



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

**Tuesday, 24 June 2014**

**Minutes**

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# Minutes of the Ordinary Meeting of Council

Tuesday, 24 June 2014 at 7.00pm  
held at the Moonee Valley Civic Centre

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## PRESENT

**Members** Cr Jan Chantry Mayor  
Cr Shirley Cornish  
Cr Paul Giuliano  
Cr Cam Nation  
Cr Narelle Sharpe  
Cr John Sipek  
Cr Andrea Surace

**Officers:** Mr Neville Smith Chief Executive  
Mr Bryan Lancaster Director City Works & Development  
Ms Angela Walter Director Corporate Services  
Mr Anthony Smith Acting Executive Manager Citizen Services & Information Management  
Mr Tony Ball Executive Manager Community Services  
Mr Scott Widdicombe Executive Manager Environment & Lifestyle  
Mr Henry Bezuidenhout Manager Strategic & Statutory Planning  
Mr Troy Delia Coordinator Governance

### 1. Opening

The Mayor, Cr Chantry, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 24 June 2014.

### 2. Apologies

An apology for non-attendance was received for Cr Marshall and Cr Cusack.

### 3. Confirmation of Minutes

Moved by Cr Sipek, seconded by Cr Sharpe that the Minutes of the Ordinary Meeting of Council held on Tuesday, 27 May 2014 be confirmed.

**CARRIED**

**4. Declarations of Conflict of Interest**

Cr Nation declared an indirect conflict of interest in item 9.2 due to conflicting duty, as Cr Nation serves on the executive of a community group that has applied for a Community Grant. A written disclosure was provided to the Chief Executive outlining the reasons for this conflict.

Mr Bryan Lancaster declared an indirect conflict of interest in item 9.4, due to residential amenity as Mr Lancaster owns a property in the vicinity of 5 Flower Street, Essendon.

**5. Presentations**

Nil

**6. Petitions And Joint Letters**

**6.1 Proposed Trial Road Closures in Flemington**

**File No:** FOL/14/200

Cr Nation tabled a petition signed by 87 individuals opposing the proposed trial road closures in Flemington.

**6.2 Parking Restrictions in Ascot Vale**

**File No:** FOL/14/200

Cr Nation tabled a petition signed by 10 individuals requesting that Council consider what can be done to help the Ascot Vale Book Group to be able to conduct meetings within Moonee Valley, as the new parking restrictions in Roxburgh Street and The Parade, Ascot Vale have created a situation where the group is unable to conduct meetings at two of its three Ascot Vale venues.

*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**

**Question 1**

Mr Peter Powell of Margaret Street, Moonee Ponds raised the following:

1. How many days per week are Council parking/by-laws officers attending the streets around Moonee Ponds Central Primary School between the hours of 3pm and 3.45pm?

2. How many parking infringement notices have been issued on the streets forming the boundary of this Primary School in the past 6 months?

The Chief Executive advised Mr Powell that Council Parking Control Officers attend to the streets in the vicinity of Moonee Ponds Central Primary School a minimum of once per week. However attendance to the area fluctuates depending on what other matters require attending to, within the municipality.

Further to this, Council undertakes a range of other actions to address parking issues around schools through the Better Moves Around Schools Program, which can include representatives from the school, police and Council's parking control team jointly speaking to repeat offenders.

I further advise that in the past six months, 87 infringements were issued on the streets forming the boundary of the Primary School.

## 8. Reports By Mayor And Councillors

**File No.** FOL/12/1435

**Minute No.** 2014/88

### Council Resolution

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

**CARRIED**

## 9. Reports

### 9.1 Budget 2014/15

**File No:** FOL/14/115

**Author:** Manager Finance

**Directorate:** Corporate Services

**Ward:** Municipal

**Minute No:** 2014/89

### Council Resolution

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

1. Adopts the Annual Budget 2014/15 (provided as **Appendix A** separately circulated), with the following minor amendments:
  - Page 20 – Under Initiatives Point 27, remove the words “and commence construction”

- Page 51 – Under 9.4.6 Garbage Charges

Add the wording “in respect of each separate parcel of rateable and non-rateable land that receives a Council garbage collection”

2. Authorise the Chief Executive to give public notice of this decision in accordance with Section 129 of the *Local Government Act 1989*.
3. Respond to those who lodged a submission on the Proposed Budget 2014/15 in writing advising of Council’s decision and the reason for the decision in accordance with Section 223(1)(d) of the *Local Government Act 1989*.
4. Grant a rebate in relation to rates and charges to all Moonee Valley residents eligible for the State Government rebate. The maximum rebate is \$20.
5. Declare the Rates, Levies and Annual Service Charges for the 2014/15 financial year (provided as **Appendix B**).
6. Adopt the Strategic Resource Plan 2014-2018 (provided as **Appendix C**).

**CARRIED**

Cr Nation declared an Interest in item 9.2 and therefore left the meeting before any discussion or voting took place on the item.

## **9.2 2013/14 Community Support Grants Program**

**File No:** FOL/13/1381  
**Author:** Manager Finance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2014/90

### **Council Resolution**

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

1. Awards Community Support Grants to organisations and individuals for the specified amounts recommended by the Applications Committee in **Appendix A**.
2. Publishes on its corporate website the awarded organisations and individuals, including the value and purpose of the grant.
3. Approve the variation to the Round 1 Grant awarded to the Union Road Traders Association at a reduced amount of \$8,000. The revision to the grant, its purpose and amount is to be published on Council’s corporate website.

**CARRIED**

Cr Nation returned to the meeting here.

Cr Sipek left the meeting at 7.26pm.

