.

CARRIED

Cr Sipek left the meeting at 7.30pm.

Cr Guiliano had declared an interest in Item 9.2 and therefore he left the meeting before any discussion or voting had taken place on the item.

9.2 193 Buckley Street, Essendon - Development of a six storey building comprising a shop at ground level, use of the land for dwellings, reduction in the car parking requirements, waiver of loading bay requirements and construction of a building in a Special Building Overlay and works in a Road Zone Category 1

File No: MV/21/2012
Author: Principal Town Planner
Directorate: City Works and Development
Ward: Myrnong
Minute No: 2013/168

Council Resolution

Moved by Cr Surace, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/21/12 at 193 Buckley Street, Essendon (Lots 1- 5 TP874033U) for the development of a six storey building comprising a shop at ground level, use of the land for dwellings, reduction of the car parking requirements, waiver of the loading bay requirements and construction of a building in a Special Building Overlay and works in a Road Zone Category 1 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) The accessway grade reconfigured to meet the requirement set out in Clause 52.06 of the Moonee Valley Planning Scheme. The accessway grade is 1 in 8 (12.5%). Clause 52.06 requires the first five metres from the frontage to be graded at no more than 1 in 10 (10%);
 - b) Maximum building height and walls on boundaries to remain unchanged as a consequence of Condition 1a);
 - c) Mirrors to be installed and appropriately located within the ROW providing access to the subject land to improve safety and visibility for motorists entering and exiting the subject land;
 - d) Details of external lighting design;
 - e) The apartment schedule updated where it relates to the balcony area for apartments 1.05, 4.04, 4.05 and 4.06 to reflect the area provided on the plan;

- f) The balustrade associated with the disabled ramp access to be contained within the title boundary;
- g) The allocation of resident and shop staff parking;
- h) The canopy over the entrance area to protrude no more than 300mm and to be a minimum height of 2.7 metres above the footpath;
- i) A notation to indicate all windows to be double glazed;
- j) Clear details of all openable windows and doors to all dwellings;
- k) Measures to clearly demonstrate natural ventilation of the corridor and to the dwellings via the corridor;
- l) Provision of sunscreens (as per the west elevation) to the east elevation;
- m) Location of any external heating and/or air-conditioning units along with appropriate screening;
- n) Location of any hot water systems;
- o) Updated ESD report in accordance with Condition 3;
- p) Melbourne Water requirements in accordance with Conditions 17 and 18.

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. Before plans are endorsed under Condition 1 an updated Environmental Sustainable Development report and implementation strategy must be submitted to and approved by the Responsible Authority detailing the ESD measures to be incorporated into the development. The report shall be prepared by a suitably qualified expert.
4. Unless otherwise agreed, prior to the commencement of the development, application must be made for Certification and Statement of Compliance to allow the removal of redundant easements (Lot 5) on TP874033U. The new title for the subject site must then be submitted to Council within three (3) months from being registered with the titles office.
5. Prior to commencement of construction or carrying out of works, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 satisfactory to the Responsible Authority. That agreement must be registered on the title to the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include provisions that:

- a) Liability and maintenance of those parts of the development projecting into air space under the care and management of Council and disclaiming any right or intention to make or cause to be made at any time any claim or application relating to adverse position of the land. The owner of the property to be developed must pay all Council's reasonable legal costs and expenses of this Agreement, including preparation, execution and registration on title.
6. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
7. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval.
8. 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.
9. A minimum 30 days 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 to 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.

10. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
11. 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.
12. 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 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 they can be used in accordance with the endorsed plan;
 - e) be drained and sealed with an all weather seal coat.
13. 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.
14. 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.

Melbourne Water Conditions

15. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
16. The ground floor must be constructed with finished floor levels at least 300mm above the applicable flood level.
17. The car parking area must be constructed with finished floor levels at least 150mm above the applicable flood level.
18. The building envelope must be setback a minimum of 1.5 metres outside the edge of Melbourne Water's drain.
19. Prior to the endorsement of plans or commencement of works, an amended site plan must be submitted showing the location of the Melbourne Water's drain accurately located by a licensed land surveyor, to the satisfaction of Melbourne Water.

