



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 23 September 2014

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 23 September 2014 at 7.10pm
held at the Moonee Valley Civic Centre

PRESENT

Members Cr Jan Chantry Mayor
Cr Nicole Marshall
Cr Shirley Cornish
Cr Jim Cusack
Cr Paul Giuliano
Cr Cam Nation
Cr Andrea Surace

Officers: Mr Anthony Smith Acting Chief Executive
Mr Bryan Lancaster Director City Works & Development
Mr Tony Ball Director Community Services
Ms Vera Mitrovic-Misic Acting Manager Strategic & Statutory Planning
Ms Yvonne Hansen Manager Governance & Local Laws

1. Opening

The Mayor, Cr Chantry, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 23 September 2014.

2. Apologies

An apology for non-attendance was received for Crs Narelle Sharpe and John Sipek.

Leave of Absence

Moved by Cr Giuliano, seconded by Cr Surace that Council grant Cr Jan Chantry Leave of Absence during the period 20 October to 3 November 2014 inclusive.

CARRIED

3. Confirmation of Minutes

Moved by Cr Nation, seconded by Cr Marshall that the Minutes of the Ordinary Meeting of Council held on Tuesday, 26 August 2014 be confirmed with an amendment to Item 9.2, Condition 20 to read as 'The street tree may not be removed and must be protected during construction'.

CARRIED

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Nil.

6. Petitions And Joint Letters

6.1 Laneway Resurfacing

File No: 63/018/013

Cr Giuliano tabled a petition signed by 49 individuals requesting that the Laneway between Vanberg Road and Hilda Street, Essendon be resurfaced and sealed.

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

7. Public Question Time

Mr Garry Lane of Aberfeldie raised the following:

1. Are all MVCC familiar with Design guideline 14 of the Maribyrnong River Valley Design Guidelines 2010, and each personally satisfied that there are no inconsistencies between what is stated in current planning applications before Council, reports from the Shire, and the content of Design Guideline 14, before providing their support for the approval of such applications?

The Acting Chief Executive advised Mr Lane that Guideline 14 relates to ensuring that building development provides a positive interface with the open space along the river.

Council is fully aware of the Maribyrnong River Valley Design Guidelines 2010 and the individual guidelines contained within them. The Maribyrnong River's importance is noted within both State and Local Planning Policy within the Moonee Valley Planning Scheme and the guidelines are a reference document within Clause 11.04-8 of the Scheme.

Prior to making a decision Council undertakes its own assessment of a development application against the Moonee Valley Planning Scheme including the State and Local Planning Policies.

New development which requires a planning permit along the river interface is required to respond to the relevant planning scheme requirements.

2. Are all MVCC Councillors satisfied that all proposed buildings, particularly of large size, approved by Council for construction, meet the requirement of the MV Planning Scheme Guidelines 43.02-5 and related Design ND Development Overlays which states that before making a decision on an application, Councillors must consider “that the bulk of any proposed building will be in keeping with the area, the streetscape, and adjacent building”?

The Acting Chief Executive advised Mr Lane that reports presented to Council take into consideration the decision guidelines within the relevant Design and Development Overlay affecting the land. These are discussed in detail in the particular planning application report and provide guidance to Councillors to assist in decision making.

8. Reports by Mayor and Councillors

File No. FOL/12/1435

Minute No. 2014/139

Council Resolution

Moved by Cr Cornish, seconded by Cr Marshall that the reports by the Mayor and Councillors be received.

CARRIED

The Mayor accepted Cr Marshall’s request to bring forward and consider the Notice of Motion and Council Reports 9.3, 9.5, 9.7 and 9.9 as listed on the agenda.

10. Notices of Motion

10.1 Notice of Motion No. 2014/16

Title: Use of Technology for Council Meetings

From: Cr Nicole Marshall

Ward: Municipal

File No: FOL/14/204

Minute No: 2014/140

Council Resolution

Moved by Cr Marshall, seconded Cr Cusack that the Chief Executive prepares a report which investigates ways that Council can utilise technology to improve the accessibility and transparency of Council Meetings.

The report should specifically consider the options and associated costs for the provision of on demand video streaming solutions, live webcasting, podcasting and the use of other technologies which can provide off-site access to Council Meetings.

CARRIED

Cr Giuliano left the meeting at 7.42pm and returned at 7.44pm.

