



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

Tuesday, 24 November 2015

**Minutes**

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# Minutes of the Ordinary Meeting of Council

Tuesday, 24 November 2015 at 7.00pm  
held at the Moonee Valley Civic Centre

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## PRESENT :

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

**Officers:** Mr Bryan Lancaster Chief Executive Officer  
Mr Tony Ball Director Community Services  
Mr Henry Bezuidenhout Acting Director City Works & Development  
Mr Carey Patterson Acting Director Corporate Services  
Mr Anthony Smith Acting Director Environment & Lifestyle  
Ms Yvonne Hansen Manager Governance & Local Laws

## 1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 24 November 2015.

Prior to proceeding, the Mayor requested that those present to observe a minute silence in recognition of the recent horrific atrocities and tragedies that occurred across Paris and Mali.

## 2. Apologies

Nil.

### 3. Confirmation of Minutes

Moved by Cr Nation, seconded by Cr Surace that the Minutes of the:

- a) Ordinary Meeting of Ordinary held on Tuesday, 27 October 2015 be confirmed with an amendment to Point 11, Urgent Business, to include a third item that the Chairperson sought a vote to accept an item of urgent business relating to meeting procedures and Councillor conduct within formal Council meetings and noting that the matter was not carried.
- b) Statutory Meeting of Council held on Wednesday 4 November 2015 be confirmed.
- c) Special Meeting of Council held on Tuesday, 10 November 2015 be confirmed.

**CARRIED**

### 4. Declarations of Conflict of Interest

- 4.1 Cr Cam Nation declared an indirect interest in Item 9.5 for reasons outlined to the Chief Executive Officer in writing prior to the commencement of the meeting.
- 4.2 Cr Jan Chantry declared an indirect interest in Item 9.5 due to residential amenity. Cr Chantry owns property within the Essendon Structure Plan area and Council's decision may impact this residential amenity.
- 4.2 Mr Bryan Lancaster declared an indirect interest in Item 9.5 due to residential amenity. Mr Lancaster owns property within the Essendon Structure Plan area and Council's decision may impact this residential amenity.

### 5. Presentations

#### Suspension of Standing Orders

#### **Council Resolution**

Moved by Cr Giuliano, seconded by Cr Cusack that Standing Orders be suspended to allow a presentation from Mr David Ashmore, former Chair of Council's Audit Committee.

**CARRIED**

Mr Ashmore presented Council with the 2014/15 Annual Report from Council's Audit Committee and provided an overview of how it has discharged its responsibilities during the period and highlighted other information considered pertinent or which is required by regulation.

Resumption of Standing Orders

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Sipek that Standing Orders be resumed.

**CARRIED**

**6. Petitions and Joint Letters**

**6.1 Trees in Fitzgerald Road, Essendon**

**File No.** 63/006/013

Cr Chantry tabled a petition signed by 38 residents of Fitzgerald Road, Essendon requesting that a Council representative inspect the newly planted trees in Fitzgerald Road and work with residents to develop a solution to decrease the litter produced by the trees.

**6.2 Trees in Milverton Street, Moonee Ponds**

**File No.** 63/013/024

Cr Marshall tabled a petition signed by 18 residents of Milverton Street, Moonee Ponds requesting that Council replace the existing paperback trees in Milverton Street.

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

**7. Public Question Time**

7.1 Ann McKie of Strathmore asked the following question in relation to Alf Pearce Park: Why is a children's play area making way for a dog park?

The Chief Executive Officer advised that the Domestic Animal Management Plan was endorsed by Council in July 2014 and included an action item to investigate the introduction of a dog only park. After receiving many requests from the community for the establishment of a fenced dog park in Moonee Valley, Council undertook a feasibility study and community consultation, through which Alf Pearce Reserve was identified as the preferred site for such a facility.

At the Ordinary Council Meeting held 27 October 2015, the six month trial of a temporary dog park at Alf Pearce Reserve was approved. The temporary fencing is expected to be installed in early December 2015.

The trial will see approximately 6,000 square meters of the park fenced for use of dogs and their owners. The remaining 19,000 square meters of the reserve will continue to be fully accessible for the community's use and enjoyment. During the trial, none of the existing facilities will be affected, however, a portion of the general 'kick about' area will be utilised for the fenced dog area.

I reiterate that this is a six month trial and the community will be able to provide feedback to Council to assess whether there is support to retain or remove the fenced area.

7.2 Adele Cooper of Ascot Vale has asked the following:

- a) Knowing since mid 2014 the scale of development proposed in respect to the Flemington Racecourse redevelopment, what has Council done to ensure the planning for increased traffic loads on the local road network and what specific initiatives have been planned? Do these initiatives include for example intersection widening and/or other traffic control measures at the Ascot Vale – Racecourse and Epsom Road intersections, safety improvements around Ascot Vale West Primary School and Victory Park in Langs Road, safety improvements for residents of Fisher Parade & Langs Road who already have difficulty getting in and out of driveways due to high traffic loads?
- b) In respect to the Planning Minister's Flemington Hill and Epsom Road Advisory Committee, will Council ensure that there is meaningful community input in the selection, briefing and engagement of planners, traffic engineers and other consultants that it engages to act on behalf of the community?

