



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 26 May 2015

Minutes

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The following reports were considered:

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Minutes of the Ordinary Meeting of Council

Tuesday, 26 May 2015 at 7:00pm
held at the Moonee Valley Civic Centre

PRESENT

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

Officers: Mr Neville Smith Chief Executive
Mr Tony Ball Director Community Services
Mr Anthony Smith Acting Director Environment & Lifestyle
Mr Henry Bezuidenhout Acting Director City Works & Development
Mr Carey Patterson Acting Director Corporate Services
Ms Vera Mitrovic-Misic Acting Manager Strategic & Statutory Planning
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, 26 May 2015.

2. Apologies

Nil.

Cr John Sipek has been granted Leave of Absence for this meeting.

3. Confirmation of Minutes

Moved by Cr Surace, seconded by Cr Nation that the Minutes of the Ordinary Meeting of Council held on Tuesday, 28 April 2015 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

4.1 Councillor Nation declared an indirect interest in Item 12.1 due to a conflicting duty. Cr Nation holds a position in a company that is in contract with a business that has tendered for the management and operation of Ascot Vale Leisure Centre.

4.2 Councillor Nation declared an indirect interest in Item 12.3 due to a conflicting duty. Cr Nation holds a position in a company that operates from the site subject to this report.

5. Presentations

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Standing Orders be suspended to allow an external presentation to be made.

CARRIED

The Mayor announced that Ria Thompson was the winner of the Dick Reynolds Youth Sports Scholarship for 2015 and presented Ria with her award.

Council Resolution

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

CARRIED

6. Petitions And Joint Letters

6.1 Steele Creek Drive Reserve

File No: FOL/10/911

Cr Surace tabled a petition signed by 38 residents of Craig Street, Keilor East requesting that Council consider Steele Creek Drive Reserve an area for park seating, planting of native flora that is local to the area, carpark fencing area, play equipment and weed control.

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

7. Public Question Time

Question 1

Ms Maria Loiacono of Avondale Heights asked the following questions:

How much public use land has been sold in Avondale Heights and shouldn't land reserved for public use remain in the public domain for the shared common needs of the community instead of being sold off to private companies and individuals that will develop the land for profit rather than providing benefits to the community and wouldn't it be better if public land was developed for health, education, learning, arts, culture, social and recreational uses?

The Chief Executive advised that Council is not aware of any Council owned public use zoned land that has been sold off in Avondale Heights in recent times and agrees that land reserved for public use should be used in the appropriate manner and to service local community needs. However, in the case of private or government owned land, Council provides input into the strategic planning process but it is ultimately the land owner that makes the decision on the best future use of the land in question. The Chief Executive noted that the State Government has sold off a number of parcels of land in recent years which the community considers public land.

Question 2

What plans are there to address changing social and recreational needs of the community living in Avondale Heights, for example does the area have spaces to develop programs, services and facilities to address the needs of teenagers and retirees and should a central location for developing these activities and other creative and collaborative activities of the 21st century be planned for in the area?

The Chief Executive advised that the Avondale Heights Community Precinct Master Plan and Vision was adopted on the 5 June 2012. To date there has been an increase in community space with the addition of the atrium to the library and learning space and the establishment of an early years facility providing kindergarten and maternal and child health services.

The vision also provides a staged plan and was developed following extensive consultation with the community, local groups, organisations and the local schools and Council has identified funding in its draft 2015/16 capital works budget for the design component of the final stages of this precinct.

A copy of that Master Plan and Vision statement is available on Council's website. The plan explores the population needs of the area and in its final design stage will ensure the demographic of the area is foremost in the design outcomes.

Council also continue to support sporting clubs and members to becoming healthier and more physically active. We do this through club development, funding, support, asset renewal and through our current active sporting infrastructure in Avondale Heights at Doyle Street and Canning Reserves and we aim to deliver free family events across the municipality with the success of

the Active8 program and Twilight Music in the Park at Canning Reserve this summer being of note.

Question 3

Ms Helen Johns of Avondale Heights asked the following:

1. Why do we have the Neighbourhood Character protection standards and clauses when they aren't considered or adhered to by Council when deciding on planning applications?
2. Why do we have the Garden Suburban Precinct Design Guidelines documented when they aren't considered or adhered to by Council when deciding on planning applications?

