



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

Tuesday, 22 September 2015 at 7.00pm

**Minutes**

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The following reports were considered:

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# Minutes of the Ordinary Meeting of Council

Tuesday, 22 September 2015 at 7.03pm  
held at the Moonee Valley Civic Centre

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## PRESENT :

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

**Officers:** Mr Bryan Lancaster Acting Chief Executive  
Mr Henry Bezuidenhout Acting Director City Works & Development  
Mr Adam Boyle Acting Director Community Services  
Mr Brett Luxford Director Environment & Lifestyle  
Mr Dale Monk Acting Director Corporate Services  
Ms Yvonne Hansen Manager Governance & Local Laws

## 1. Opening

The Mayor, Cr Sharpe, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 22 September 2015.

## 2. Apologies

Cr Cam Nation has been granted Leave of Absence for this meeting.

### Leave of Absence

### Council Resolution

Moved by Cr Chantry, seconded by Cr Surace that Council grant Cr Nicole Marshall Leave of Absence for all formal meetings during the period 5 October to 21 October 2015 inclusive.

**CARRIED**

**3. Confirmation of Minutes**

Moved by Cr Sipek, seconded by Cr Marshall that the Minutes of the Ordinary Meeting of Ordinary held on Tuesday, 25 August 2015 be confirmed.

**4. Declarations of Conflict of Interest**

4.1 Cr Nicole Marshall declared an interest in Item 9.6 in line with Section 78E of the Local Government Act 1989. A written disclosure has been provided to the Acting Chief Executive outlining the reasons for this conflict.

4.2 Mr Bryan Lancaster declared an indirect interest in Items 9.5 and 9.6 due to residential amenity. Mr Lancaster owns property within the vicinity of the area subject to this report and the outcome of Council's decision may directly impact his residential amenity.

4.3 Cr John Sipek withdrew a declared conflict of interest in Item 9.4, as previously advised in writing to the Acting Chief Executive.

**5. Presentations**

Nil.

**6. Petitions and Joint Letters**

**6.1 Parking Conditions: Victoria Street, Flemington**

**File No.** 63/022/020

Cr Marshall tabled a joint letter signed by 9 residents of Victoria Street, Flemington seeking improved parking conditions for residents at the Racecourse Road end of Victoria Street, Flemington.

**6.2 Improved Services: Ascot Vale Leisure Centre**

**File No.** FOL/15/377

Cr Sipek tabled a petition signed by 110 individuals, requesting that Council improve equipment and membership costs at the Ascot Vale Leisure Centre.

**6.3 Objection to Footpath: Wickham Grove, Strathmore**

**File No.** 63/021/003

Cr Giuliano tabled a petition signed by 31 residents objecting to the construction of a footpath along the length of Wickham Grove, Strathmore.

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

**7. Public Question Time**

Nil.

**8. Reports by Mayor and Councillors**

**File No.** FOL/14/1249

**Minute:** 2015/138

**Council Resolution**

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

**CARRIED**

**9. Reports**

**9.1 31 Hutcheson Street, Moonee Ponds (Lot 2 on PS 112103) Construction of a three storey building comprising 9 dwellings and reduction in car parking requirements**

**File No:** FOL/15/590

**Author:** Principal Planner/Appeals Advocate

**Directorate:** City Works & Development

**Ward:** Myrnong

**Minute No.** 2015/139

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Cusack that Council issue a Refusal to Grant a Permit in relation to Planning Permit No. MV/467/2014 for the construction of a three storey building comprising 9 dwellings and reduction in car parking requirements at 31 Hutcheson Street Moonee Ponds (Lot 2 on PS 112103) in accordance with the following grounds of refusal:

1. The height, bulk, form and layout of the building does not adequately respond to its context in terms of character, failing to satisfy Clause 15 (Built Environment and Heritage) and Clause 21.06-1 (Neighbourhood Character) of the Moonee Valley Planning Scheme.
2. The proposal fails to achieve acceptable outcomes in terms of neighbourhood character, in particular it does not respond appropriately to the following design guidelines of the Garden Suburban 3 Precinct under the Moonee Valley Neighbourhood Character Study 2012:
  - a) Building height, form and layout
  - b) Siting and setbacks
3. The proposal does not comply with the following subclauses of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) of the Moonee Valley Planning Scheme:
  - a) Clause 55.02-1 (Neighbourhood Character)
  - b) Clause 55.02-5 (Integration with the Street)
  - c) Clause 55.03-1 (Street Setback)