The Chief Executive Officer advised that although the project was broached in mid-2014, there was no clarity for Council about it progressing, or in what form. Any change to the road and transport network in that area was therefore not considered appropriate at that stage, and Council continued with the approved capital works programme. Since the announcement of the Advisory Committee process in October 2015, Council is engaging closely with the process and is examining the documents accompanying the proposal.

Given the scale of the proposed development, the project proponent has submitted a report which analyses the transport impact of the proposed development and has proposed some mitigating measures to the affected nearby roads and paths. The proposals include measures such as intersection treatments and safety recommendations – however, Council, and indeed other transport stakeholders such as VicRoads and PTV, have not yet fully assessed or provided approval for any treatment, therefore it is considered premature to comment on specifics, given the potential for change. Further assessment and advice will be provided by Council on appropriate road and transport mitigation works as part of the Advisory Committee process.

Council has engaged legal representation to assist with preparing our submission. Our Barrister will represent Council at the forthcoming hearing.

Council will be utilising a range of resources considered necessary to address the wide range of issues that a project of this scale entails. A combination of external and internal resources will be used for this purpose.

External consultants will be utilised where their expertise will be seen to add value to our case. Selection is based on their skill set, ability to augment Council's position and their availability for a hearing appearance. Suffice to

say, it is my role and that of my staff to ensure we engage the best consultants available as we have done in the past with major developments including Moonee Valley Racecourse, East West Link and CityLink Widening.

7.3 Hayley Wolfert of Ascot Vale has asked the following:

In August 2012, previous Planning Minister Guy used his ministerial powers to remove the decision making powers of Moonee Valley Council in relation to land bounded by Leonard Crescent and Fisher Parade<sup>1</sup>. In response then Mayor Cr Cusack was quoted in the Moonee Valley Weekly of 4 September 2012 as saying:

*“The land is situated in Moonee Valley and any development of the land will affect our residents, in particular impact on traffic, parking, community services and open space. As we will need to plan for and accommodate additional residents into council plans for this area, it seems only right that we should be the responsible authority for any future developments.”*

Then planning portfolio Councillor Giuliano was quoted in the Moonee Valley Weekly of 4 September 2012 as saying:

*“Council would advocate to the Planning Minister on behalf of residents to ensure any future development of the site was well planned and sympathetic to the character of the area.”*

In the intervening period of more than 3 years what has Council done:

- a) to reclaim its planning powers for the area and what has been done to ‘council plans for this area’ in particular since knowing the scale of proposed development having been given confidential briefings by the VRC in mid 2014?
- b) to advocate to the Planning Minister on behalf of residents and to ensure that the proposed development will be well planned and sympathetic to the character of the area in particular since knowing the scale of proposed development having been given confidential briefings by the VRC in mid 2014?

The Chief Executive Officer stated Council hasn’t been aware of what the proposed development is until recently. Council understands that there is significant benefit in the Flemington Racecourse and Royal Agricultural Show Grounds sites being incorporated within the City of Moonee Valley and that Council is also made the Planning Authority in relation to the Planning and Environment Act, 1987.

In September 2014, Council wrote to the former Minister for Local Government requesting that the then Minister undertake a formal review of the boundaries between the City of Moonee Valley and the City of Melbourne particularly in relation to the land that falls within the Leonard Crescent area in Ascot Vale.

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<sup>1</sup> The Chief Executive Officer clarified the areas as being excised from Moonee Valley City Council’s powers was the last 6 blocks at the southern end of Leonard Crescent (boarding Fisher Parade), not the whole area bounded by Leonard Crescent and Fisher Parade.

Council also wrote to the former Minister for Planning requesting a commitment to undertake an urgent review of the existing arrangements to determine the most appropriate Planning Authority for these sites.

These requests were not supported by the former Ministers.

An Advisory Committee has been established by the current Minister for Planning to consider the VRC/Greenland 'Flemington Life' proposal. The Terms of Reference invite the Committee to make recommendations as to the most appropriate municipal boundary location, as it impacts the City of Moonee Valley and the City of Melbourne.

After considering all of the relevant issues, Council will be addressing this matter in its submission to the Advisory Committee in early 2016.

Cr Giuliano left the meeting at 7.35pm and returned at 7.36pm.