The Chief Executive advised that the Neighbourhood Character Precinct Profiles relate to all land that is currently zoned residential. All development applications within the General Residential Zone need to have regard to the preferred neighbourhood character statement and design guidelines of the relevant precinct. During the assessment of all planning applications, Council undertakes an assessment to ensure that the proposed development responds to the existing and preferred neighbourhood character. The overall assessment process would also take into consideration a wider range of issues and provide a balanced decision that is generally compliant with the requirements of the Moonee Valley Planning Scheme.

The Neighbourhood Character Precinct Profiles do not apply to land not zoned Residential. However, Council still considers the key principles of the precinct profile. In particular, Council considers the Preferred Character Statement of the precinct profiles, when determining how best a development responds to the preferred character of the area.

It is standard practice for Council reports to acknowledge the relevant precinct profile and highlight the various aspects of the proposal that contribute to the preferred character of the area. In addition, a full assessment is undertaken against the neighbourhood character provisions contained within the Local Planning Policy Framework.

Question 4

Mr Andrew Gunter of Essendon West asked the following:

What information, correspondence or discussions have taken place between Yarra Tram or Public Transport Victoria (PTV) and Council regarding:

1. The condition of the Tram Route 59 tracks and trackbed between Moonee Ponds Junction and Essendon Junction along Pascoe Vale Road and Fletcher Street.
2. The level of noise generated by the currently worn rail joints under passing trams (in a predominantly residential environment, compared with the noise standard met by new, repaired or reconstructed track).
3. Yarra Trams or PTV's currently proposed schedule (if any) for repair or reconstruction of all or part of the Pascoe Vale Road and Fletcher Street tracks and/or trackbed.

4. The traffic management and/or diversions that would be implemented during works.
5. The capacity of Tram Route 59, either before or after repair / reconstruction, to support low-floor trams.
6. Yarra Trams' and/or PTV's current schedule (if any) to introduce low-floor trams onto Tram Route 59?"

The Chief Executive advised that Yarra Trams presented to Council on Tuesday, 19 May 2015 on their proposed 'superstop' for Moonee Ponds Junction and replacing tracks from Moonee Ponds Junction to Wilson Street with their latest track technology, which is significantly quieter than the current tracks. The timing of tram track upgrades provided further along Pascoe Vale Road and Fletcher Street is not yet known. However, where new tracks are installed Yarra Trams future proof for new tram infrastructure.

Traffic management plans for these works will be finalised with VicRoads and Council, prior to the scheduled works in January 2016 and Yarra Trams will be holding an Information Session at the Clocktower on 25 June 2015. Council understands that Yarra Trams will roll out E-class trams (higher capacity/low floor) to the highest patronage trams routes in Melbourne in the first instance. The exact timing of roll out for Route 59 is not known at this time.

Council has stressed with Yarra Trams the need for consultation on the proposed works. In this regard, Council will provide as much information as possible on its website.

Question 5:

Mr Warwick Smith of Avondale Heights raised the following:

In terms of Council representation for the residents of Avondale Heights in relation to 20 Westminster Drive and 19 Rogerson Street, Avondale Heights, there have been 15 and 21 objections in writing to this planning permit, there was a meeting held to discuss the objections but as written in this document [Council report] no resolution was found in this meeting. To date no objector has received a reply to their objections. Without going into the specifics of each objection the fact is that there are no other properties in Westminster Dve, less than 600sqm with three two story dwellings on it. The proposal would not meet current council planning requirements if proposed now. This development is clearly not appropriate for this street. I believe that additional consultation with the residents is required.

The Chief Executive advised that in accordance with Council's Guidelines for Public Question Time, as the questions relate to a matter that is before Council, a detailed response is unable to be provided. However, the Chief Executive did provide the following in relation to the planning consultation process:

- All proposed planning developments are required to have a notice on site for two weeks advising of the proposed development.
- Immediate adjoining residents are also notified by mail.