- d) Clause 55.03-2 (Building Height)
- e) Clause 55.03-3 (Site Coverage)
- f) Clause 55.03-4 (Permeability)
- g) Clause 55.03-8 (Landscaping)
- h) Clause 55.04-1 (Side and Rear Setbacks)
- i) Clause 55.04-2 (Walls on Boundaries)
- j) Clause 55.05-4 (Private Open Space)

**CARRIED**

**9.2                    11 Sovereign Way, Avondale Heights (Lot 15 on LP 85707) - Construction of three dwellings**

**File No:** FOL/15/590  
**Author:** Senior Statutory Planner  
**Directorate:** City Works & Development  
**Ward:** Rosehill  
**Minute No.** 2015/140

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/990/2014 for the construction of three dwellings at 11 Sovereign Way, Avondale Heights (Lot 15 on LP 85707), 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 first floor habitable room windows of Dwelling 3 amended or screened to comply with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
  - b) The provision of pedestrian visibility splays in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
  - c) The storage facilities of Dwellings 2 and 3 designed so as not to encroach upon the minimum internal dimensions required by Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
  - d) The crossover to be 3 metres in width, and the existing storm water pit to be relocated 1 metre from the crossover in accordance with Condition 11.
  - e) The provision of additional landscaping alongside the accessway in proximity to the street frontage, with the design of the accessway to

comply with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

- f) Provision of 300mm wide trench grates at the entrance to each garage.
- g) The paving at the rear of all dwellings noted as being permeable in accordance with the approved STORM assessment.
- h) Deletion of the swale drawing shown on the WSUD treatment plan, replaced with details of a raingarden in accordance with the approved STORM assessment and Condition 3.
- i) The floor plans must demonstrate the collection and distribution of stormwater from the driveways to the nominated raingarden, noted with its size and location, in accordance with the approved STORM assessment.
- j) The roof plan and floor plans must graphically show the volume and location of all rainwater tanks. Each rainwater tank must be accompanied by a note stating the specific roof area in square metres from which the rainwater is being harvested into that rainwater tank. The number of toilets connected to the rainwater tank must also be nominated. All roof areas, tank volumes and numbers of toilets the tank is connected to must be consistent with the information provided in the approved STORM assessment.

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. 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 (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).

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

- 4. A minimum 30 days prior to any building or works commencing, a Construction and 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) On site stormwater contamination;
- l) Chemical storage;
- m) Noise and vibration;
- n) Risk assessment;
- o) Works timetable; and
- p) Number of workers expected of work on the site at any one time.

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

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



6. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
7. Building or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
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 existing street tree within the road reserve must not be removed or damaged as a result of the permitted development to the satisfaction of the Responsible Authority.
11. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
12. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
13. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
14. 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.
15. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.

16. 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 within the front setback of Dwelling 1 which are able to achieve a minimum mature height of 4 metres.
  - e) Features such as paths, paving and accessways.

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

17. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
18. 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.
- Any works in proximity to the south-western boundary must ensure that due consideration is given to the location of any infrastructure within the easement that affects the neighbouring property.

- A permit must be obtained from Council for all vehicular crossings.
- An Asset Protection Permit must be obtained from Council prior to commencement of works to ensure that Council assets in the vicinity of the works are not damaged during construction.
- No on street parking permits will be provided to occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation;  $C=0.4$ ,  $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or  $C=0.80$ .
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

**CARRIED**

Crs Surace and Sipek voted against the motion.

**9.3                    15 Ash Grove, East Keilor (Lot 268 PS056999) -  
Construction of three dwellings**

**File No:** FOL/15/590  
**Author:** Team Leader Statutory Planning  
**Directorate:** City Works & Development  
**Ward:** Rosehill  
**Minute No.** 2015/141

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/90/2015 for the construction of three dwellings at 15 Ash Grove, East Keilor (Lot 268 PS056999), 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 first floor kitchen window associated with Dwelling 1 (western

elevation) to be screened in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.