**9.3                    26 Richardson Street, Essendon (Lot 1 on TP397186B) -  
Construction of a three storey building comprising of seven  
dwellings and a reduction in the required car parking  
provisions (visitor parking).**

**File No:**            MV/863/2013  
**Author:**            Senior Town Planner  
**Directorate:**      City Works & Development  
**Ward:**              Buckley  
**Minute No:**       2014/91

**Council Resolution**

Moved by Cr Sharpe, seconded by Cr Giuliano that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/863/2013 for 26 Richardson Street, Essendon (Lot 1 TP397186B), for the 'construction of a three storey building comprising of seven dwellings and a reduction on the required car parking provisions (visitor parking)' on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 21.05 (Built Environment) and Clause 55.02-1 (Neighbourhood Character) of the Moonee Valley Planning Scheme.
2. The proposal fails to comply with the following requirements of Clause 55 of the Moonee Valley Planning Scheme:
  - a) Clause 55.03-1 (Street Setback).
  - b) Clause 55.03-2 (Building Height).
  - c) Clause 55.03-4 (Permeability).
  - d) Clause 55.03-8 (Landscaping).
  - e) Clause 55.04-1 (Side and Rear Setbacks).
  - f) Clause 55.04-2 (Walls on Boundaries).
  - g) Clause 55.04-6 (Overlooking).
3. The development is not site responsive and would represent an overdevelopment of the land.
4. The proposal provides inadequate car parking and will exacerbate parking problems in the surrounding area.



**CARRIED**

Mr Lancaster declared an Interest in item 9.4 and therefore left the meeting before any discussion or voting took place on the item.

**9.4            5 Flower Street, Essendon (Lot 1 and 2 on TP670849F) -  
Construction of a three storey building comprising of five  
dwellings and a reduction in the required car parking  
provisions (visitor parking).**

**File No:**            MV/805/2013  
**Author:**            Senior Town Planner  
**Directorate:**      City Works & Development  
**Ward:**                Buckley  
**Minute No:**        2014/92

**Council Resolution**

Moved by Cr Sharpe, seconded by Cr Giuliano that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/805/2013 for the construction of a three storey building comprising of five dwellings and a reduction in the required car parking provisions (visitor parking) at 5 Flower Street, Essendon (Lots 1 and 2 on TP 670849F), 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 elevation plans must specify Natural Ground Level, Finished Ground Level, Finished Floor Level and total building heights measured relative to a level taken from a defined point on the footpath at the frontage of the site or in relation to Australian Height Datum (AHD).
  - b) The accessway modified in accordance with TP01, Revision 2, submitted to Council on 28 April 2014.
  - c) All obscure glazing and privacy screens to comply with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
  - d) The existing street tree to be removed and relocated to the satisfaction of the Responsible Authority.
  - e) The provision of 300mm trench grates to the front of each garage, to the satisfaction of the Responsible Authority.
  - f) Any alterations as a result of Condition 3 and 12.

- g) The notation “TH” replaced with “DW”.
- h) A schedule of materials and colours, including colour samples.

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 plans in accordance with Condition 1 being endorsed a STORM assessment must be submitted and approved by the Responsible Authority. The STORM assessment must achieve a minimum of 100%.
4. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. 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.
6. 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 is not 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. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
8. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
9. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must be to the satisfaction of the Responsible Authority:
  - a) Be provided and completed prior to the commencement of the use hereby permitted;
  - b) Thereafter be maintained;
  - c) Be made available for such use at all times and not used for any other purpose;
  - d) Be properly formed to such levels that it can be used in accordance with the endorsed plan; and
  - e) Be drained and sealed with an all weather seal coat.
10. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
11. The street tree(s) must not be removed or replaced without the written consent of the Responsible Authority. The replacement is to be to the satisfaction of the Responsible Authority. All fees associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and must be undertaken prior to the issue of an Occupancy Permit to the satisfaction and requirements of the Responsible Authority.
12. A minimum 30 days prior to any building or works commencing, all 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.

13. 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:
- 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).
  - 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 it is distributing to.
  - 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.
  - 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.
  - PERVIOUS & IMPERVIOUS PAVING: provide details of the location and type of all paved and sealed areas (ie. denoting if porous or not).
  - 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.
14. 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:
- Inspection frequency;
  - Cleanout procedures; and
  - As installed design details/diagrams including a sketch of how the system operates.

15. 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.
16. The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder's User's Guide or a Building Maintenance Guide.
17. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
18. 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.
19. Prior to the commencement of buildings and works, a drainage layout plan, including stormwater outlets and legal points of discharge, must be prepared and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
20. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected as per the endorsed plans. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
21. 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.
22. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
  - a) Plans to accord with Condition 1 of this permit.

- b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
- c) The use of drought tolerant species.
- d) The provision of two canopy trees within the front setback which are able to achieve a minimum mature height of 4 metres.
- e) The provision of additional planting along the northern and southern boundaries. The planting must be able to achieve a height capable of softening the appearance of the built form.
- 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.

- 23. 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.
- 24. 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.

- No on street parking permits will be provided to the occupiers of the subject site.
- 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.
- 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  $C=0.80$ .
- Prior to the commencement of any buildings and works, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal and/or replacement of the nominated street tree(s). Please contact Council on 9243 8888 to speak with Council's Arborist.
- 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 the ROW or any road reserve.
- 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.

#### **DIVISION CALLED**

A division was called and voting was as follows:

**FOR:** Crs Giuliano, Cornish, Sharpe and Chantry

**AGAINST:** Crs Surace and Nation

**CARRIED**

Mr Lancaster returned to the meeting here.