- The proposed development is listed on Council's website.
- Council acknowledges all objectors in writing.
- Should there be 10 or more objectors, a consultation meeting is scheduled.
- The proposed development is then considered and all objections considered in the Council report.
- All objectors are advised when an advertised application is coming to Council.
- Objectors are advised once a decision on the development proposal has been made.

Cr Giuliano left the meeting at 7.20pm and returned at 7.23pm.

8. Reports by Mayor and Councillors

File No. FOL/14/1249

Minute No. 2015/66

Council Resolution

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

CARRIED

Cr Giuliano left the meeting at 8.02pm and returned at 8.03pm.

9. Reports

**9.1 77-89 Military Road, Avondale Heights (Lot S2 PS 625869S)
Use of the land for dwellings, staged subdivision, including
subdivision of the land adjacent to a Road Zone Category 1,
removal of native vegetation, construction of multiple
dwellings and associated buildings and works.**

File No: MV/846/2014

Author: Principal Town Planner

Directorate: City Works & Development

Ward: Rose Hill

Minute No: 2015/67

Council Resolution

Moved by Cr Cornish, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/846/2014 for the use of the land for dwellings, staged subdivision, including subdivision of the land adjacent to a Road Zone Category 1, removal of native vegetation, construction of multiple dwellings and associated buildings and works at 77-89 Military Road, Avondale Heights (Lot S2 PS 625869S), subject to the following conditions;:

1. Before the 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) Greater colour and/or material design variance along the western elevations of Dwellings 15-23 to promote improved visual interest.
 - b) Speed limiting devices such as road humps at the following locations:
 - i) Midway between Westminster Drive and the T intersection adjacent to dwellings 098 and 097;
 - ii) Adjacent to dwelling 100, 106, 017 and 013.
 - c) The provision of a stronger pedestrian access link to the future adjacent piazza associated with the Avondale Heights Community Precinct.
 - d) The retention of trees 38 and 103 as identified within the tree assessment prepared by Galbraith and Associates along with any required design modifications to the dwellings in accordance with Condition 34.
 - e) The provision for sun shading/sun screening for habitable room windows facing north (i.e. eave overhangs or horizontal projecting screens), east and west (i.e. vertical screening) where appropriate.

- f) “No Through Road” signs to be installed in front of dwellings 19 and 89 and “Give way” signs to be installed at T intersections.
- g) A footpath to be provided for dwellings 010 to 023 and connected to the existing footpath on Clarendon Street.
- h) Internal garage doors to open outwards or to be sliding doors.
- i) Dwellings 1-9 to be setback a minimum of 3 metres from Clarendon Street along with any subsequent layout modifications.

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. Before a statement of compliance is issued, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 which provides for the following:
 - a) A 30% contribution of the total cost of the design, construction, installation and maintenance of traffic signals at the intersection of Clarendon Street and Military Road, to the Council’s satisfaction and VicRoads approval, at the completion of the works.
 - b) A \$390,000 contribution to the cost associated with the construction of the adjacent Piazza associated with the Avondale Heights Community Precinct, at the completion of the works.

The owner of the land, or other person in anticipation of becoming the owner of the land must pay all costs and expenses (including legal expenses) of, and incidental to, the agreement (including those incurred by the Responsible Authority).

- 4. Before the plan of subdivision is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

The amended plans must be generally in accordance with the plans submitted and assessed with the application, but modified to show;

- a) A staging plan.
- b) All easements required by service authorities;
- c) Road reserves, splays at intersections and open space in favour of the Responsible Authority.