## **8. Reports by Mayor and Councillors**

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

**Minute No.** 2015/178

### **Council Resolution**

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

**CARRIED**

## **9. Reports**

**9.1** **33 Raleigh Street, Essendon (Plan of Consolidation 168626U) - Demolition of all existing buildings and construction of 46 dwellings (including a basement) in a Heritage Overlay**

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

**Author:** Principal Statutory Planner

**Directorate:** City Works & Development

**Ward:** Buckley

**Minute No.** 2015/179

### **Council Resolution**

Moved by Cr Chantry, seconded by Cr Giuliano that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/537/2014 for the demolition of all existing buildings and the construction of 46 dwellings in a Heritage Overlay at 33 Raleigh Street, Essendon (Land in PC168626U), 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) A demolition plan.
  - b) The east facing, ground floor windows associated with Dwelling 1 to be double glazed.
  - c) The location of ventilation areas for the basement Car park.
  - d) The provision of a 300mm trench grate at the bottom of the access ramp.
  - e) The provision of screening for the bedroom 1 window associated with Dwelling 106, Block D in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
  - f) All external screening and obscure glazing to comply with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme, such a notation to be made to the plans.
  - g) Block B, Dwellings G01, G04, 101 and 104 west facing windows floor plans to match elevations.
  - h) The provision of 6m<sup>3</sup> storage for Dwellings 1-4.
  - i) Suitable shading devices to all level 1 and level 2 north, east and west facing habitable room windows.
  - j) The storage sizes within the basement clearly noted.
  - k) The allocation of car spaces.
  - l) The tandem car spaces associated with Dwellings 1 – 4 to be noted.
  - m) All front fencing associated with Dwellings 1 – 4 must be a maximum height of 1.2m.
  - n) A full colour and material schedule.
  - o) The location of any tree protection zones (TPZ) required by condition 24.
  - p) A notation that the relevant street trees along Raleigh Street are to be removed and replaced to the satisfaction of the Responsible Authority.
  - q) A notation stating that the existing Telstra Kiosk within the crossover associated with Dwellings 3 and 4 is to be relocated or incorporated into the crossover to the satisfaction of the Responsible Authorities.
  - r) The location and status of the existing barrel drain along the southern boundary of the site to be noted to the plans.
  - s) The provision of all Water Sensitive Urban Design treatments in accordance with an approved STORM assessment as required by condition 3.
  - t) A Ground Floor Plan and Roof Plan which graphically shows:

- i) All roof areas, both treated by WSUD and untreated.
- ii) The specific roof area in square metres of the rainwater catchment area discharging into the nominated stormwater treatment
- iii) Water tank volumes and numbers of toilets the water tank is connected to.
- iv) State whether a mechanically fed or fully charged gravity fed system is to be used.

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. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with condition 1. The STORM assessment must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. 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.
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' User's Guide or a Building Maintenance Guide.
6. 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) 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. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished 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. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
10. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
11. Prior to the issue of an Occupancy Permit, fencing must be constructed in accordance with the endorsed plans. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.

12. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
- a) Constructed,
  - b) available for use in accordance with the endorsed plans,
  - c) properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
  - d) finished with a permanent trafficable surface (such as concrete, asphalt or paving),
- in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
- The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:
- e) be maintained and made available for such use; and
  - f) not be used for any other purpose.
- to the satisfaction of the Responsible Authority.
13. 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.
14. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
15. According to Council records an existing Council barrel drain runs through the property. Prior to commencement of construction the developer must confirm the status and location of drain within the property. The existing Drainage easement may need to be modified if the existing drainage infrastructure is located outside the easement. If required existing drainage may need to be upgraded/relocated to Council satisfaction. All costs associated with the preparation of the plan and installation and construction of the associated infrastructure works must be borne by the permit holder.

16. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
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 occupation of the hereby approved development, the applicant must, at their cost, take the necessary steps to have the property removed from the Heritage Overlay and to update the Victorian Heritage Database to note the changes to the house and to revise the statement of significance.
20. Prior to demolition of the buildings on site an archival quality photographic survey must be prepared at the cost of the applicant and to the satisfaction of the Responsible Authority. The survey must include a brief historical assessment. Upon completion the survey will be donated to the Essendon and District Historical Society for retention.
21. Prior to the completion of the development, at the cost of the owner and to the satisfaction of the Responsible Authority, a plaque or an interpretive display be erected in a prominent location fronting Raleigh to recognise the history of the former Roselyn Court Homestead and the significance of its prior residents.
22. Before the development starts, and before any trees or vegetation are removed an amended landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and 3 copies must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:
  - a) A survey of all existing vegetation, abutting street trees, natural features and vegetation;
  - b) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design;
  - c) Outline any tree protection zones in accordance with condition 24.