End of Melbourne Water Conditions

VicRoads Conditions

20. All access shall be from the existing laneway to the west of the subject site and there shall be no new crossovers on Buckley Street.
21. All disused or redundant vehicle crossings (Buckley Street) must be removed and the kerb, channel, footpath and nature strip reinstated to the satisfaction of the Responsible Authority.
22. The entrance canopy that projects over the footpath should be less than 300mm.

End of VicRoads Conditions

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 six (6) months afterwards the owner or occupier of the land may in writing request the responsible authority to extend the expiry date.

Once the development has commenced the owner occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

- Before commencement of the development occurs, the applicant must contact Moonee Valley City Council's Engineering Services Unit regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy.
- 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.
- 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.

Melbourne Water Notes

- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9235 2517, quoting Melbourne Water's reference 197026.
- The estimated flood level for the property is 20.25 metres to Australian Height Datum.

CARRIED

Cr Giuliano returned to the meeting here.
Cr Sipek returned to the meeting at 7.38pm.

9.3 93-97 Rose Street, Essendon - Construction of a four storey building with basement (Lot 1 on TP680115X and Lot 1 on TP388018A). Section 87A Application under the Planning and Environment Act 1987

File No: MV/19890/2008
Author: Team Leader
Directorate: City Works & Development
Ward: Buckley
Minute No: 2013/169

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that with respect to the Section 87A Application for Review 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 Refusal to Grant a Permit in relation to Planning Permit Application No. MV/19890/2008 for the construction of a four storey building with basement at No.93-97 Rose Street Essendon (Lot 1 on TP680115X and Lot 1 on TP388018A), on the following grounds:

1. The proposal does not provide for sufficient sight distances associated with vehicles entering and exiting the carpark and laneway, which has the potential to create a traffic and pedestrian hazard.
2. The development will not allow for efficient waste management and collection.
3. The development intensifies the shop use and as such there are not sufficient facilities in order to provide a loading and unloading area associated with the shop.
4. The carpark layout associated with the development does not allow for efficient manoeuvrability of vehicles.

CARRIED

Cr Sipek had declared an interest in Item 9.4 and therefore he left the meeting before any discussion or voting had taken place on the item.

**9.4 31 Dinah Parade, East Keilor (Land in CP152968) -
Construction of 10 dwellings and variation of an easement**

File No: MV/273/2013
Author: Senior Town Planner
Directorate: City Works & Development
Ward: Rose Hill
Minute No: 2013/170

Council Resolution

Moved by Cr Chantry, seconded by Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/273/2013 for the construction of 10 dwellings and variation of an easement at No.31 Dinah Parade, East Keilor (Land in CP152968), 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) Changes to the internal car parking layout in accordance with plans TP04-TP10 received by Council on 31 August, 2013
 - b) Changes to habitable room windows adjoining internal shared vehicle accessways in accordance with plans TP04-TP10 received by Council on 31 August, 2013.
 - c) The provision of pedestrian visibility splays to each vehicle accessway in accordance with Clause 52.06-8 (Design Standards for Car Parking).
 - d) The southern side boundary fence tapered down to a maximum of 1.15 metres in height towards the front property boundary.
 - e) The accessway associated with Dwellings 2 and 3 tapered in width to correctly align with the edge of the proposed double crossover.
 - f) The suitable relocation of the existing street tree along Dinah Parade.

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/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
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;
 - 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. Prior to the relocation of the existing street tree to facilitate the new crossover, the applicant shall advise the Responsible Authority of the method and safety measures to be implemented. The relocation of the tree must be undertaken to the requirements and 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.

City West Water Conditions

11. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
12. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.

End City West Water Conditions

13. Prior to the issue of an Occupancy Permit, boundary fencing must be erected along the southern and western property boundaries. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
14. 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.
15. 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) 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 provision of a minimum of one canopy tree within the front setback of each Dwelling fronting Dinah Parade and Neville Street, which are able to achieve a minimum mature height of 4 metres.
 - e) Increased landscaping and canopy trees within the north-eastern corner of the site in order to soften the development from this prominent corner aspect.
 - f) Features such as paths, paving and accessways.
 - g) The use of non-invasive plant species within any easements which will 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.