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

5. The layout of the proposed subdivision as shown on the endorsed plan, must not be altered or modified (whether or not in order to comply with any Statute, Statutory Rule Local Law or By-Law or for any other reason) without the prior written consent of the Responsible Authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
7. Before a Statement of Compliance is issued, the Responsible Authority must be provided with written advice in accordance with Section 20A of the Subdivision Act 1988.
8. The following plans must be submitted to and approved by the Responsible Authority:
 - a) Approval of Road and Drainage Construction Plans (prior to the commencement of road works, drainage and building construction works for each stage of the subdivision).
 - b) Approval of Landscape Plans (with the approval of the Construction Plans or by agreement with the Responsible Authority as outlined in Condition 10 of the permit).
 - c) Approval of Public Lighting Plans (prior to the commencement of road and drainage construction works).
 - d) Approval of Waste Services Plan (prior to occupation of any of the stages).
9. A minimum 30 days prior to commencement of any road and drainage construction works for this development or dwelling construction, a Construction and Site Management Plan must be submitted to and approved by the Responsible Authority. The Construction Management Plan must include, but not be limited to:
 - a) Hours of construction.
 - b) Methods for limiting escape of dust and litter from the land.
 - c) Parking and traffic movement of all workers vehicles and construction vehicles.
 - d) Scaffolding and hoarding for the site.
 - e) Allocated areas for loading and unloading.
 - f) Site evacuation plan and procedure.
 - g) Occupational health and safety policy.
 - h) Hazard identification and control.
 - i) Environmental management and waste minimisation.

- j) 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.
- k) Any impacts upon adjacent roads and pedestrian walkways and providing for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase. This is to include a Dilapidation Report showing the condition of all access roads, paths and infrastructure prior to any works commencing.
- l) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility.
- m) Chemical storage.
- n) Noise and vibration.
- o) Risk assessment.
- p) Works timetable.
- q) Number of workers expected of work on the site at any one time.
- r) Proposed parking and standing locations for construction vehicles and construction workers vehicles.
- s) Temporary fencing works
- t) Safe Work Method Statements as required for construction activities complying with current Occupation Health and Safety Standards.

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.

10. Prior to the commencement of the landscape works, plans must be submitted to and approved by the Responsible Authority. The plan, as it relates to the central open space area, shall be subject to review by an Avondale Heights Community Reference Group consisting of Ward Councillors, nominated community representatives and Council officers. The landscape plans must be assessed in conjunction with the road and drainage construction plans. If all of the hardscape proposals listed within this permit condition are shown on the submitted construction plans, the Responsible Authority may consider approval of a landscape plan after approval of the construction plans.

When endorsed, the plans will then form part of the permit. The landscape plans must be prepared by a suitably qualified person or firm and must show:

- a) The location and species of street trees (based upon the planting of advanced trees) and other soft landscaping planting treatments.

- b) Details regarding the design and location of street furniture including decorative lighting.
- c) Details regarding the design layout and type of hardscape treatments together with construction details.
- d) The location of and description of existing vegetation to be retained and any proposed treatments to ensure the ongoing health of such.
- e) A maintenance schedule.
- f) The provision for landscaping within the private areas.

Before a Statement of Compliance is issued for any stage of the development, the landscape works shown on the endorsed landscape plans must be provided to the satisfaction of the Responsible Authority.

11. Prior to the submission of road and drainage construction design plans, for the first stage of the development, a detailed Drainage Strategy for the whole development site must be submitted to and approved by the Responsible Authority showing:
 - a) A drainage surcharge route/s, shown on a layout plan/s, to demonstrate overland flow paths in the event of a storm exceeding the underground minor system.
 - b) A drainage System incorporating a minor 1 in 10 year ARI (Average Recurrence Interval) underground piped system and a major 1 in 100 year ARI system with designed overland flow paths with lot finished surface freeboard clearances above 1 in 100 year ARI flood levels to the satisfaction of the Responsible Authority and Melbourne Water. An underground drainage piped system may be designed where necessary to handle the 1 in 100 year ARI storm event for the critical storm duration.
12. Prior to the commencement of road works, drainage and building construction works for each stage of the subdivision, detailed construction engineering plans, showing road and drainage designs, must be submitted to and approved by the Responsible Authority. The construction plans must be prepared by a suitably qualified person. The construction plans must show and include:
 - a) Design for full construction of all road pavements including parking bays, cycle paths, vehicle entrances, typical street reserve cross sections and kerb and channel design together with submitted computations for approval by the Responsible Authority.
 - b) The construction of the Clarendon Street roundabout connection including traffic island with pedestrian refuge.
 - c) Traffic control measures, as approved by the Responsible Authority.