**9.5                    316 Pascoe Vale Road, Essendon (Lot 3 PS 206198T) -  
Construction of a multi storey building accomodating a shop  
and dwellings, works within a Special Building Overlay,  
reduction in the parking requirements and waiver of the  
loading requirements.**

**File No:** MV/748/2013  
**Author:** Principal Town Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2014/93

### **Council Resolution**

Moved by Cr Sharpe, seconded by Cr Giuliano that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/748/2013 for the construction of a multi storey building accommodating a shop and dwellings, works within a Special Building Overlay, reduction in the parking requirements and waiver of the loading requirements at 316 Pascoe Vale Road, Essendon (Lot 3 PS 206198T) 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) An increase to the balcony size of the corner apartments 103, 203, 303, 403, and 503 to achieve 8m<sup>2</sup> in area with a minimum 1.6 metre depth;
  - b) Car spaces 8 and 9 to be reallocated as visitor spaces;
  - c) Provision for a convex mirror at the western boundary of the crossover to Cameron Road;
  - d) The three parallel spaces along the northern side of Cameron Road to be removed along with the subsequent inclusion of a 'no-standing' sign further to the east;
  - e) The kerb along the eastern side of the entry increased by 70mm to improve vehicle movements into the site along with auto turn diagrams to demonstrate efficient access;
  - f) The retail tenancy waste doors to open internally so as to not obstruct the accessway;
  - g) The over bonnet storage specified at a minimum of 1.8 metres above the car parking spaces;
  - h) All residential west facing windows (including service / non-habitable rooms) to have external vertical sun screening;
  - i) Any design requirements as required by Condition 3;
  - j) Any requirements as required by Melbourne Water Conditions 24-42;
  - k) Notations in accordance with VicRoads Condition 43 on the ground floor plan (1355/TP07);
  - l) Detailed design drawings associated with the indented parking spaces along Cameron Road in accordance with Condition 16;



m) Provision for a roof plan detailing any service units and lift overrun.

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 further written consent of the Responsible Authority.
3. A completed STORM or MUSIC assessment report must be submitted simultaneously with the submission of amended plans in accordance with condition 1. Any STORM assessment must obtain a minimum of 100% to comply with Clause: 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. 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 anytime 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.
  - b) The construction of the indented parking, extension of the footpath and hardstand cafe area along Cameron Road to be constructed to Council's satisfaction with all associated construction costs to be borne by the permit holder.
  - c) New landscaping to be provided adjacent to the accessway serving the properties at 2A Cameron Road with all associated landscaping costs to be borne by the permit holder.
5. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
6. All piping and ducting, excepting for gutters and rainwater downpipes, above the ground floor storey of the building must be concealed to the satisfaction of the Responsible Authority.
7. 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.

8. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority.

The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:

Plans to accord with Condition 1 of this permit.

- a) 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.
- b) Features such as paths, paving and accessways.
- c) Provision for canopy trees and garden beds along the Pascoe Vale & Cameron Road frontages.
- d) Provision for new landscaping adjacent to the accessway at 2A Cameron Road, Essendon.
- e) Screen planting provided along the northern and southern boundaries.
- f) The use of drought tolerant species.

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

9. Prior to the occupation of the development hereby permitted, all landscaping, (including trees, shrubs and lawn) must be completed in accordance with any approved landscape plan to the satisfaction of the Responsible Authority.
10. 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.
11. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must be to the satisfaction of the Responsible Authority:
- a) Be provided and completed prior to the commencement of the development hereby permitted;
  - b) Thereafter be maintained;
  - c) Be made available for such use at all times and not used for any other purpose;
  - d) Be properly formed to such levels that it can be used in accordance with the endorsed plan;

- e) Be drained and sealed with an all weather seal coat; and
  - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
12. Prior to the commencement of the development (other than constituted solely by the breaking up of a concrete floor only to the extent necessary to test soil conditions underneath), either:
- a) A Certificate of Environmental Audit for the land must be issued in accordance with Section 53Y of the Environment Protection Act 1970; or
  - b) An Environmental Auditor appointed under Section 53S of the Environment Protection Act 1970 must make a Statement in accordance with Section 53Z of the Act that the environment conditions of the land are suitable for the use and development that are the subject of this permit.

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

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

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

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

13. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority.

The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but limited to the following:

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

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

14. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
15. 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 and nature strip works 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.
16. Prior to the commencement of buildings and works, detailed engineering drawings to show the construction of the indented parking spaces, footpath and hardstand cafe area along Cameron Road are to be submitted to and approved by the Responsible Authority.

All drainage associated with the construction of the parking area is required to the satisfaction of the Responsible Authority and all costs associated with the construction must be borne by the permit holder.

17. The footpath is to be extended to Pascoe Vale Road along the development boundary and permanently delineated as a pedestrian route in accordance with Moonee Valley Standard Drawing No.39 and to comply with AS 1428.1-2009 (Design for access and mobility). All costs associated with the construction of the footpath must be borne by the permit holder.
18. 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.
19. 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.
20. A minimum 30 days prior to any building or works commencing, all 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 (eg. further details are required for a rain garden system 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 it is distributing to.

- 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).
- f) Integration of other WSUD features such as swales, ponds, etc.

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.

21. 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 is not 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.

22. 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 & 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.

23. Works must cease immediately upon the discovery of any Aboriginal cultural material, and Aboriginal Affairs Victoria must be notified immediately of any such discovery.

#### Melbourne Water Conditions

24. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
25. The vehicular entry/exit from Cameron Street must be constructed no lower than 28.82 metres to Australian Height Datum (AHD) (300mm above the top of kerb level).
26. Finished floor levels of the ground floor entry, lobby and commercial tenancy must be constructed no lower than 30.3 metres to AHD.
27. The ground floor and basement levels must be flood proofed to a height at least 300mm above the applicable flood level, to the satisfaction of Melbourne Water.
28. The development must provide an unobstructed floodway for the passage of overland flow in accordance with the report prepared by Cardno Pty Ltd entitled Hydraulic Report dated 17th January 2014 (Version 5).