16. 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.
17. This permit will expire if the approved easement variation is not registered with the Land Titles Office, within two (2) years of the date of this permit.
18. The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within three months afterwards.
19. This permit will expire if:-
 - a) the development does not start within two (2) years of the date of issue of this permit; or
 - b) the development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse 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.
- 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 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.

CARRIED

Cr Sipek returned to the meeting here.

**9.5 95A The Crescent, Ascot Vale (Lot 2 on PS708504A)
Construct a double storey dwelling on a lot less than 300m²**

File No: MV/186/2013

Author: Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2013/171

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/186/2013 for the construction of a double storey dwelling on a lot less than 300m² at 95A The Crescent, Ascot Vale (Lot 2 on Plan of Subdivision 708504A), 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) Alterations to the basement garage in accordance with plans submitted to Council on 3 July 2013. (Drawing No. A2)
 - b) A longitudinal section from the access way to the basement garage area that shows all proposed grades, all lengths of grades and all levels and demonstrating compliance with Clause 52.06.
 - c) A section drawing showing the centreline of the basement ramp with details of the ground floor slab.
 - d) Floor to ceiling heights of first floor levels to be a maximum of 2.55m in height.
 - e) All elevation and sectional elevation plans to show maximum building height measured from Natural Ground Level.
 - f) Building materials and colours to be non-reflective.

- g) The building line set back 150mm off the western title boundary to accommodate continuous fencing along this boundary.

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. 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.
7. Stormwater runoff from the development shall drain 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.

It will also be necessary to construct suitable drainage or a pumping system within the site to accommodate any inundation including and up to the 100 year ARI event where required.

A drainage layout plan prepared by a Civil Engineer together with computations, indicating the pump specifications 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.

8. Prior to the issue of an Occupancy Permit, all fencing as shown on 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.

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. 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;
 - i) Works timetable; and
 - ii) Number of workers expected of work on the site at any one time.
 - iii) Mitigating measures to prevent damage to any existing structures and buildings on adjoining properties sharing a common boundary with the application site.

Once submitted and approved the works detailed by the Construction Management Plan must be 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. 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 six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse 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.
- 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.
- No on street parking permits will be provided to the occupiers of the subject site.
- 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.
- 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.

CARRIED

- 9.6 **1064-1066 Mt Alexander Rd, Essendon (Lot 1 TP321089C) - Construction of a five storey building accomodating dwellings, reduction in the car parking requirements along with alteration of access to a Road Zone, Category 1 Section 87A Application under the Planning and Environment Act 1987**

File No: MV/20060/2009
Author: Principal Town Planner
Directorate: City Works & Development
Ward: Buckley
Minute No: 2013/172

Council Resolution

Moved by Cr Marshall, seconded by Cr Surace that with respect to the Section 87A Application for Review 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 Notice of Decision to Grant a Permit in relation to Planning Permit Application No MV/20090/2009 for the construction of a five storey building (plus basement) accommodating dwellings, reduction in the car parking requirements along with alteration of access to a Road Zone, Category 1 at 1064-1066 Mt Alexander Road, Essendon (Lot 1 TP321089C) subject to the following amendments to the planning permit:

1. Preamble to Condition 1 amended to reflect the current plans as follows:
 - 'Before the development starts, amended plans (three copies) must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans identified as Metaxas Architects Plans Ref 10.055 dated August 2013 (Rev. C)'.
2. The deletion of conditions 1a) – 1k).
3. The inclusion of the following new conditions:
 - Condition 1a) to read as follows:
'Balconies and windows along the east elevation to be appropriately screened in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme'.
 - Condition 1b) to read as follows:
Ground floor fencing along the eastern elevation to comprise solid palings

- Condition 1c) to read as follows:
An amended parking allocation in accordance with Condition 14.
- 4. Condition 14 amended to read as follows:
A minimum of 59 resident car spaces are to be provided in association with the development.
- 5. Condition 23 amended to read as follows;
This permit will expire if:
 - a) The development does not start within two (2) years of the date of issue of this permit; or
 - b) The development is not completed within four (4) years of the date of issue of this permit.
Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the responsible authority to extend the expiry date.
- 6. The inclusion of a new permit note to reflect the approval date of the amendment.
Proposed Amended Permit Conditions (See Appendix A for the planning permit – (separately circulated).