9. Reports

9.3 2 - 50 Park Crescent, Aberfeldie - Construction of a sports pavilion in a Design Development Overlay and in a Land Subject to Inundation Overlay

File No: MV/207/2014

Author: Statutory Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2014/141

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/207/2014 for the construction of a sports pavilion in a Design and Development Overlay and in a Land Subject to Inundation Overlay at 2-50 Park Crescent, Aberfeldie (Lot 1 on TP 378252X), subject to the following conditions:

1. Before the development commences, amended plans (three copies) must be submitted to and approved to the satisfaction of the responsible authority. The plans must be to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application and modified to show:
 - a) The requirements of Melbourne Water (Conditions 4-7).
 - b) The provision of two bicycle spaces.

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 comply with the endorsed plan and must not be altered or modified without the further written consent of the responsible authority.
3. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the responsible authority.

Start Melbourne Water Conditions

4. The cricket pavilion must be constructed with finished floor levels a minimum of 600mm above the applicable flood level which is a minimum of 4.93 metres to Australian Height Datum (AHD).
5. The entrance foyer on the ground floor must be constructed with a ramp that is a minimum of 450mm above the natural ground surface levels to protect this entry from shallow sheet flows from Tilba Street.
6. Prior to the issue of the Occupancy Permit, a certified survey plan showing finished floor levels (as constructed) reduced to Australian Height Datum must be submitted to Melbourne Water. The Plan must demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
7. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.

End Melbourne Water Conditions

8. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible authority
9. Within a minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Design Details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the responsible authority.

The WSUD Design Details should be appropriate to the proposed stormwater treatment measure. The design details should include but not be limited to:

- a) **ROOF CATCHMENT AREA:** the extent of the roof catchment area/s that is/are nominated in the STORM or MUSIC report must be graphically shown on the drawings, and must note which WSUD treatment measure each area connects to (ie. nominate the specific rainwater tank and/or specific rain garden that that particular roof catchment area is connected to).

Where applicable, any stormwater treatment measures (eg. rainwater tank, rain garden, etc) contained within the endorsed plans must be included on the stormwater drainage plan, the roof plan and landscape plan as applicable.

10. Within a minimum 30 days prior to any building or works commencing, a Construction & Site Management Plan (CSMP) must be submitted to and be approved by the Responsible authority detailing the construction activity proposed and the site and environmental management methods to be used. The 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) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems
 - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - 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 and Site Management Plan must be carried out to the satisfaction of the responsible authority.

11. Within a minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the responsible authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but not be limited to:
- a) Inspection frequency.
 - b) Cleanout procedures.
 - c) As installed design details/diagrams including a sketch of how the system operates.

- d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the responsible authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

12. Pavilion lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within or beyond the site. This requirement must be to the satisfaction of the responsible authority.
13. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and must be connected to a registered security service.
14. The landscaping areas shown on the endorsed plan and schedule 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.
15. This permit will expire if:-
 - a) The development does not commence 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 Engineering Service Unit regarding legal point of discharge, new crossings, building over easements etc.

- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- The applicable flood level for this property that has a probability of occurrence of 1% in any one year is 4.33 metres to Australian Height Datum (AHD) from the Maribyrnong River. The property is also subject to shallow sheet flows coming down from Tilba Street.
- If further information is required in relation to Melbourne Water's conditions shown above, the applicant must contact the Land Development on 9679 7517 quoting Melbourne Water's Reference 220600

CARRIED

**9.5 52-54 St Leonards Road, Ascot Vale (Lot 1 TP707159H) -
Construction of a multi-storey residential building with a
reduction in car parking requirements**

File No: MV/238/2014

Author: Senior Town Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2014/142

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council with respect to an Application for Review against Council's failure to decide the application within the prescribed time, 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/238/2014 for the construction of a multi-storey residential building with a reduction in car parking requirements at No.52-54 St Leonards Road, Ascot Vale (Lot 1 TP707159H), on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 55.02-1 (Neighbourhood Character) and Clause 21.05-3 (Objectives & Strategies – Urban Design) of the Moonee Valley Planning Scheme.
2. The proposal fails to satisfy the following standards contained within Clause 55 (Two or more dwellings on a lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives (relative to the decision guidelines set out for each objective);
 - a) Clause 55.03-1 (Street Setback Objective)
 - b) Clause 55.03-2 (Building Height Objective)