- b) The paving within the rear yards of all dwellings to be noted as permeable.
- c) A notation that all landscaping within the pedestrian visibility splays is to be no more than 900mm in height.
- d) The boundary fencing details noted on the first floor plan to be consistent with that of the ground floor plan.
- e) The reference to “D1” on the northern elevation on page 7/10 to be replaced with “D2”.

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 4. Building or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
- 5. A minimum 30 days prior to any building or works commencing, all WSUD Design Details, such as cross sections &/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
- 6. A minimum 30 days prior to any building or works commencing, a Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
  - a) a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

The WSUD Site Management Plan may form part of a broader Site Management Plan that covers other project components, 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.

- 7. A maximum 30 days following completion of the building or works, 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' User's 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 as shown on the endorsed plans must be installed prior to the occupation of the building.
- 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) 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 constructed with a permanent trafficable surface (concrete, asphalt, paving)
- 11. Concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the responsible authority's 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. The existing street tree(s) or vegetation must not be removed or damaged as a result of the permitted development.
- 13. The following street tree/nature strip protection measures must be undertaken;

- a) The nature strip and street tree within the Phillip Road frontage of the site must be barricaded out using portable cyclone fencing for the duration of construction. Costs of such fencing must be borne by the developer and/or permit holder.
  - b) No pruning of the existing street tree located within the naturestrip within the Phillip Road frontage of the site shall be undertaken by any party other than Moonee Valley City Council.
  - c) No building materials are to be stacked and/or dumped on any naturestrip during construction.
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. 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.
16. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
- a) Plans to accord with Condition 1 of this permit;
  - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
  - c) The use of drought tolerant species;
  - d) The provision of a minimum of one canopy tree within the front setback of each dwelling which is able to achieve a minimum mature height of 4 metres;
  - e) The provision of additional garden beds within the front yards of each dwelling;
  - 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;
  - h) All planting abutting the accessway(s) and site frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee

Valley Planning Scheme;

- i) The incorporation of additional garden beds along the western boundary of each dwelling, which is to accommodate screen planting, to soften and filter views of the built form when viewed from adjoining properties.
- j) Appropriate irrigation system.

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

17. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
18. Prior to the issue of an Occupancy Permit, the boundary fencing as stipulated on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
19. 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.
20. 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 must contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the subject site.

- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation;  $C=0.4$ ,  $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or  $C=0.80$ .
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and to the satisfaction of the Responsible Authority.

Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement

**CARRIED**

Crs Surace and Sipek voted against the motion.

#### **9.4 Brewster Street Parking Restrictions Review**

**File No:** FOL/15/590  
**Author:** Technical Services Traffic & Transport  
**Directorate:** City Works & Development  
**Ward:** Buckley

**Minute No.** 2015/142

#### **Council Resolution**

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

1. Note the strong level of community support received as a result of the consultation period for the proposed Brewster Street parking changes.
2. Convert the existing '1P (9am to 9pm) Permit Area 39' parking restrictions to '2P (9am to 9pm) Permit Area 39' on the north side of Brewster Street, from Mt Alexander Road to MacKay Street.
3. Advise all residents, property owners and occupiers of the outcome of this report.

**CARRIED**

Crs Chantry and Cornish voted against the motion.

Cr Giuliano left the meeting at 7.58am.

Having declared an interest in Items 9.5 and 9.6, Mr Lancaster left the meeting at 7.58pm before any discussion or voting had taken place on these items.



**9.5 Planning Scheme Amendment C157 - Heritage Overlay  
47-51 Rose Street, Essendon**

**File No:** FOL/15/590  
**Author:** Principal Planner (Strategic Planning & Research)  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2015/143

**Council Resolution**

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

1. In accordance with Section 8A(3) of the Planning and Environment Act 1987, seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C157 – Permanent Heritage controls for numbers 47-49 and 51 Rose Street, Essendon.
2. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C157 in accordance with Section 19 of the Planning and Environment Act 1987.
3. Refer submissions which request changes to the amendment, and are not resolved, to an independent Planning Panel in accordance with Section 23(1)(b) of the Planning and Environment Act 1987.