29. Prior to the commencement of works, detailed engineering plans must be submitted to Melbourne Water for review. Plans must detail any earthworks proposed within the dedicated floodway or over the Melbourne Water asset in accordance with the approved hydraulic report.
30. Prior to the commencement of works, the location of the Melbourne Water Five Mile Creek Drain must be proven and pegged on site by a licensed land surveyor to the satisfaction of Melbourne Water.
31. Prior to the commencement of works, a Work Method Statement for the construction of footings adjacent to the Five Mile Creek Drain must be provided for Melbourne Water's review and approval. No structures (including footings) are permitted to place additional load on the drain.
32. Prior to the issue of an Occupancy Permit, a pre and post Construction CCTV Inspection of the Melbourne Water Five Mile Creek Drain must be undertaken by an accredited contractor to the satisfaction of Melbourne Water to ensure no damage has been caused as a result of construction.
33. Prior to the issue of an Occupancy Permit, as-constructed drawings of the proposed residential building and a certified survey plan showing finished surface levels within the floodway must be supplied to Melbourne Water within 60 days of completion.
34. Prior to the commencement of works on or near the Five Mile Creek Drain, the contractor must obtain a Melbourne Water Permit to Work. Any works surrounding the Five Mile Creek Drain must be undertaken in a manner that protects the underground drain (i.e. minimum loading, vibration) to the satisfaction of Melbourne Water.
35. Prior to the commencement of works, separate Build-Over Approval must be obtained from Melbourne Water's Asset Services Team for any landscaping or structures/fencing over the Melbourne Water drain. Any proposed landscaping must be in accordance with Melbourne Water's guidelines for planting over assets.
36. Prior to the commencement of use or issue of an Occupancy Permit for the building, the landowner/s must enter into a Section 173 Agreement, with Council and Melbourne Water, which is attached to title. All costs associated with the setting up of the agreement must be borne by the permit holder. The purpose of the agreement shall be to inform owners of:
  - a) The potential flood impacts upon the land in a 1% flood event.
  - b) The requirement to maintain the floodway through this site free of obstructions for the passage of overland flow in a 1% flood event.
  - c) The requirement to maintain an open style fence across the landscaped area to ensure no pedestrian access within the floodway in accordance with the approved plan.
37. Prior to the commencement of works, separate approval must be obtained from Melbourne Water for any new or modified stormwater connection to Melbourne Water's drainage system.



38. Prior to the commencement of works, a Site Environmental Management Plan (SEMP) must be submitted to Melbourne Water for approval. The SEMP must include a site map detailing the location and design of all measures including the following:
  - a) Silt fencing;
  - b) Access tracks;
  - c) Spoil stockpiling;
  - d) Trenching locations; and
  - e) Machinery/Plant locations.
39. The entire building must be a minimum 1.5 metres laterally clear of the outside edge of the Five Mile Creek drain.
40. Any fencing proposed within the floodway must be constructed at least 75% open to allow for the passage of overland flow to the satisfaction of Melbourne Water.
41. The layout of the site and size, design and location of buildings and works as shown on the submitted plans must not be altered without prior written consent from Melbourne Water.
42. Prior to the commencement of works or endorsement of plans, amended plans must be submitted to address Melbourne Water's conditions and demonstrate no obstruction to the passage of flood flow through the site during a 1% flood event to the satisfaction of Melbourne Water.

End Melbourne Water Conditions

VicRoads Conditions

43. Any redundant crossovers on Pascoe Vale Road must be removed and the kerb channel and footpath be reinstated to the satisfaction of the Responsible Authority.
44. The developer shall be responsible for the relocation and reinstatement of any trees, road furniture and other services that may be required in this work at no cost to VicRoads.
45. Any works associated with the proposed development shall be performed at no cost to VicRoads.

End VicRoads Conditions

46. 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 Technical Services Department regarding legal point of discharge, new crossing, construction of footpath, indented parking, outdoor seating and erection of 'no-standing' signage.
- A permit must be obtained from Council for new vehicular crossing.
- 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.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation;  $C=0.4$ ,  $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or  $C=0.80$ .
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works) as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and to the satisfaction of the Responsible Authority.
- A legal point of discharge is required for any development of this site.
- Paving abutting an adjacent property must be provided with 150mm high concrete kerb.
- A "Drainage Inspection Permit" is required for this development.
- An "Application for consent" (or road opening permit) is also required where works are within Councils road reserve.
- These permits can be obtained at the Citizens Service Centre, 9 Kellaway Avenue, Moonee Ponds and **must** be taken our **prior** to the commencement of any works within the road reserve.
- Council will not accept any modifications to existing levels within the road reserve. Any change in levels to match existing surface levels along property boundary line must be made within the property boundary.
- 300mm wide trench grates are required to be located at the bottom of access ramps.

- 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.
- Prior to the commencement of any buildings and works, separate approval must be obtained from the Moonee Valley City Council in relation to proposed street trees. Please contact Council on 9243 8888 to speak with Council's Arborist.
- A separate local laws permit will be required for any outdoor dining.

#### Melbourne Water Notes

- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference 216530.
- Melbourne Water's Asset Services Team should be contacted on 9679 6614 to confirm any asset protection requirements prior to undertaking any works within the vicinity of the Melbourne Water drain.
- All costs associated with the Section 173 Agreement must be borne by the permit holder. The applicant must contact Melbourne Water's land development team on 9679 7517 to discuss preparing a Section 173 Agreement.
- Prior to endorsement, amended plans must be submitted to Melbourne Water in accordance with the conditions specified above. Amended plans must clearly show as a minimum:
  - The location of the proposed floodway through the site;
  - The location and detail of any fencing within the floodway;
  - Proposed natural surface levels within the floodway to AHD, and
  - Deletion of any structures (i.e. the bbq area) within the floodway that could impact overland flow.