CARRIED

9.7 Community Support Grants

File No: 13/167016
Author: Manager Finance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/173

Council Resolution

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

1. Adopt the Community Support Grants Program Policy (refer Appendix A) with an amendment to section 7.5(c) to read:
“The Applications Committee will comprise at least 3 Councillors (1 from each Ward) and 4 Council Officers.”
2. Adopt the Council Support for Community Based Events Guidelines (refer Appendix B).

3. Invite applications for the Community Support Grants Program over two rounds with closing dates being 5pm, 29 November 2013 and 5pm, 31 March 2014.
4. Nominates Cr Sipek, Cr Marshall and Cr Chantry to participate in the Applications Committee for the Community Support Grants Program for 2013/14.
5. Receive recommendations from the Applications Committee.

CARRIED

Cr Nation and Mr Gillespie had declared interests in Item 9.4 and therefore they left the meeting before any discussion or voting had taken place on the item.

9.8 2013/14 Community Grants Program

File No: FOL/13/451

Author: Manager Community Development

Directorate: Citizen Services & Information Management

Ward: Municipal

Minute No: 2013/174

Council Resolution

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

1. Awards the 2014 Community Grants to organisations and individuals for the specified amounts recommended by the Assessment Panel in Appendix A (contained within this report).
2. Allocates the remaining \$19,560 to the Community Capital Support Grants.
3. Notes that applicants will be advised of the outcome of their applications.
4. Notes that successful applicants will be presented Community Grant certificates at the Mayoral Presentation Ceremony on 5 December 2013.
5. Notes that the purpose and guidelines for Sustainable Environment, and Arts, Culture and Events grants will be reviewed.

CARRIED

Cr Nation and Mr Gillespie returned to the meeting here.

9.9 Recreation Capital Works Funding Scheme

File No: FOL/13/660

Author: Manager Leisure & Open Space Planning

Directorate: Environment & Lifestyle

Ward: Buckley

Minute No: 2013/175

Council Resolution

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

1. Approve proposed submissions, as follows:
 - a) Moonee Ponds Bowls Club, lighting upgrade to Australian Standards, \$29,000.
 - b) Avondale Heights Tennis Club, lighting replacement, \$7,120.
 - c) Essendon Bowls Club, shade installation, \$7,422.
 - d) Airport West St Christopher's Cricket Club, picnic bench installation, \$5,500.
2. Advise applicants of its decision.
3. Note that this policy will be reviewed in light of the Leisure Strategy and Sports Development Plan.

CARRIED

9.10 Aberfeldie Park Master Plan

File No: FOL/12/1340

Author: Manager Leisure & Open Space Planning

Directorate: Environment & Lifestyle

Ward: Buckley

Minute No: 2013/176

Council Resolution

Moved by Cr Chantry, seconded by Cr Cornish that Council adopt the Aberfeldie Park Master Plan 2013.

CARRIED

9.11 Loeman Street Precinct Plan

File No: FOL/13/115

Author: Manager Leisure & Open Space Planning

Directorate: Environment & Lifestyle

Ward: Buckley

Minute No: 2013/177

Council Resolution

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

1. Adopt the Loeman Street Precinct Plan.
2. Note that works to demolish the MCH building and tennis court construction will take place in the current financial year.

CARRIED

9.12 Tree Management Strategy 2013-17

File No: FOL/13/326

Author: Manager Parks & Gardens

Directorate: Environment & Lifestyle

Ward: Municipal

Minute No: 2013/178

Council Resolution

Moved by Cr Cornish, seconded by Cr Sipek that Council adopt the Tree Management Strategy 2013-17.

CARRIED

9.13 Investment Policy 2013

File No: FOL/12/773

Author: Manager Finance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2013/179

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council adopts the Investment Policy 2013 provided as Appendix A.

CARRIED

9.14 Fraud Control Policy 2013 and Fraud Prevention Control Plan 2013-15

File No: FOL/12/773
Author: Manager Finance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/180

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council adopts the Fraud Control Policy 2013, provided as Appendix A –separately circulated, and Fraud Prevention Control Plan 2013-15, provided as Appendix B - separately circulated.