- d) Provide replacement street trees to offset the loss of existing street trees in line with Moonee Valley City Council's Street Tree Management Strategy.
- e) Replace the four Lagerstroemia 'Natchez' to the Raleigh Street frontage with larger native trees to reduce the impact of the built form. Possible species: Melia azedarach, Syzigium smithii, etc.
- f) Planting on the land comprising trees and shrubs capable of:
  - i) Providing a complete garden scheme;
  - ii) Softening the building bulk;
  - iii) Providing canopy trees throughout the site which are capable of reaching a mature minimum height of 7 metres; and
  - iv) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings;
  - v) Minimising built form impacts to the adjoining properties;
  - vi) Providing a minimum mature height of 4m along the boundary with 33 and 35 Hoddle Street.
- g) The proposed design features such as paths, paving, lawn and mulch;
- h) 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;
- i) The use of drought tolerant species;
- j) The use of native species;
- k) All trees on the land that are proposed to be removed or destroyed; and
- l) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems.

When approved the amended landscape plan and schedule will be endorsed and will form part of this permit. Landscaping in accordance with the endorsed landscape plan and schedule must 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. The street tree(s) (along Raleigh Street) must not be removed or replaced without the prior written consent of the Responsible Authority. Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and the street tree

replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.

25. Before the development starts, an arborist report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The arborist report be prepared by an arborist with suitable qualifications to the satisfaction of the Responsible Authority and must outline any specific:
- a) threats to the on-going health of existing trees located in any of the abutting properties; and
  - b) recommendations to be implemented to ensure the on-going health of the trees located at the adjoining properties, including modifications to the proposed development and/or use of tree protection measures during construction.

When approved, the arborist report will be endorsed and will form part of this permit. The provisions, recommendations and requirements of the endorsed arborist report must be implemented and complied with to the satisfaction of the Responsible Authority.

26. The hereby approved development must be constructed in accordance with the Sustainable Management Plan, by Ark Resources, 18 March 2015, assessed and approved with this permit, unless otherwise consented to by the Responsible Authority.
27. Prior to the occupation of any buildings and works approved under this permit, a report from the author of the SMP, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved documentation.
28. The hereby approved development must adhere to the recommendations of the Waste Management Plan, by Leigh Design, 15 March 2015, assessed and approved with this permit, unless otherwise consented to by the Responsible Authority.
29. 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.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Department and to the satisfaction of the Responsible Authority.
- 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  $C=0.80$ .
- Before the development starts, 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.

**CARRIED**

**9.2                    2 McNamara Avenue, Airport West (Lot 9 on LP 42972) -  
Construction of three dwellings and alteration of access to a  
Road Zone (Category 1)**

**File No:**            FOL/15/590  
**Author:**            Senior Statutory Planner  
**Directorate:**      City Works & Development  
**Ward:**                Rosehill  
**Minute No.**        2015/180

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Cornish that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/3/2015 for the construction of three dwellings and alteration of access to a Road Zone (Category 1) at 2 McNamara Avenue, Airport West (Lot 9 on LP 42972), on the following grounds:

1. The proposal fails to meet the strategies contained within Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme and would result in



a development that fails to appropriately respond to its location and the surrounding context.

2. The proposal would present a visually dominant and unsympathetic built form in relation to the character of the area and adjoining properties.
3. The proposal would result in traffic and road safety issues being accessed from a Category 1 Road.
4. 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 55.03-1 (Street Setback).

**CARRIED**

**9.3 44 Surrey Drive, East Keilor (Lot 310 LP144544) - Construction of thirteen dwellings**

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

**Author:** Principal Statutory Planner

**Directorate:** City Works & Development

**Ward:** Rosehill

**Minute No.** 2015/181

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/87/2015 for the construction of thirteen dwellings at No.44 Surrey Drive, East Keilor (Lot 310 LP144544), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and 3 copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) The correct property boundary details as per the Certificate of Title, with no reduction in dwelling setbacks from any of the property boundaries.
  - b) The elevation plans to correctly correlate with the floor plans, particularly with regard to the location and design of doors, windows and privacy screens for each dwelling.
  - c) All boundary and internal fencing to be a minimum of 1.8 metres in height above ground level, with no transparency.
  - d) All privacy screens to be 'fixed' with a 'maximum of 25% transparency'.

- e) The location and details of safety barriers and retaining walls between the proposed vehicle accessway and secluded private open space areas associated with existing dwellings to the east at 46 Surrey Drive.
- f) The location and details of suitable signage along the site frontage to advise visitors of available car parking on-site.
- g) The provision of 300mm trench grates at the bottom of each garage.
- h) A roof plan which graphically shows:
  - i) All roof areas, both treated by WSUD and untreated.
  - ii) The specific roof area in square metres of the rainwater catchment area discharging into the nominated stormwater treatment, with the WSUD treatment capacity clearly annotated.
  - iii) Water tank volumes and number of toilets the water tank is connected to.
  - iv) The area of any raingarden in square metres which collects roof runoff.