#### VicRoads Notes

- Worksite Traffic Management is to be in accordance with the "Road Management Act 2004-Worksite Safety Traffic Management – Code of Practice" as AS 1742.3-2009 Part 3 Traffic Control Devices for Works on Roads. If traffic congestion becomes excessive at any time, the contractor must undertake measures to ease congestion.
- A Traffic Management Plan is to be submitted to VicRoads for its consideration at least 14 days prior to the commencement of works on the site. No traffic management devices are to be erected on Pascoe Vale Road until VicRoads issues authorisation for the erection of those devices in accordance with the Traffic Management Plan.

**CARRIED**

**9.6 54 Park Street, Moonee Ponds (Lot 2 on LP 94602) - Partial demolition and buildings and works to an existing dwelling within a Heritage Overlay and an Environmental Significance Overlay.**

**File No:** MV/857/2013  
**Author:** Town Planner  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2014/94

**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/857/2013 for partial demolition and buildings and works to an existing dwelling within a Heritage Overlay and an Environmental Significance Overlay at 54 Park Street, Moonee Ponds (Lot 2 on LP 94602), 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 front fence to have a maximum height of 1.8 metres;
  - b) The construction of the front fence to be 50% visually permeable;
  - c) All doors associated with the garage designed to open outward or be sliding doors;
  - d) Any modifications required as a result of Conditions 3 and 4;
  - e) A notation on the floor plans that all construction methods are to be in accordance with the recommendations contained within the management plan required by Condition 12; and
  - f) A schedule of all external materials and finishes, including colour samples, to correspond with the elevation plans.

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 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 it is distributing to.
- 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).
- 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 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, ie. such as noise, EPA issues, traffic management, waste management, etc.

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

- 6. 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's User's Guide or a Building Maintenance Guide.

- 7. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 8. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority.
- 9. 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.
10. Once submitted and approved the works detailed by the Construction Management Plan must be carried out to the satisfaction of the Responsible Authority.
11. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
12. Prior to the commencement of the development, a management plan prepared by a qualified arborist must be submitted to the Responsible Authority for approval. The management plan must provide recommendations and set out actions required to minimise damage to the health of the existing street tree (*Angophora Constata*) as a consequence of the approved development.
- Once considered satisfactory and approved by the Responsible Authority, the management plan will be endorsed under the planning permit. Once endorsed the findings of the management plan must be undertaken to the satisfaction of the Responsible Authority and all approved works supervised by a qualified arborist as they relate to the street tree. All costs and responsibilities associated with the commissioning of the management plan, the undertaking of the reports findings and arborist supervision must be borne by the permit holder.
13. The existing street tree within the road reserve must not be removed or damaged as a result of the permitted development.
14. 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.

15. 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.
- This application was not assessed against the requirements of Clause 54 of the Moonee Valley Planning Scheme.
- This property is located within a Heritage Overlay control area. Planning permission is required for any additional works to the site in accordance with Clause 43.01 of the Moonee Planning Scheme.

**CARRIED**

**9.7                    1 & 3 Langs Road, Ascot Vale (Lots 1 & 2 on TP681490P and Lot 1 TP595106X) - Construction of a multi-storey building, partial use of the land for a food and drink premise (cafe), waiver of loading bay requirements and creation and alteration of access.**

**File No:**            MV/716/2013  
**Author:**            Senior Town Planner  
**Directorate:**      City Works & Development  
**Ward:**                Myrnong  
**Minute No:**        2014/95

#### **Council Resolution**

Moved by Cr Nation, seconded by Cr Surace that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/716/2013 for the construction of a multi-storey building, partial use of the land for a food and drink premise (cafe), waiver of loading bay requirements and creation and alteration of access to a Road Zone, Category 1 at No.1 & 3 Langs



Road, Ascot Vale (Lots 1 & 2 on TP681490P and Lot 1 TP595106X), subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) The correct orientation on all elevation plans (i.e. north-east, south-east, south-west and north-west).
  - b) Any changes to the plans as a result of meeting Conditions 15 to 23 (inclusive), as required by VicRoads.
  - c) The correct location of all existing and proposed street trees, with all new street trees annotated as being to the satisfaction of the Responsible Authority.
  - d) A notation that the existing side entry pit within the proposed crossover along Langs Road is to be modified and/or relocated to the satisfaction of the Responsible Authority.
  - e) The suitable location of a handrail in front of the lift/stairwell within each basement level, which does not impact on vehicle turning movements.
  - f) The capacity (in litres) of each water tank.
  - g) The first floor south-west facing habitable room windows of Dwellings 1.18 and 1.20 treated/screened in accordance with the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
  - h) All privacy screens and/or obscure glazing (i.e. reference 'GL2' on the elevation plans) to be 'fixed' with a 'maximum 25% transparency'.
  - i) Any alterations as a result of Conditions 4 and 5.

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. 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.
4. Prior to the plans in accordance with Condition 1 being endorsed by Council, a STORM or MUSIC Assessment must be submitted and approved by the Responsible Authority. The STORM or MUSIC assessment must achieve a minimum of 100%.

5. A minimum 30 days prior to any building or works commencing, all 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.

The WSUD details should be appropriate to the proposed stormwater treatment measure (e.g. 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 (i.e. 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 it is distributing to.
- 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 (i.e. denoting if porous or not).
- f) Integration of other WSUD features such as swales, ponds, etc.

Where applicable, any stormwater treatment measures (e.g. 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.

6. 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 is not 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. 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.
  - 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. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
9. The privacy screens / obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the buildings.
10. 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) The reafter be maintained;
  - c) Be made available for such use at all times and not used for any other purpose;
  - d) Be properly formed to such levels that it can be used in accordance with the endorsed plan; and
  - e) Be drained and sealed with an all-weather seal coat.
11. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
12. Bicycle parking spaces, access, lockers and compounds must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
13. The street tree(s) must not be removed or replaced without the written consent of the Responsible Authority. The replacement is to be to the satisfaction of the Responsible Authority. All fees associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and must be undertaken prior to the issue of an Occupancy Permit to the satisfaction and requirements of the Responsible Authority.
14. Prior to the commencement of the development, the applicant must provide details of the new street trees, which is to include:

- Method of mulching and mounding;
- The species of the trees;
- The size of planting and its maturity; and
- The location of the planting.