**CARRIED**

Having declared an interest in Item 9.6, Cr Marshall left the meeting at 8.04pm before any discussion or voting had taken place on this item.

Cr Giuliano returned to the meeting at 8:08pm.

**9.6 Properties identified in the Heritage Gap Study in or near  
Activity Centres**

**File No:** FOL/15/590  
**Author:** Principal Planner (Strategic Planning & Research)  
**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute:** 2015/144

**Council Resolution**

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

1. Receive and note the contents of this report.
2. Address sites close to activity areas and include as a higher priority the Newmarket precinct.

**LOST**

Cr Marshall returned to the meeting at 8:24pm.

Mr Lancaster returned to the meeting at 8:25pm.

Cr Surace left the meeting at 8:24pm and returned at 8.28pm.

**9.7**                    **Aberfeldie Main Drain**  
**File No:**            FOL/15/590  
**Author:**            Manager Technical Services  
**Directorate:**      City Works & Development  
**Ward:**              Buckley  
**Minute:**            2015/145

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Marshall that Council write to the Hon. Lisa Neville, Minister for Environment, Climate Change and Water, Danny Pearson MP, State Member for Essendon, Ben Carrol MP, State Member for Niddrie, the Upper House Members for Western Metropolitan Region and the Chair, Board Members and Managing Director of Melbourne Water, outlining Council's concerns, and seeking confirmation that the "bubble-up pit" option will not be pursued against the wishes of Council in its capacity as land owner and public land manager.

**CARRIED**

**9.8**                    **Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan**  
**File No:**            FOL/15/590  
**Author:**            Coordinator, Open Space & Urban Design  
**Directorate:**      Environment & Lifestyle  
**Ward:**              Myrnong  
**Minute:**            2015/146

**Council Resolution**

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

1. Endorse the Draft Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan for community consultation from 5 October to 6 November 2015.
2. Receive a further report following the conclusion of the community consultation

**CARRIED**

**9.9 Draft Reconciliation Policy (2015) and draft Reconciliation Action Plan 2016-18**

**File No:** FOL/15/590  
**Author:** Community Planning Officer  
**Directorate:** Community Services  
**Ward:** Municipal  
**Minute:** 2015/147

**Council Resolution**

Moved by Cr Cusack, seconded by Cr Cornish that Council endorse the draft Reconciliation Policy (2015) (Appendix A, separately circulated)) and draft Reconciliation Action Plan 2016-18 (Appendix B) for consultation from 23 September to 26 October 2015.

**CARRIED**

**9.10 Mayors For Peace**

**File No:** FOL/15/590  
**Author:** Manager, Community Planning & Development  
**Directorate:** Community Services  
**Ward:** Municipal  
**Minute:** 2015/148

**Council Resolution**

Moved by Cr Surace, seconded by Cr Giuliano that Council notes its ongoing membership with the Mayors for Peace program and local initiatives to continue to highlight Council's support for peace and nuclear non-proliferation.

**CARRIED**

**9.11 Proposed Licence to Grant Vehicular Access over Delhi Reserve to Properties at 14-16,18-20 and 22-24 Mooltan Street, Travancore**

**File No:** FOL/15/590  
**Author:** Property Consultant  
**Directorate:** Corporate Services  
**Ward:** Myrnong  
**Minute:** 2015/149

### **Council Resolution**

Moved by Cr Cusack, seconded by Cr Marshall that Council

1. Enter into 10 year licence agreements with the owners of 14-16, 18-20 and 22-24 Mooltan Street, Travancore, allowing for vehicular access to the rear of their properties, subject to the Licence:
  - a) Indemnifying Council against any claim;
  - b) Not giving exclusive use to abutting owners;
  - c) Not creating any estate or interest in the licensed area; and
  - d) Automatically terminating when the Licensee ceases to be the registered proprietor of the adjoining property; and
  - e) Providing for costs associated with the licence being borne by the Licensee.
2. Request the owner of 22-24 Mooltan Street, Travancore to remove the redundant crossover abutting their property in Delhi Court.
3. Implement appropriate measures to allow access for licence holders to their properties and to ensure no vehicle parking occurs within Delhi Reserve.