- c) Clause 55.03-3 (Site Coverage Objective)
 - d) Clause 55.03-4 (Permeability Objective)
 - e) Clause 55.03-8 (Landscaping Objective)
 - f) Clause 55.04-1 (Side and Rear Setbacks Objective)
 - g) Clause 55.04-2 (Walls on Boundaries Objectives)
 - h) Clause 55.04-5 (Overshadowing Open Space Objective)
 - i) Clause 55.05-6 (Storage Objective)
3. The development is not site responsive and would represent an overdevelopment of the land.
4. The proposal fails to comply with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme as:
- a) The proposal will substantially increase the use of the laneway and has the potential to create a pedestrian hazard.
 - b) The proposal fails to provide sufficient car parking and would exacerbate parking problems in the surrounding area

CARRIED

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

9.7 Amendment C147 - Development Plan Overlay for 40 Hall Street and 34-36 Margaret Street, Moonee Ponds

File No: FOL/14/647

Author: Coordinator Strategic Planning

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2014/143

Council Resolution

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

1. Write to the Minister for Planning requesting him to prepare, adopt and approve Amendment C147 to the Moonee Valley Planning Scheme, in accordance with Section 20(4) of the Planning and Environment Act 1987, which includes:
 - a) Applying Development Plan Overlay – Schedule 1 to the land at 40 Hall Street and 34-36 Margaret Street, Moonee Ponds.
 - b) Inserting a new Development Plan Overlay - Schedule 1 (40 Hall Street and 34-36 Margaret Street, Moonee Ponds) into the Moonee Valley Planning Scheme.

2. Be presented with a further report at the Ordinary Council Meeting on Tuesday 28 October 2014 to consider the approval of a Development Plan for 40 Hall Street and 34-36 Margaret Street, Moonee Ponds.
3. Be presented with a further report for approval of any amendment to an approved Development Plan for the land at 40 Hall Street and 34-36 Margaret Street, Moonee Ponds.
4. Make available to the community the proposed Development Plan via Council's website prior to the Council meeting.

CARRIED

Cr Cornish requested that her vote against the motion be recorded in the minutes.

Cr Marshall left the meeting at 8.28pm.

9.9 Proposal to Extend Racecourse Road Alcohol Restrictions

File No: FOL/09/1071

Author: Coordinator Governance

Directorate: Corporate Services

Ward: Myrnong

Minute No: 2014/144

Council Resolution

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

1. Declare those areas shown in Appendix A, but excluding trading premises operating pursuant to Council's Footpath Activity Policy, as alcohol restriction areas at all times of the day and night throughout the year, in accordance with Council's General Purposes Local Law 2008.
2. Advertise via public notice, the resolution to declare alcohol restriction areas, referred to in 1 above, as required under Council's General Purposes Local Law 2008.
3. Erect appropriate signage designating the alcohol restriction areas for the benefit of the local and wider community.
4. Note that members of the Victoria Police are authorised to enforce Section 17 of Council's General Purposes Local Law 2008, in accordance with Section 224A of the *Local Government Act 1989*.

CARRIED

9.1 28 Grandview Road, Niddrie (Lot 251 on Plan of Subdivision 010508) Construction of three double storey dwelling

File No: MV/89/2014

Author: Town Planner

Directorate: Strategic & Statutory Planning

Ward: Buckley

Minute No: 2014/145

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/89/2014 for the construction of three double storey dwellings at 28 Grandview Road, Niddrie (Lot 251 on Plan of Subdivision 010508), on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area and adjoining properties contrary to Clauses 55.02-1 (Neighbourhood Character) and 21.05-3 (Objectives and Strategies – Urban Design) of the Moonee Valley Planning Scheme.
2. The proposal fails to satisfy the following standards contained within Clause 55 (Two or more dwellings on a lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives (relative to the decision guidelines set out for each objective):
 - a) Clause 55.05-4 (Private Open Space Objective).
 - b) Clause 55.05-5 (Solar Access to Open Space).
3. The development is not site responsive and would represent an overdevelopment of the land.

CARRIED

9.2 90 Clydesdale Road, Airport West (Lot 293 on LP 42270) - Construction of four dwellings

File No: MV/74/2014

Author: Town Planner

Directorate: City Works & Development

Ward: Rose Hill

Minute No: 2014/146

Motion

Moved by Cr Nation, seconded by Cr Cusack that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/74/2014 for the construction of four dwellings at 90 Clydesdale Road, Airport West (Lot 293 on LP 42270), 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 and modified to show:

- a) The proposed and existing crossovers to be constructed as a double crossover with a maximum width of 6 metres, with the associated deletion/relocation of landscaping and services, in accordance with Clause 55.03-9 (Access) of the Moonee Valley Planning Scheme;
- b) All south facing first floor habitable room windows of Dwelling 2 to be fixed and obscured to a height of 1.7 metres from finished floor level in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
- c) The secluded open space area of Dwelling 1 revised to comply with Standard B29 of Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme;
- d) All storage facilities within the garages to each dwelling to have a clearance height of 1.8 metres from finished floor level;
- e) The setback of the crossover from the base of the existing street tree to be no less than 1 metre;
- f) A schedule of all external materials and finishes, including colour samples;
- g) The meter box to be a maximum height of 1.5 metres above Natural Ground Level; and
- h) Any changes as a result of 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 endorsement of plans under Condition 1 of this permit, a STORM assessment must be submitted to and approved by the Responsible authority. The STORM assessment must achieve a minimum rating of 100%.
4. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) details, such as cross sections and specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the responsible authority.

The WSUD details should be appropriate to the proposed stormwater treatment measure (eg. further detail is required for raingarden systems but is not required for above ground stand alone rainwater tanks unless connected to toilets in which case notation to that effect is to be included on the drawings and in an ESD report if applicable).

The Design Details should include but are not limited to:

- a) ROOF CATCHMENT AREA: the extent of the roof catchment area/s that is/are nominated in the STORM or MUSIC report must be graphically shown on the drawings, and must note which WSUD treatment measure each area connects to (ie. nominate the specific rainwater tank and/or specific raingarden that that particular roof catchment area is connected to);
- b) RAINWATER TANKS: Show the size and location of any rainwater tank on the plans and elevations. Provide a note outlining the roof catchment area being collected by each rainwater tank and note connection to the number of toilets, as per the STORM or MUSIC report, or area of garden to where it is distributing;
- c) RAINGARDENS: Show the size and location of any raingarden on the site and landscape plans. Raingardens must be setback a minimum of 300mm from a site boundary and a minimum of 300mm from a building. Raingardens must be lined and have their overflow plumbed into the stormwater system;
- d) BUFFER STRIPS: Show the size and location of any buffer strips and the extent, size and grading of the pervious surface/s draining to it;
- e) PERVIOUS & IMPERVIOUS PAVING: provide details of the location and type of all paved and sealed areas (ie. denoting if porous or not); and
- f) Integration of other WSUD features such as swales, ponds, etc.

Where applicable, any stormwater treatment measures (eg. rainwater tank, raingarden, etc) contained within the endorsed plans must be included on the stormwater drainage plan, the roof plan and landscape plan as applicable.

5. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the responsible authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; and
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have

been completed and implemented in accordance with the approved report.

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

6. A minimum 30 days prior to any building or works commencing, a Site Management Plan must be submitted to and approved by the responsible authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

The WSUD Site Management Plan may form part of a broader Site Management Plan that covers other project components, such as noise, EPA issues, traffic management, waste management etc.

Once submitted to and approved the works detailed by the Site Management Plan must be carried out to the satisfaction of the responsible authority.

7. 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.
8. Buildings 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.
9. 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.
10. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the responsible authority.
11. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the buildings.
12. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the responsible authority's standard specification. 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.

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. 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.
15. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible authority.
16. The development must be provided with external lighting capable of illuminating access to each car parking space, vehicular accessway, pedestrian accessways and pedestrian entrances. 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.
17. 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 at least two canopy trees within the front setback of Dwelling 1 which are able to achieve a minimum mature height of 4 metres;
 - e) Features such as paths, paving and accessways; and
 - f) The use of species with non-invasive root species on or alongside any easement.

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.

18. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the responsible authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the responsible authority.
19. This permit will expire if:-
 - a) The development does not commence 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.
- Owners of properties may be requested 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.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must comply with the requirements of the Moonee Valley City Council's Technical Services Department and be 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.
- The 'reading room' within the first floor of Dwelling 2 must not be used for the purpose of a bedroom.

LOST ON THE CASTING VOTE OF THE CHAIRPERSON

Council Resolution

Moved by Cr Surace, seconded by Cr Giuliano that Council resolves to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/74/2014 for the construction of four dwellings at 90 Clydesdale Road, Airport West (Lot 293 on LP 42270), on the following grounds:

1. The proposal would present a visually dominant and unsympathetic built form in relation to the character of the area and adjoining properties contrary to Clause 21.05 (Build Environment) of the Moonee Valley Planning Scheme.
2. The proposal fails to comply with the following provisions of Clause 55 of the Moonee Valley Planning Scheme:
 - Clause 55.02-1 (Neighbourhood Character)
 - Clause 55.03-9 (Access)
 - Clause 55.05-4 (Private Open Space).