All fees associated with the planting of the street trees must be borne by the permit/applicant.

### **VicRoads Conditions**

15. Before the development starts, amended plans must be submitted to and approved by VicRoads. When approved by VicRoads, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plan (prepared by Map Architecture & Design, Project No. 131297, Drawing No. TP05 and Dated October 2013) and annotated as but modified to show:
  - a) Accessway grade within the first 5.0 metres of the property line to be 1:10.
  - b) The crossover to be constructed such that it is at least 6.5 metres wide at the property line, flared 60 degrees with 3.0 metres radial turnouts at the kerb line and there must be 1.0 metre clearance from any fixed object.
16. The crossover and driveway are to be constructed at no cost to VicRoads and to the satisfaction of the Responsible Authority prior to the use of the development.
17. Prior to the use of the development, the access driveway, crossover and associated works must be provided and available for use and be:
  - a) Formed to such levels and drained so that they can be used in accordance with the plan.
  - b) Treated with an all-weather seal or some other durable surface.
18. The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.
19. Install appropriate line marking and signage on the accessway to inform departing vehicles to stop at the property boundary, before departing onto Langs Road at no cost to VicRoads and to the satisfaction of the Responsible Authority prior to the use of the development.
20. Install a convex mirror at the property boundary on the eastern side of the accessway at no cost to VicRoads and to the satisfaction of the Responsible Authority prior to the use of the development.

21. To the satisfaction of and at no cost to VicRoads and the Responsible Authority the developer shall be responsible for the relocation and reinstatement of any trees, road furniture and any other services that may be required in this work.
22. All disused vehicle crossings must be removed and the area reinstated to footpath, nature strip, kerb and channel to the satisfaction of and at no cost to VicRoads prior to the commencement of the occupation of the building hereby approved.

**End VicRoads Conditions**

23. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
24. An on-site stormwater detention drainage system must be installed on the 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.
25. 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.
26. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
27. The development must be provided with external lighting capable of illuminating access to each vehicular accessway, pedestrian accessway and pedestrian entrance. 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.
28. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
29. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.

30. 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.
31. 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.
32. Once the use is commenced, the land must only be used for the permitted use and to the satisfaction of the Responsible Authority.
33. The amenity of the area must not be detrimentally affected by the use of land, through:
  - a) Transportation of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil;
  - d) Presence of vermin; or
  - e) Any other way to the satisfaction of the Responsible Authority.
34. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved to the satisfaction of the Responsible Authority. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants". The plan must include but not be limited to showing and detailing:
  - a) That the bin storage areas are sufficient to cater for the amount of waste that will be produced at least;
  - b) What type of bins will be used on the land;
  - c) Where these bins will be stored including details of screening and ventilation;
  - d) Who will be responsible for taking bins in and out for collection and where this will occur;
  - e) How recycling materials will be dealt with and collected;
  - f) Hours of bin collection;
  - g) Access routes for private waste collection vehicles that do not rely on reversing movements if private waste collection is utilised.

Once submitted and approved the plan must be implemented to the satisfaction of the Responsible Authority.

35. 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 canopy trees, where possible, which are able to achieve a minimum mature height of 4 metres.
- e) Features such as paths, paving and accessways.

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

36. 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.
37. 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.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.



- 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.
- 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.
- Prior to the commencement of any buildings and works, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal, replacement and/or planting of the nominated street tree(s). Please contact Council on 9243 8888 to speak with Council's Arborist.
- 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.
- The proposed development requires reinstatement of disused crossovers to footpath, nature strip, kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.
- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.

**CARRIED**

Cr Sharpe voted against the motion.

**Reports Considered En Bloc**

**Minute No:** 2014/96

**Council Resolution**

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

- 9.8 Planning Scheme Amendment C134 - Planning Scheme Review
- 9.9 Heritage Strategy - Progress of Actions
- 9.10 Events Area Parking Study (Wisewould Street, Flemington)
- 9.11 Road Asset Management Plan 2014-17
- 9.12 Water Transfer Agreement for the Afton Street Wetland
- 9.13 Proposed Road Discontinuance Abutting 1-3 Grice Crescent and 972-978 Mt Alexander Road, Essendon
- 9.14 Community Safety Action Plan 2014/15
- 9.16 Racial Discrimination Act 1975 - Proposed Changes
- 9.17 Procurement Policy 2014
- 9.18 Report on Assemblies of Council

be adopted by Council.

**CARRIED**

**9.8 Planning Scheme Amendment C134 - Planning Scheme Review**

**File No:** FOL/13/850

**Author:** Senior Strategic Planning Officer

**Directorate:** City Works & Development

**Ward:** Municipal

**Minute No:** 2014/96

**Council Resolution**

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

1. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), adopt Moonee Valley Planning Scheme Amendment C134. The revised amendment will incorporate all changes recommended by the Panel as per page 32 of the Panel Report provided in **Appendix B** (separately circulated).

2. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Moonee Valley Planning Scheme Amendment C134 to the Minister for Planning for approval.

**CARRIED**

### **9.9 Heritage Strategy - Progress of Actions**

**File No:** FOL/12/1054  
**Author:** Coordinator Strategic Planning  
**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute No:** 2014/96

#### **Council Resolution**

Moved by Cr Surace, seconded by Cr Cornish that Council receive and note the update on the Heritage Strategy Action Plan.