- d) Design catering or manoeuvrability of service vehicles such that waste collection vehicles shall not be required to reverse in order to travel in the opposite direction.
- e) Where practicable, the development shall be in accordance with the Disability Discrimination Act.
- f) A drainage system design, in accordance with the approved Drainage Strategy, prepared by a Civil/Hydraulics Engineer, together with submitted computations for approval by the Responsible Authority.
 - i) The drainage system design is to include provision for the discharge of storm water from the land controlled around its limits by means of a designed underground piped drainage system discharging to a legal point of discharge (for the development) as approved by the Responsible Authority and/or Melbourne Water to prevent any discharge onto any adjacent properties or streets.
 - ii) The drainage system design and layout is to address all minor and major stormwater runoff from the land to the satisfaction of the Responsible Authority i.e. 1 in 10 year ARI underground piped system and a major 1 in 100 year ARI system with designed overland and/or other approved major flow paths.
 - iii) The drainage system design and layout is to address and demonstrate that all minor storm water flows up to a 1 in 10 year ARI will be captured to drain via the underground drainage system to the satisfaction of the Responsible Authority.
 - iv) The drainage system design and layout is to show each lot with a separate drainage system and discharge point (legal point of discharge) capable of accepting stormwater flows to prevent any discharge onto adjacent properties.
 - v) The drainage system design and layout is to address maintenance issues and including any required provision of a Gross Pollutant Trap/s (GPT/'s), Sediment Ponds and other appropriate methods, where in accordance with the proposed Stormwater and Drainage Strategy approved by the Responsible Authority.
- g) Footpath design and construction including details in the treatment of pedestrian and cycle access through the site.
- h) A plan with appropriate road signs including speed signs and line marking for the entire development.
- i) Full details and engineering design and certification of all retaining walls.
- j) Bicycle/pedestrian shared path design and construction in accordance with the approved Development Plan.

- k) Permanent survey marks.
 - l) Location of service conduits.
 - m) Water and sewerage reticulation plans showing all proposed water and sewer main locations and offsets and fire hydrant locations.
 - n) Street signs to Council's standard design.
 - o) Vehicle crossings construction design to Council's standards and requirements to access lots.
 - p) Appropriate mechanisms for protecting environmental and physical assets during the construction phase of the subdivision in accordance with Council requirements.
13. All existing service locations including storm water drains are to be verified by the designer/developer and minimum clearances between services are to be met at all times in accordance with AS3500.3.2 Section 7.2.7 or to the relevant Service Authority requirements. Council takes no responsibility for service's that are in conflict with the proposed construction or drainage alignments.
14. Prior to any construction works commencing, a pre-commencement meeting is to be held at the Moonee Valley City Council.
15. Before a Statement of Compliance is issued for any stage of the subdivision, road works, drainage and landscaping shall be provided in accordance with the approved engineering construction plans and landscape plans.
16. The developer may seek, to the satisfaction of the Responsible Authority, the issue of a Statement of Compliance but with deferment of completion of minor parts of the construction works shown on the approved engineering plans provided that the following requirements are met:
- a) The areas where works have been deferred must be safe for public access to the satisfaction of the Responsible Authority.
 - b) An estimate or tender copy showing all outstanding costs and an amount equivalent to 150% of the agreed estimated cost of the outstanding works is provided to the Responsible Authority as a security bond deposit.
 - c) A works programme is provided setting out the proposed timing of completion of all outstanding works.

Upon practical completion of roads and drainage works including any deferred works to the satisfaction of the Responsible Authority, the Developer must lodge a maintenance bond to the value of 5 % of the cost of the works. The maintenance bond will be held and the defects liability period will continue for twelve (12) months from the date of the Responsible Authority's approval of practical completion of the works.