CARRIED

9.15 Lincoln Park 66-68 Lincoln Road Essendon - Crown Land Management Obligations

File No: PR22337
Author: Coordinator Property Services
Directorate: Corporate Services
Ward: Buckley
Minute No: 2013/181

Council Resolution

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

1. Writes to the Department of Environment and Primary Industry (DEPI) seeking the most effective long and short term management and governance arrangements for Lincoln Park which will ensure the use is consistent with the Crown Reservation currently in place.
2. Requests DEPI revoke the Lincoln Park reserve regulations at the earliest opportunity.

3. Explores with DEPI, similar long term management arrangements (where appropriate) for other significant Crown land reserves.
4. Refrain from approving any further use of Lincoln Park for the Farmers Market until the completion of actions as outlined in points 1 to 3 above.

CARRIED

9.16 25 Rose Avenue, Niddrie - Part Road Discontinuance and Sale of Land

File No: PR47705
Author: Coordinator Property Services
Directorate: Corporate Services
Ward: Buckley
Minute No: 2013/182

Council Resolution

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

1. Note that after having given notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 to the *Local Government Act 1989* of a proposal to discontinue a 239m² section of road abutting 25 Rose Avenue, Niddrie contained in Certificate of Title Volume 2358 Folio 590 and shown as Lot 1 in Appendix C and sell the land by private treaty, no submissions were received to the proposal.
2. Revoke all previous offers to sell the land and abandon the proposal because agreement cannot be reached with the property owner to acquire the subject land at the revised land valuation of \$110,000 plus costs.
3. Note the submission received from the Friends of Steele Creek following the close of submissions and advise them of this resolution.
4. The owner be advised of the Council decision and they are required to reinstate the title boundary and cease occupation of the Council Road Reserve.
5. Conduct a review of its Road Discontinuance and Sale of Land Policy 2009 to reflect best practice in road discontinuance and sale of land processes.

DIVISION CALLED

A Division was called and voting was as follows:

FOR: Crs Marshall, Cornish, Chantry, Cusack and Nation.

AGAINST: Crs Giuliano, Sipek and Surace.

CARRIED

9.17 Report on Tenders and Contracts Awarded

File No: FOL/10/358
Author: Acting Manager Governance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/183

Council Resolution

Moved by Cr Surace, seconded by Cr Nation that Council receive and note the report of Council's Tenders Committee and tenders awarded at its meeting held on 8 October 2013.

CARRIED

Cr Sipek left the meeting at 8.42pm.

Cr Giuliano left the meeting at 8.43pm.

9.18 Report on Assemblies of Councillors

File No: FOL/09/1245
Author: Acting Manager Governance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/184

Council Resolution

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

CARRIED

Cr Sipek returned to the meeting at 8.46pm.

Cr Chantry left the meeting at 8.46pm and returned at 8.47pm.

10. Notice Of Motion

10.1 Motion No. 2013/07

Title: Meeting to Discuss East West Link

From: Cr Jim Cusack

Ward: Municipal

File No: FOL/13/823

Minute No: 2013/185

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council request the Chief Executive to:

1. Seek an urgent meeting with the Victorian Premier the Hon. Denis Naphthine MLA or the Victorian Minister for Transport the Hon, Terry Mulder MP to discuss concerns that Moonee Valley has with the East West Link proposal for all of the municipality and in particular, those areas where residents are substantially affected in Flemington, Travancore, Ascot Vale, Moonee Ponds and Essendon.
2. Write to the Prime Minister, the Hon. Tony Abbott MP and the Minister for Infrastructure and Regional Development the Hon. Warren Truss MP advising of Council's concerns as raised in point 1 above.

CARRIED

Cr Surace left the meeting at 8.53pm and returned at 8.55pm.

10.2 Notice Of Motion No. 2013/08

Title: Inventory of Key Assets affected by the East West Link

From: Cr Jim Cusack

Ward: Municipal

File No: 43/018/039

Minute No: 2013/186

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council request the Chief Executive to:

1. Provide Councillors by mid November with an inventory of key Moonee Valley assets affected by the proposed East West link including:

- a) A description of asset.
 - b) references to the potential social, economic and environmental implications that arise from the impact of the link.
 - c) lost opportunities associated with their use or planned upgrades.
 - d) estimated value, costs for replacement, repair or relocation of assets and/or compensation for loss of public open space.
 - e) a reasonable timeframe for any subsequent work to reinstate the asset and any associated risks.
 - f) or, in the event that a community asset will be lost additional advice should include the significance of this changed situation.
2. As soon as practicable, release the findings of 1 above to Moonee Valley residents, the Flemington Association, Flemington Neighbourhood Renewal, Save Moonee Ponds and Moonee Ponds Creek Coordinating Committee through Council's website, press releases to local press sources including radio, TV and other electronic media.
 3. Contact Melbourne and Moreland City Councils to arrange a meeting to identify areas of joint concern affected by the East West link proposal and determine the potential for collaborative action to raise these matters with government and prospective consortia tendering for this development.