**CARRIED**

### **9.10 Events Area Parking Study (Wisewould Street, Flemington)**

**File No:** 43/008/035  
**Author:** Coordinator Transport  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2014/96

#### **Council Resolution**

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

1. Note the petition received from residents of Wisewould Street, Flemington.
2. Note the strong level of support received from residents to retain the existing parking restrictions in Wisewould Street, Flemington.
3. Not proceed with Council's previously endorsed proposal to introduce full-time 'Permit Zone' restrictions in Wisewould Street, Flemington.
4. Retain the following existing parking restrictions in Wisewould Street, Flemington:
  - 'Permit Zone' 5am-6pm Mon-Fri + 'Permit Zone' (ALL OTHER TIMES during all events held at the Royal Melbourne Showgrounds and at the Flemington Racecourse).

- 'Permit Zone' 8am - Midnight (during all events held at the Royal Melbourne Showgrounds and at the Flemington Racecourse) – outside side boundaries of No. 17-19 and No. 21-23 Ascot Vale Road only.
5. Advise all residents and property owners fronting and abutting Wisewould Street the outcome of this report.

**CARRIED**

**9.11 Road Asset Management Plan 2014-17**

**File No:** FOL/12/1261  
**Author:** Manager Infrastructure  
**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute No:** 2014/96

**Council Resolution**

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

1. Approve the Moonee Valley Road Asset Management Plan 2014-17 as shown in **Appendix A** - (separately circulated).
2. Authorise the Director City Works and Development, to vary the timing of works for projects within the four year road renewal plan, where this is deemed necessary.

**CARRIED**

**9.12 Water Transfer Agreement for the Afton Street Wetland**

**File No:** FOL/13/589  
**Author:** Manager Economic Development & City Sustainability  
**Directorate:** Environment & Lifestyle  
**Ward:** Municipal  
**Minute No:** 2014/96

**Council Resolution**

Moved by Cr Surace, seconded by Cr Cornish that Council endorse the Chief Executive to enter into a Water Transfer Agreement with City West Water for the Afton Street Stormwater Harvesting Scheme.

**CARRIED**

**9.13 Proposed Road Discontinuance Abutting 1-3 Grice Crescent and 972-978 Mt Alexander Road, Essendon**

**File No:** 41/3/70  
**Author:** Coordinator Property Services  
**Directorate:** Corporate Services  
**Ward:** Buckley  
**Minute No:** 2014/96

**Council Resolution**

Moved by Cr Surace, seconded by Cr Cornish 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 section of road abutting 1-3 Grice Crescent and 972-978 Mt Alexander Road, Essendon, contained in certificate of title Volume 8365 Folio 271 and shown as Lots 1-5 on the attached land allocation plan in Appendix B, no submissions were received.
2. Is of the opinion that the section of road is no longer required for public use and that it should be discontinued and sold by private treaty to the owners of 1/972, 974, 976, 978 Mt Alexander Road and 1 Grice Crescent, Essendon.
3. Publish a notice, pursuant to clause 3(a) of Schedule 10 to the Local Government Act 1989 in the Victorian Government Gazette.
4. Authorise the Chief Executive to execute the transfer and other associated documents.

**CARRIED**

**9.14 Community Safety Action Plan 2014/15**

**File No:** FOL/12/181  
**Author:** Manager Community Development  
**Directorate:** Citizen Services & Information Management  
**Ward:** Municipal  
**Minute No:** 2014/96

**Council Resolution**

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

1. Adopt the Community Safety Action Plan 2014/15 Appendix A (separately circulated).

2. Note the reporting of the program in 2013/14 as outlined by the 2013/14 Community Safety Action Plan Review **Appendix B** (separately circulated).

**CARRIED**

**9.15            Liquica District Partnership Update**

**File No:**            FOL/13/806  
**Author:**            Executive Assistant Citizen Services and Information Management  
**Directorate:**      Citizen Services & Information Management  
**Ward:**                Municipal  
**Minute No:**        2014/97

**Council Resolution**

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

1. Approve the expenditure of USD\$10,000 (at the AUD equivalent exchange rate as at Wednesday, 25 June 2014) of partnership funds to meet the cost of the Internet service for 12 months and additional costs incurred in improving the facility.
2. Approve a USD\$5,000 (at the AUD equivalent exchange rate as at Wednesday, 25 June 2014) contribution towards the establishment of a Certified Networking Academy in Dili, subject to the level of support from other municipal friendship groups.
3. Endorse the recommendation of the Liquica District Partnership Working Group to sponsor the attendance of the Community Development Officer from the Liquica Sub District to attend the Working Together for Timor-Leste Conference in Melbourne in July 2014, up to an amount of AUD\$3,000.
4. Note an amount of AUD\$56,000 raised through the annual Mayoral Charity Race event, is held in reserve for the Liquica Partnership and available for appropriate projects, such as the above.

**CARRIED**

**9.16            Racial Discrimination Act 1975 - Proposed Changes**

**File No:**            FOL/13/1002  
**Author:**            Acting Coordinator Community Planning and Engagement  
**Directorate:**      Citizen Services & Information Management  
**Ward:**                Municipal  
**Minute No:**        2014/96

### **Council Resolution**

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

1. Write to the Attorney-General for Australia, The Honourable George Brandis, to oppose any proposed change to the Commonwealth's Racial Discrimination Act 1975, particularly the proposed repeal of Section 18C.
2. Write to those Victorian municipalities that have passed motion, or plan to pass a motion, in opposition to the repealing of Section 18C of Councils decision.

**CARRIED**

### **9.17 Procurement Policy 2014**

**File No:** FOL/09/1283  
**Author:** Manager Finance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2014/96

### **Council Resolution**

Moved by Cr Surace, seconded by Cr Cornish that Council adopt the Procurement Policy 2014 (provided as **Appendix A** - separately circulated) and that a copy of the adopted Policy be made available on Council's website.