The details must be consistent with the information provided in the approved complying STORM report.

- i) Notation on the plans that the raingardens must be set back a minimum of 300mm from a site boundary and a minimum of 300mm from a building and that the raingardens must be lined and have their overflow plumbed into the stormwater system.
- j) Demonstration on the site layout plan as to how the rainwater runoff is to be:
  - i) Collected from any nominated impervious surface area; and
  - ii) Distributed to the nominated sized and located raingarden / infiltration strip / buffer strip (i.e. is it gravity fed or pumped and show the grading of the paved area).
- k) Each rainwater tank to be noted to state, on all relevant plans:
  - i) The capacity of the rainwater tank;
  - ii) Whether a mechanically, fully charged or gravity fed system is proposed;
  - iii) Number of toilets connected to the rainwater tank, as detailed on the STORM Rating Report;
  - iv) The roof catchment area collected to the rainwater tank, as detailed on the STORM Rating Report;
- l) The size, location, grading and type of any impervious paving proposed and demonstration of how the water from these impervious surfaces will be collected by the WSUD treatment measure. This must be consistent with the information provided in the approved STORM Rating Report.

- m) The incorporation of additional boundary fencing/screening either end of the east-west orientated internal vehicle accessways to mitigate vehicle light spillage onto adjoining properties.
- n) A notation that the lighting system/traffic signals associated with the shared vehicle accessway are to be appropriately baffled to prevent light spillage onto adjoining properties.

When approved, these plans will be endorsed and will form part of this permit.

- 2. Except with the prior written consent of the Responsible Authority, the layout of the land 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.
- 3. An amended STORM Rating Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Rating Report must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
- 4. A minimum 30 days prior to any building or works commencing, all WSUD Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
- 5. 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' 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 prevention of contamination which must be in the form of a detailed statement or report which outlines all 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) Arrangements for chemical storage;

- l) Noise and vibration control;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected to work on the site at any one time.

When approved, the CSMP will be endorsed and will form part of this permit.

The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with 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;
  - 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. The recommendations and requirements of the Cultural Heritage Management Plan (CHMP) prepared by Benchmark Heritage Management and dated 14 May 2015 must be carried out to the satisfaction of the Responsible Authority.
8. Before the buildings approved by this permit are occupied, all retaining walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
10. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority.

All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.

11. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:

- a) Constructed;
- b) Available for use in accordance with the endorsed plans;
- c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
- d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving);

in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:

- e) Be maintained and made available for such use; and
- f) Not be used for any other purpose;

to the satisfaction of the Responsible Authority.

12. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the responsible authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel 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 prior written consent of the responsible authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

13. All structures within the pedestrian visibility splays at each vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-8 (Design Standards for car parking) of the Moonee Valley Planning Scheme.

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 land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and manufacturers specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

When approved, the Drainage Layout Plan will form part of this permit.

The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

16. Provide a cut off drain/wall abutting 42 and 46 Surrey Drive to prevent overland flow going into other properties downstream.
17. Before the buildings approved by this permit are occupied, 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.
18. 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 land.
19. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and 3 copies must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
  - a) Plans to accord with Condition 1 of this permit.

When approved, the amended landscape plan will be endorsed and will form part of this permit.

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

20. 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.

21. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' and must:

- a) Be generally in accordance with the Waste Management Plan prepared by One Mile Grid dated 9 February 2015.

When approved the Waste Management Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

22. 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 make a written request to the Responsible Authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

#### Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder 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.
- A permit must be obtained from Council for all vehicular crossings.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land 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.
- All retaining wall works must require a building permit approved prior to construction of these works. Any protection measures required must be 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**

Cr Sipek left the meeting at 8.27pm.

**9.4                    300 Ascot Vale Road, Moonee Ponds (Lot 1 on TP 956437N) -  
Use and development of the land for the purposes of a  
medical centre (Paediatric Physiotherapy Centre) and a  
reduction in the car parking and bicycle facility requirement**

**File No:** FOL/15/590  
**Author:** Statutory Planner  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No.** 2015/182

**Council Resolution**

Moved by Cr Cusack, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV262/2015 for the use and development of the land for the purposes of a medical centre (Paediatric Physiotherapy Centre) and a reduction in the car parking requirement at 300 Ascot Vale Road, Moonee Ponds (Lot 1 on Title Plan 956437N), 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 proposed crossover along Newton Parade to be 3 metres in width.
  - b) The provision of directional signage to the Ascot Vale Road frontage identifying the location of the car park to the rear along Newton Parade, in accordance with the requirements of Condition 14.



- c) Store 1 to be reduced in size to achieve a 1.2 metre setback from the southern title boundary.
- d) The northern boundary wall to be reduced in height to 2.6 metres above the Natural Ground Level.
- e) The existing Colorbond fence along the northern title boundary to be retained.
- f) Any stormwater treatment measures as a result of Conditions 6 and 7.