CARRIED

Cr Nation left the meeting at 8.58pm and returned at 9.00pm.

10.3 Notice Of Motion No. 2013/09

Title: Proposed Redevelopment Flemington Racecourse

From: Cr Jim Cusack

Ward: Municipal

File No: FOL/13/927

Minute No: 2013/187

Council Resolution

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

1. Request the Chief Executive to seek an urgent meeting with the Minister for Planning, the Hon. Matthew Guy MLC to be briefed on

the VRC proposal for redevelopment of the Flemington Racecourse and to raise this Council's concerns with the proposed redevelopment announced on 10 October. Although not restricted to the following key issues to be raised are the large increase in population with little or no services nearby, public transport, implications for current residents and Whiskey Hill, traffic management and parking in the area, future use of the racecourse other than racing and implications for the Showgrounds (western non core area).

2. Write to Maribyrnong City Council informing of Point 1 above.

CARRIED

10.4 Notice Of Motion No. 2013/10

Title: Local Planning Decisions

From: Cr Nicole Marshall

Ward: Municipal

File No: FOL/13/927

Minute No: 2013/188

Council Resolution

Moved by Cr Marshall, seconded by Cr Sipek that Council write to the Minister for Planning, the Hon. Matthew Guy MLC requesting that in light of the Minister's and State Government's support for Councils being best placed to make local planning decisions and the recent return of planning control in relation to key strategic sites to various metropolitan Councils, the Minister reinstate Moonee Valley City Council as the Responsible Authority for Victorian Racing Club owned land at Flemington Racecourse comprising:

- 42-44 Fisher Parade, Ascot Vale (Volume 3290 Folio 970 (Lot 25 LP402).
- 48 Fisher Parade, Ascot Vale (Volume 10613 Folio 514 (Lot 26 LP402).
- 50 Fisher Parade, Ascot Vale (Volume 5639 Folio 680 (Lots 27-28 LP 402).
- 32-44 Leonard Crescent, Ascot Vale (Volume 9900 Folio 439 (Lots 39-40 LP402), Volume 9900 Folio 440 (lot 38 LP402), Volume 1435 Folio 909 (Lot 37 LP402), part Volume 4554 Folio 668).
- 52 Fisher Parade, Ascot Vale (part Volume 4554 Folio 668 and part Volume 10063 Folio 862).

CARRIED

10.5 Notice Of Motion No. 2013/11

Title: Graffiti Management Policy

From: Cr Nicole Marshall

Ward: Municipal

File No: FOL/11/623

Minute No: 2013/189

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council develop a comprehensive graffiti management policy under which strategies are produced to deal proactively with graffiti related issues including, among other things:

1. Removal of graffiti on public and private property.
2. Reporting of graffiti to Council, Victoria Police and other relevant bodies.
3. Enforcement against those who engage in illegal graffiti.
4. Education aimed at preventing graffiti.
5. Engaging with the community to determine if there are opportunities to re-direct those who may be involved in graffiti to other activities.
6. Partnership opportunities between Council, Victoria Police, the Department of Justice and other relevant bodies in relation to graffiti related issues including those set out in 1 to 5 above.

CARRIED

11. Urgent Business

Nil.

12. Confidential Reports

Council Resolution

Moved by Cr Chantry, seconded by Cr Surace that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to consider a report which relates to a proposed development.

CARRIED

Consideration of Confidential Report

12.1 Moonee Valley Racecourse Proposal - Response to Advisory Committee

Council Resolution

Moved by Cr Cornish, seconded by Cr Chantry that Council resume in Open Council.

CARRIED

The meeting concluded at 10.13pm.

CONFIRMED

**CR JIM CUSACK
ACTING CHAIRPERSON**