**THE FORESHADOWED MOTION IN THE NAME OF CR SURACE WAS PUT
AND CARRIED ON THE CASTING VOTE OF THE CHAIRPERSON**

Cr Giuliano left the meeting at 8.52.

9.4 489 Mt Alexander Road, Moonee Ponds (Lot 1 TP706745Y) - Construction of a three storey building in a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction in car parking requirements and a waiver of loading bay requirements

File No: MV/101/2014

Author: Senior Town Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2014/147

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/101/2014 for the construction of a three storey building in a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction in car parking requirements and a waiver of loading and unloading requirements at No.489 Mt Alexander Road, Moonee Ponds (Lot 1 TP706745Y), subject to the following conditions:

1. Before the use and development commences, 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 and modified to show:
 - a) The western boundary wall modified with the northernmost section to have a maximum average height of 3.2 metres above natural ground level for a maximum length of 6.5 metres, with the remaining boundary wall section to have a maximum height of 2.0 metres above natural ground level.
 - b) The east facing bedroom 1 window of Dwelling 6 treated/screened in accordance with Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme, or deleted.
 - c) All habitable room windows and doors suitably noise attenuated (i.e. double glazed).
 - d) The suitable location of mailboxes.
 - e) The 'stark white' colour replaced with a more suitable 'deeper white'.
 - f) The ground floor northern facade towards the west of the site (including the vehicle access door) modified to respond to the heritage fabric of Elizabeth Street.

- g) The perforated metal vehicle access door and ventilation grilles at the ground floor level along the northern facade modified and suitably noise attenuated.
- h) The replacement of the café sliding doors along the northern facade with fixed glazing (i.e. full length windows).
- i) The canopy along the northern facade reduced in width to a maximum of 0.5 metres.
- j) A notation that the existing fence and attached deck associated with No.1 Elizabeth Street is to be retained.
- k) Details of texture and/or expressed joints for the southern boundary wall clearly shown on the elevation plans.
- l) The extent of the roof catchment area nominated in the STORM Rating Report dated 16 April 2014 must be graphically shown on the drawings, and must nominate the rainwater tank that the roof catchment area is connected to.
- m) A notation outlining the roof catchment area being collected by the rainwater tank and the number of toilets it is distributing to, as per the STORM Rating Report dated 16 April 2014.

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 comply with the endorsed plan and must not be altered or modified without the further written consent of the responsible authority.
3. Within a minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the responsible authority.
4. The WSUD details should be appropriate to the proposed stormwater treatment measure (e.g. further detail is required for rain garden systems but is not required for above ground stand alone rainwater tanks unless connected to toilets in which case notation to that effect is to be included on the drawings and in an ESD report if applicable).
5. Where applicable, any stormwater treatment measures (e.g. rainwater tank, rain garden, etc.) contained within the endorsed plans must be included on the stormwater drainage plan, the roof plan and landscape plan as applicable.
6. Within a minimum 30 days prior to any building or works commencing, a Construction & Site Management Plan (CSMP) must be submitted to and be approved by the responsible authority detailing the construction activity proposed and the site and environmental management methods to be used. The 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) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.
- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- 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 & Site Management Plan must be carried out to the satisfaction of the responsible authority.

7. Within a minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the responsible authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but not be limited to:
- a) Inspection frequency.
 - b) Cleanout procedures.
 - c) As installed design details/diagrams including a drawing of how the system operates.
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company.

This report must be to the satisfaction of the responsible authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the responsible authority.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the responsible authority.
10. The privacy screens / obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
11. 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. The area must be:
 - a) Provided and completed prior to the commencement of the use hereby permitted;
 - b) Thereafter maintained;
 - c) Made available for such use at all times and not used for any other purpose;
 - d) Properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - e) Drained and sealed with an all-weather seal coat.
12. Bicycle parking spaces and access must be provided, maintained and kept available for these purposes at all times to the satisfaction of the responsible authority.
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. 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.
15. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the responsible authority.
16. No more than 16 seats for the food and drink premise (café) are to be made available to the public on the land at any one time.

17. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site. This requirement must be to the satisfaction of the responsible authority.
18. Noise levels emanating from service equipment on the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
19. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and must be connected to a registered security service.
20. Prior to the commencement of the development, the applicant must submit a Waste Management Plan to the responsible authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the responsible authority.
21. 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 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.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be requested 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.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in

accordance with the following calculation; C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.

- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be 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 Giuliano returned to the meeting at 9.04pm.

9.6 194 Roberts Road, Airport West (Lot 2 on PS 537211S) - Use of the land as an Indoor Recreation Facility (Children's Gymnastics Centre)

File No: MV/17396/2005/A

Author: Town Planner

Directorate: City Works & Development

Ward: Rose Hill

Minute No: 2014/148

Council Resolution

Moved by Cr Cornish, seconded by Cr Surace that Council issue a Notice of Decision to Grant an Amended Permit in relation to Planning Permit Application No. MV/17396/2005/A for the use of the land as an Indoor Recreation Facility (Children's Gymnastics Centre) at No. 194 Roberts Road, Airport West (Lot 2 on PS 537211S) in accordance with the following:

- Condition 2 amended to read:
"The use may operate only between the hours of:-
Monday to Friday 9:00am – 9:00pm
Saturday and Sunday 9:00am – 6:00pm."

In lieu of –

"The use may operate only between the hours of:-
Monday – Closed

Tuesday to Friday 9:00am – 9:30pm
Saturday and Sunday 9:00am – 5:00pm”

- Condition 3 amended to read:
“Not more than 4 staff of driving age (over the age of 18) shall be present on the premises at any one time.”
In lieu of –
“Not more than 3 staff shall be present on the premises at any one time.”
- Condition 4 amended to read:
“No more than 16 persons shall be enrolled to attend classes on the premises at any one time during the hours of 9:00am to 3:45pm Monday to Friday with the exception of school groups. At all other times, no more than 38 persons shall be participating in activities on the premises at any one time.”
In lieu of –
“No more than 10 persons shall be enrolled to attend classes on the premises at any one time during the hours of 9:00am to 5:00pm Monday to Friday with the exception of school groups. At all other times, no more than 30 persons shall be participating in activities on the premises at any one time.”

CARRIED

Reports Considered En Bloc

Minute No: 2014/149

Council Resolution

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

9.8 2014-15 Capital Works Status Report (September 2014)

9.10 Timor Leste – Liquica District Agreement

9.11 Report on Assemblies Of Council

9.12 Report on Advisory Committees

be adopted by Council.

CARRIED

9.8 2014-15 Capital Works Status Report (September 2014)

File No: FOL/13/877

Author: Manager Infrastructure

Directorate: City Works & Development

Ward: Municipal

Minute No: 2014/149

Council Resolution

Moved by Cr Nation, seconded by Cr Giuliano that Council approve the 2014-15 Capital Works Budget Revision – September 2014 as outlined in Appendix A and Appendix B.

CARRIED

9.10 Timor Leste – Liquica District Agreement

File No: FOL/13/806

Author: Director Community Services

Directorate: Community Services

Ward: Municipal

Minute No: 2014/149

Council Resolution

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

1. Authorises the Mayor and Chief Executive to sign the municipal/district cooperation agreement.
2. Continue to contribute a portion of funds raised through the Mayoral Charity Race event for the implementation of agreed projects in the District of Liquiçá.

CARRIED

9.11 Report on Assemblies of Council

File No: FOL/09/1245

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2014/149

Council Resolution

Moved by Cr Nation, seconded by Cr Giuliano that Council receive and note the written records of Assembly of Councillors, provided as Appendix A, received since the last report to Council in August 2014.

CARRIED

9.12 Report on Advisory Committees

File No: FOL/12/69

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2014/149

Council Resolution

Moved by Cr Nation, seconded by Cr Giuliano that Council receive and note the following confirmed Advisory Committee Meeting Minutes, received since the last report to Council in August 2014; Arts & Culture Advisory Committee held 16 June 2014 (Appendix A).

CARRIED

11. Urgent Business

Moved by Cr Chantry, seconded by Cr Giuliano that the item from Cr Chantry regarding Council convening an Anzac Day Centenary Committee be considered as Urgent Business.

CARRIED UNANIMOUSLY

Title: Establishment of a 100 Year Centenary Committee

File No: FOL/11/421

Minute No: 2014/150

Council Resolution

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

1. Establish an Advisory Committee for the purpose of investigating ways that Council can commemorate the 100 Year Centenary of World War 1.
2. Call for nominations for the Committee's membership from the community.

3. Develop a Terms of Reference for the Committee including the appointment of Cr Chantry as the Committee Chairperson.

CARRIED

12. Confidential Report

Nil.

The meeting concluded at 9.18pm.

CONFIRMED

**CR JAN CHANTRY
CHAIRPERSON**