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. The use must operate only between the hours of:
  - a) Monday to Friday and public holidays: 8 am to 6 pm;
  - b) Saturday: 8 am to 1 pm.
- 4. No more than 2 staff may provide health services on the land at any one time to the satisfaction of the Responsible Authority.
- 5. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6. A revised STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessment must obtain a minimum of 100% to comply with Clause: 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme. The revised reports must include all impervious surfaces, such as ramps and footpaths etc.
- 7. 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).

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.

- 8. 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.

9. 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 & commission 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.

10. The use hereby permitted must not commence until not less than 4 car parking spaces have been provided to the satisfaction of the Responsible Authority.
11. Parking areas, loading bays and access lanes must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.
12. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must be to the satisfaction of the Responsible Authority:
  - a) Be provided and completed prior to the commencement of the use hereby permitted;
  - b) Thereafter be maintained;
  - c) Be made available for such use at all times and not used for any other purpose;
  - d) Be properly formed to such levels that it can be used in accordance with the endorsed plan;

- e) Be drained and constructed with a permanent trafficable surface (concrete, asphalt, paving)
  - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
13. The use hereby permitted must not commence until not less than 1 bicycle space has been provided to the satisfaction of the Responsible Authority.
  14. Before the commencement of the use a directional sign not exceeding 0.3 m<sup>2</sup> in area must be provided to the Ascot Vale Road frontage directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority.
  15. 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.
  16. The car parking areas and access ways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable). The car park area and driveways must be maintained to the satisfaction of the Responsible Authority.
  17. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
  18. To the satisfaction of the Responsible Authority all external lights must be of a limited intensity to ensure no nuisance is caused to any adjoining or nearby residents and must be provided with approved baffles, so that no direct light is emitted outside the site.
  19. 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.
  20. 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.
  21. 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.

22. 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) or in any other way.to the satisfaction of the Responsible Authority.
23. A person must not deliver articles or goods of any description so that the delivery noise is audible in a habitable room in any residential premises regardless of whether any door or window is open outside the hours of:
  - a) 7am – 10pm Monday to Saturday,
  - b) 9am – 10pm Sundays and public holidays.
24. Once the use is commenced, the land must only be used for the permitted use and to the satisfaction of the Responsible Authority.
25. Buildings or works must not be commenced (and trees or vegetation must not be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the responsible authority. Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied. After completion of the landscaping it must be maintained in good order to the satisfaction of the Responsible Authority.
26. 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.
27. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
28. All wastes must be disposed of to the satisfaction of the Responsible Authority. Liquid waste or polluted waters must not be discharged into a sewer or storm water drainage system.
29. The collection of waste from the site must not occur:
  - a) Between the hours of 6pm to 6am Monday to Saturday,
  - b) On Sundays and Public Holidays.
30. There must be no more than 1 waste collection from the site per week.
31. 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 must contact the Moonee Valley City Council's Engineering Services Unit regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Unit 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**

Having declared an interest in Item 9.5, Cr Nation, Cr Chantry and Mr Lancaster left the meeting at 8.43pm before any discussion or voting had taken place on the item.

**9.5                      Draft Essendon Junction Activity Centre Structure Plan -  
                                 Consideration of Feedback**

**File No:**                FOL/15/590  
**Author:**                Senior Strategic Planner  
**Directorate:**        City Works & Development  
**Ward:**                    Buckley  
**Minute No.**        2015/183

**Council Resolution**

Moved by Cr Sharpe, seconded by Cr Giuliano that Council adopt the Essendon Junction Activity Centre Structure Plan, circulated separately as Appendix A.

**CARRIED**

Cr Nation, Cr Chantry and Mr Lancaster returned to the meeting at 8.48pm.

Cr Giuliano left the meeting at 8.48pm.

### **Reports Considered En Bloc**

**Minute No.** 2015/184

#### **Council Resolution**

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

- 9.6 Victoria Street, Flemington - Relocation of Existing Partial Road Closure, from Hill Street to Racecourse Road
  - 9.8 2015/16 Capital Works Status Review (November 2015)
  - 9.9 West Trails Strategy - Draft
  - 9.10 Riverside Golf and Tennis Centre Master Plan
  - 9.14 Proposed Granting of Easement over Council Reserve at 20 Fanny Street, Moonee Ponds
  - 9.15 Financial Performance Report September 2015
  - 9.16 Audit Committee Charter
  - 9.17 Report on Assemblies of Council
- be adopted by Council.