**CARRIED**

### **9.12 MAV State Council - October 2015**

**File No:** FOL/15/590  
**Author:** Acting Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute:** 2015/150

### **Council Resolution**

Moved by Cr Sipek, seconded by Cr Surace that Council endorse the motions on 'Unauthorised Bill Posting' and 'VicRoads Traffic Noise Reduction Policy Review' for submission to the Municipal Association of Victoria State Council Meeting to be held Friday, 23 October 2015.

**CARRIED**

### **Reports Considered En Bloc**

**Minute No.** 2015/151

### **Council Resolution**

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

- 9.13 Information Privacy Policy Review
- 9.14 Report on Tenders and Contracts Awarded
- 9.15 Report on Audit Committee

- 9.16 Report on Assemblies of Council  
9.17 Report on Advisory Committees  
be adopted by Council.

**CARRIED**

**9.13 Information Privacy Policy Review**

**File No:** FOL/15/590  
**Author:** Acting Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute:** 2015/151

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Giuliano that Council adopts the revised Information Privacy Policy (provided as Appendix A).

**CARRIED**

**9.14 Report on Tenders and Contracts Awarded**

**File No:** FOL/15/590  
**Author:** Acting Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute:** 2015/151

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Giuliano that Council receive and note the report of Council's Tenders Committee and tenders awarded at its meeting held 8 September 2015.

**CARRIED**

**9.15 Report on Audit Committee**

**File No:** FOL/15/590  
**Author:** Acting Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute:** 2015/151

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Giuliano that Council receive the unconfirmed Minutes of the Audit Committee Meeting held 12 August 2015.

**CARRIED**

**9.16 Report on Assemblies of Council**

**File No:** FOL/15/590  
**Author:** Acting Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No.** 2015/151

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Giuliano that Council receive and note the written records of Assembly of Councillors, provided as Appendix A, received since the last report to Council in August 2015.

**CARRIED**

**9.17 Report on Advisory Committees**

**File No:** FOL/15/590  
**Author:** Acting Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No.** 2015/151

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Giuliano that Council receive and note the following confirmed Advisory Committee Meeting Minutes, received since the last report to Council in July 2015:

- a) Integrated Transport Committee held 11 May 2015 (Appendix A);
- b) Disability Reference Group held 15 June 2015 (Appendix B); and
- c) Strategic Planning Advisory Committee held 18 June 2015 (Appendix C).

**CARRIED**

Cr Surace left the meeting at 9:05pm and returned to the meeting at 9:06pm.

**10. Notices of Motion**

**10.1 Notice of Motion 2015/21 – Kindergarten in Moonee Ponds**

**File No:** FOL/15/590  
**From:** Councillor Nicole Marshall  
**Ward:** Municipal  
**Minute:** 2015/152

**Council Resolution**

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

1. Receive a report in relation to the provision of a kindergarten located in Moonee Ponds, such report to address all relevant considerations, including, without limitation:
  - a) Details of where Moonee Ponds' families are enrolling their children in kindergarten given the lack of kindergarten located in Moonee Ponds;
  - b) Current and projected demand for kindergarten places from Moonee Ponds families, in light of the significant growth projected for Moonee Ponds;
  - c) Potential locations of a kindergarten and timeframes as to when a kindergarten is likely to be provided in Moonee Ponds; and
  - d) Funding and partnering options available in relation to the provision of a kindergarten in Moonee Ponds.
2. Write to State and Federal members of parliament to seek information about potential funding opportunities.

**CARRIED**

Cr Surace left the meeting at 9:12pm and returned at 9:13pm.

## **11. Urgent Business**

Nil.

## **12. Confidential Reports**

### **Council Resolution**

Moved by Cr Sipek, seconded by Cr Chantry that Council resolve to close the meeting to the public pursuant to Section 89(2) of the Local Government Act 1989 to consider a personnel matter and another matter which the Council considers would prejudice the Council.

**CARRIED**

### **Consideration of Confidential Reports**

12.1 Avondale Heights Soccer Club

12.2 Independent Member Appointments to Council's Audit Advisory Committee

### **Recommendation**

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

**CARRIED**

**13. Close of Meeting**

The meeting concluded at 9.40pm.

**CR NARELLE SHARPE  
CHAIRPERSON**