**CARRIED**

### **9.18 Report on Assemblies of Council**

**File No:** FOL/09/1245  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2014/96

### **Council Resolution**

Moved by Cr Surace, 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 May 2014.

**CARRIED**

**9.19 Report on Advisory Committees**

**File No:** FOL/12/69  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2014/96

**Council Resolution**

Moved by Cr Surace, seconded by Cr Cornish that Council receive and note the following confirmed Advisory Committee Meeting Minutes, received since the last report to Council in April 2014:

- a) Arts & Culture Advisory Committee held 7 April 2014 (**Appendix A**);
- b) Liquica District Partnership Working Group held 16 April 2014 (**Appendix B**); and
- c) Integrated Transport Committee held 12 May 2014 (**Appendix C**).

**CARRIED**

**10. Notices of Motion**

**10.1 Notice of Motion No. 2014/10**

**Title:** Public Transport Improvements in Avondale Heights and Keilor East  
**From:** Cr Shirley Cornish  
**Ward:** Rose Hill  
**File No:** FOL/12/1445  
**Minute No:** 2014/98

**Council Resolution**

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

1. Write to The Hon. Terry Mulder, Minister for Public Transport, requesting that an investigation be undertaken into improving opportunities for public transport provision in Avondale Heights, Airport West and Keilor East to provide residents with improved access to employment opportunities, which have been identified in Plan Melbourne, including improved and more frequent access to :



- a) Essendon Technology Precinct;
  - b) Sunshine Employment Cluster;
  - c) Sunshine Metropolitan Activity Centre;
  - d) Footscray Metropolitan Activity Centre;
  - e) Melbourne Airport and the proposed Rail Link;
  - f) Parkville Employment Cluster; and
  - g) Victoria University.
2. Also request that a review be undertaken of the Brimbank /Hume/ Melton/ Moonee Valley and the Hobsons Bay/ Maribyrnong/ Moonee Valley Bus Reviews as these reviews were undertaken prior to the adoption of Plan Melbourne.
  3. Provide a copy of this letter to Ms Jill Hennessy, Shadow Minister for Public Transport.

**CARRIED**

#### **10.2 Notice of Motion No. 2014/11**

**Title:** Disability Discrimination Commissioner  
**From:** Cr Shirley Cornish  
**Ward:** Municipal  
**File No:** FOL/09/726  
**Minute No:** 2014/99

#### **Council Resolution**

Moved by Cr Cornish, seconded by Cr Sharpe that the Chief Executive Officer:

1. Write to the Hon. Tony Abbott MP, Prime Minister, Hon. Kevin Andrews MP, Minister for Social Services and the Hon. Mitch Fifield MP, Assistant Minister for Social Services seeking that the Federal Government revise its decision to abolish the designated Disability Discrimination Commissioner role, by incorporating this role into one of the two remaining Commissioners responsibilities. It is of significant concern that:
  - a) The role will not be able to be covered by other Commissioners on a part time basis with such expertise into the future;
  - b) The rights of people with a disability will not be advanced with the clarity that a dedicated Commissioner brings to the role.

**CARRIED**

### 10.3 Notice of Motion No. 2014/12

**Title:** Local Learning and Employment Networks Funding Cuts  
**From:** Cr Jim Cusack  
**Ward:** Municipal  
**File No:** FOL/09/728  
**Minute No:** 2014/100

#### Council Resolution

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

1. Requests the Chief Executive to write to the Hon. Dr Denis Napthine MP, Premier for Victoria and the Hon. Louise Asher MP, Minister for Employment and Trade seeking that they review their decision to cease funding for the Local Learning and Employment Networks (LLENs) and in this correspondence also note:
  - a) There is a substantial cost benefit for the State government. Maintaining funding for LLENs ensures effective local delivery of new State and Federal employment and training strategies through a respected community network
  - b) The important leadership the Melbourne Moonee Valley LLEN (MMVLLEN) provides in assisting teenagers and young adults in Moonee Valley to make informed decisions about their secondary schooling, vocational training (apprenticeships or traineeships), post-secondary study (vocational or academic) and employment through:
    - i) links it has fostered with educational providers (school and post-secondary), local employers and service clubs to deliver improved work experience and job outcomes;
    - ii) reconnecting disengaged teenagers and young adults to education and other training options to maximise their long term career prospects – N.B. the SEED project, of which the MMVLLEN is part, has assisted around 200 teenagers and young adults to return to school, training or find work;
    - iii) its membership of the Learning Board, Youth Advisory Forum and neighbourhood renewal;
    - iv) extensive local contact with industry groups, government and local businesses to create new entry level jobs in new sectors of our economy;
    - v) provision of career education resources and workforce data to local schools, community organisations and prospective employers; and

- vi) education and workforce research to shape future employment and learning opportunities in Moonee Valley.
- vii) Acknowledges the contribution that the MMLLEN makes in reducing barriers encountered by disadvantaged teenagers and young adults due to their social, economic or health circumstances when looking to advance at school, access vocational training or gain employment.

**CARRIED**

**11. Urgent Business**

Nil.

**12. Confidential Report**

**Council Resolution**

Moved by Cr Surace, seconded by Cr Nation that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to consider a contractual matter and another report which Council considers may prejudice the Council or any person.

**CARRIED**

**Consideration of Confidential Report**

12.1 Amendment C147 – Development Plan Overlay for 20 Hall Street and 34-36 Margaret Street, Moonee Ponds

12.2 Hopetoun Children’s Centre Update and Redevelopment Works

**Council Resolution**

Moved by Cr Surace, seconded by Cr Sharpe that Council resume in open Council.

The meeting concluded at 8.22pm.

**CONFIRMED**

**CR JAN CHANTRY  
CHAIRPERSON**