**CARRIED**

- 9.6**                    **Victoria Street, Flemington - Relocation of Existing Partial Road Closure, from Hill Street to Racecourse Road**
- File No:**            FOL/15/590
- Author:**            Coordinator Transport
- Directorate:**      City Works & Development
- Ward:**                Myrnong
- Minute No.**        2015/184

#### **Council Resolution**

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

1. Receive and note the report from the Roads Corporation (VicRoads) on the proposed relocation of the existing partial road closure of Victoria Street, from Hill Street to Racecourse Road, as presented in Appendix A.
2. Note that no public submissions were received in response to the public notice.
3. Approve the permanent relocation of the existing partial road closure of Victoria Street, from Hill Street to Racecourse Road, Flemington.

4. Commence construction of the permanent relocation of the existing partial road closure of Victoria Street, from Hill Street to Racecourse Road and incorporating the raised pedestrian pavement on Victoria Street at Racecourse Road.
5. Write to:
  - a) Melbourne City Council, and provide all assessments completed with respect to the Victoria Street partial road closure relocation and the Flemington Hill truck bans. Noting that Council will complete a review of the effectiveness of the existing Flemington Hill truck bans in Wellington Street, Shields Street, Princes Street and Victoria Street in February 2016.
  - b) Surrounding residents, landowners, traders, key stakeholders, service authorities and public transport providers advising of Council's decision and outcome of this report.

**CARRIED**

**9.8                    2015/16 Capital Works Status Review (November 2015)**

**File No:**            FOL/15/590  
**Author:**            Manager Infrastructure  
**Directorate:**      City Works & Development  
**Ward:**                Municipal  
**Minute No.**        2015/184

**Council Resolution**

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

1. Approve the 2015/16 Capital Works Budget Revision – November 2015 as outlined in Appendix A.
2. Approve the projects listed in Appendix B to be undertaken within the 2015/16 financial year, subject to:
  - a) The 2015/16 capital works budget having an overall net forecast favourable variance.
  - b) The capacity to deliver the nominated project by 30 June 2016.

**CARRIED**

**9.9                    West Trails Strategy - Draft**

**File No:**            FOL/15/590  
**Author:**            Sustainable Transport Officer  
**Directorate:**      City Works & Development  
**Ward:**                Municipal  
**Minute No.**        2015/184

### **Council Resolution**

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

1. Note the key projects identified in the Draft Action Plan.
2. Endorse the Draft West Trails Strategy for consultation purposes.
3. Receive a further report following completion of the consultation.

**CARRIED**

#### **9.10 Riverside Golf and Tennis Centre Master Plan**

**File No:** FOL/15/590  
**Author:** Senior Leisure Officer  
**Directorate:** Environment & Lifestyle  
**Ward:** Myrnong  
**Minute No.** 2015/184

### **Council Resolution**

Moved by Cr Cornish, seconded by Cr Nation that Council adopt the Riverside Golf and Tennis Centre Master Plan (Appendix A – separately circulated).

**CARRIED**

#### **9.14 Proposed Granting of Easement over Council Reserve at 20 Fanny Street, Moonee Ponds**

**File No:** FOL/15/590  
**Author:** Coordinator Property Services  
**Directorate:** Corporate Services  
**Ward:** Myrnong  
**Minute No.** 2015/184

### **Council Resolution**

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

1. Having completed all necessary statutory procedures under sections 189 and 223 of the *Local Government Act 1989* and having not received any written submissions to the proposal, grant an easement over 210m<sup>2</sup> of Council land (as shown on plan of creation of easement at Appendix B) known as Fanny Street Reserve, 20 Fanny Street, Moonee Ponds, contained on Certificate of Titles Volume 5417 332, TP 633384K, Volume 9399 Folio 305 TP 188829A and Volume 7935 Folio 136 PS 24889.
2. Seeks compensation of \$15,120 (excl GST) from Centurion Developments Moonee Ponds Pty Ltd., plus all reasonable administrative, survey and legal costs.
3. Authorise the Chief Executive to execute all documents in relation to the creation of easement on behalf of Council.

**CARRIED**



**9.15 Financial Performance Report September 2015**

**File No:** FOL/15/590  
**Author:** Manager Finance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No.** 2015/184

**Council Resolution**

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

1. Receive and note the Financial Performance Report for the period 1 July 2015 to 30 September 2015.
2. Receive and note the Grants Status Report for September 2015.

**CARRIED**

**9.16 Audit Committee Charter**

**File No:** FOL/15/590  
**Author:** Manager Finance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2015/184

**Council Resolution**

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

1. Adopt the Audit Committee Charter (Appendix A).
2. Appoint Mr David Ashmore as an independent member of the Audit Committee for a period of 12 months from 1 December 2015.

**CARRIED**

**9.7 Moonee Ponds Activity Centre Car Parking Plan and Amendment C132 - Endorsement for Community Consultation**

**File No:** FOL/15/590  
**Author:** Senior Strategic Planner  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No.** 2015/185

### **Council Resolution**

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

1. Endorse the Draft Moonee Ponds Activity Centre Car Parking Plan (circulated separately as Appendix A) and Strategic Justification for Cash-in-Lieu of On-Site Parking Provision (circulated separately as Appendix B) for the purposes of community consultation.
2. 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 C132 – Moonee Ponds Parking Overlay (circulated separately as Appendix C), which includes applying Schedule 1 to the Parking Overlay to all land within the Moonee Ponds Activity Centre boundary.
3. Subject to obtaining authorisation from the Minister for Planning, exhibit Planning Scheme Amendment C132 in accordance with Section 19 of the Planning and Environment Act 1987, concurrently consulting on the Moonee Ponds Car Parking Plan.
4. 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**

Cr Giuliano returned to the meeting at 8.57pm.

Cr Sipek returned to the meeting at 8.58pm.

#### **9.11 Avondale Heights Soccer Club**

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

**Author:** Coordinator, Sports & Recreation

**Directorate:** Environment & Lifestyle

**Ward:** Rosehill

**Minute No.** 2015/186

### **Council Resolution**

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

1. Advise Avondale Heights Soccer Club that Council cannot support the club to play games at National Premier League level at Avondale Heights Reserve.
2. Work with Avondale Heights Soccer Club and the Football Federation of Victoria to find an appropriate venue for senior men's NPL matches for season 2016.
3. Consider into the future sites which could accommodate higher level soccer participation, school carnivals and year round access.

**CARRIED**

Cr Giuliano left the meeting at 9.02pm.

Cr Nation left the meeting at 9.09pm and returned at 9.11pm.

**9.12 Accessible Parking Review and Strategy**

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

**Author:** Aged & Disability Policy Officer

**Directorate:** Community Services

**Ward:** Municipal

**Minute No.** 2015/187

**Council Resolution**

That Council:

1. Adopt the report titled 'Gathering the evidence' (**Appendix A** – separately circulated) to assist in a formal review of how Council administers renews and enforces disability parking permits.
2. Adopt the report titled 'Accessible Parking Review and Strategy Development' (**Appendix B** – separately circulated) to be used as resource to inform the strategic implementation plan for renewal of accessible parking bays.
3. Refer the implementation of the Strategic Implementation Plan to future Capital Works Budgets for funding considerations.

**CARRIED**

**9.13 Reconciliation Policy and Action Plan 2016-18**

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

**Author:** Community Planning Officer

**Directorate:** Community Services

**Ward:** Municipal

**Minute No.** 2015/188

**Council Resolution**

Moved by Cr Cusack, seconded by Cr Marshall that Council adopt the Reconciliation Policy Appendix A (separately circulated) and the Reconciliation Action Plan 2016-18 Appendix B (separately circulated).

**CARRIED**

**9.17 Report on Assemblies of Council**

**File No:** FOL/15/590  
**Author:** Acting Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No.** 2015/188

**Council Resolution**

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

**CARRIED**

Cr Cornish left the meeting at 9.21pm.

Cr Sipek left the meeting at 9.23 and returned at 9.25pm.

**10. Notice of Motion**

**10.1 Notice of Motion 2015/25 - Children in Care**

**File No:** FOL/15/590  
**From:** Councillor Narelle Sharpe  
**Ward:** Municipal  
**Minute No.** 2015/189

**Council Resolution**

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

1. Request that Council write to the Premier Daniel Andrews, Minister for Families, Children and Youth Affairs, Jenny Mikakos, and Minister for Housing, Disability and Ageing Martin Foley to request that the Victorian State Government review its policies in regards to children in residential care, including policies and support for children in foster care and their foster carers, to ensure the rights of the children in residential care and foster care are protected.
2. Request that Council write to the other 78 Victorian Councils urging them to take this issue on board and request that they write to the persons identified in point 1 as detailed.

**CARRIED**

**10.2 Notice of Motion 2015/26 - Re-installation of Christmas Tree**

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

**From:** Councillor Narelle Sharpe

**Ward:** Myrnong

**Minute No.** 2015/190

**Council Resolution**

Moved by Cr Sharpe, seconded by Cr Sipek that Council re-install a Christmas Tree annually between November to January at the old fountain site in front of the Clocktower Centre on Mt Alexander Road, Moonee Ponds, commencing in 2016.

**CARRIED**

**10. Urgent Business**

Nil.

**11. Confidential Reports**

**Council Resolution**

Moved by Cr Marshall, 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 matters which the Council considers would prejudice the Council.

**CARRIED**

**Consideration of Confidential Reports**

12.1 Proposed Sale of Council Properties

12.2 Property Acquisitions and Dispositions - Notice of Motion 2015/18

12.3 Council Property Assets Update

**Council Resolution**

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

**CARRIED**

**12. Close of Meeting**

The meeting concluded at 9.46pm

**CR ANDREA SURACE  
CHAIRPERSON**