Upon practical completion of the landscape works to the satisfaction of the Responsible Authority, the developer must lodge a maintenance bond to the value of 10% of the cost of the landscape works. The maintenance bond will be held and the defects liability period will continue for twenty four (24) months from the date of the Responsible Authority's approval of practical completion of the works

17. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
18. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
19. A plan checking fee of 0.75% together with a construction supervision fee of 2.5% of the cost of the road and drainage and associated construction works must be payed to the Responsible Authority prior to the issue of a Statement of Compliance. The developer must also lodge a maintenance security bond to the value of 5% of the works. A fee proposal together with verification in the form of copy of tender documents or engineers estimate must be submitted to the Responsible Authority for approval and prior to payment. Upon approval of a fee proposal the Responsible Authority will forward an invoice for payment of fees.
20. The developer must maintain the subdivision road, drainage and associated civil construction works for a period of twelve (12) months with a 12 months defects liability period applying from the date of the Responsible Authority's approval of practical completion of the works. After a 12 month defects liability period, the developer must notify the Responsible Authority to enable an end of defect liability

period (EDLP) inspection after which the maintenance security bond will be refunded subject to:

- a) The satisfaction of the Responsible Authority for acceptance of the works for future care and maintenance.
- b) the Responsible Authority receiving “As Constructed” drawings in electronic format.

The developer must maintain the landscape works, including the open space area, for a minimum period of 24 months with a 24 months defects liability period applying from the date of the Responsible Authority’s approval of practical completion of the works. After a 24 month defects liability period, the developer must notify the Responsible Authority to enable an end of defect liability period (EDLP) inspection after which the maintenance security bond will be refunded subject to the satisfaction of the Responsible Authority for acceptance of the landscape works for future care and maintenance.

21. A Public Lighting Plan for all new streets showing lighting provided with a power supply to each light underground. Street lighting is to be provided to the Australian Standard for residential street lighting. The Public Lighting Plan is to be approved prior to the commencement of civil road and drainage construction works and must be in accordance with the City of Moonee Valley’s Sustainable Lighting Guidelines.
22. Road and Drainage Construction plans are to show bin collection and storage areas to the satisfaction of the Responsible Authority.
23. 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.
24. 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.

25. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
26. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
27. 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.
28. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
29. 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.
30. 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.

31. The site must be developed in accordance with the soil management protocol as identified within Section 11.2 of the Site Contamination Assessment prepared by Golder Associates dated 9 September 2014.
32. Existing street trees 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.
33. 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.
34. 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 recommendations to be implemented to ensure the on-going health of the Trees 38 and 103, as identified within the tree assessment prepared by Galbraith and Associates, 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.
35. All existing vegetation to be retained must be protected and retained including by means of suitable management and protection of retained vegetation during any construction stage to the satisfaction of the Responsible Authority.
36. The Sustainability Management Plan, prepared by 'Organica Engineering', dated 18 December 2014, amended to provide the following additional commitments to Materials:
 - a) In situ concrete mixes to have a minimum 20% content of industrial waste product to reduce embodied energy (subject to meeting structural requirements and project management constraints).
 - b) No unsustainably harvested rainforest timbers will be used in construction.

- c) All feature timber will be from recycled or sustainably harvested sources.

Once submitted and approved the Sustainability Management Plan shall be implemented and appropriately managed during the construction of the proposed development.

Melbourne Water

37. Prior to the issue of a Statement of Compliance for the subdivision, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
38. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
39. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water in accordance with Section 8 of the Subdivision Act 1988.
40. Prior to the issue of a Statement of Compliance for the subdivision, engineering and drainage plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records.
41. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999.
42. Prior to the issuing of a Statement of Compliance for the subdivision as constructed plans detailing any Water Sensitive Urban Design (WSUD) treatment measures must be submitted to Melbourne Water for our records.

City West Water

43. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
44. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewage.

DownerTenix

45. The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the Subdivision Act 1988.

Public Transport Victoria

46. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Military Road is kept to a minimum during the construction of the development. Foreseen disruptions to

bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.

End Public Transport Victoria condition

47. Within six (6) months from the date of issue of this permit, an application for rezoning to correspond to the permitted use must be made direct to the Minister for Planning in accordance with Section 20(4) of the Planning and Environment Act 1987, unless otherwise agreed to in writing by the Responsible Authority.
48. This permit will expire if one of the following circumstances applies:

Use and Development

- 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 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.

Subdivision

This permit will expire if any of the following circumstances applies;

- a) The Plan of Subdivision for Stage 1 is not certified within two years of the issue date of this permit; or
- b) The Plan of Subdivision for each subsequent stage is not certified within two years of the Plan of Subdivision for the previous stage being certified; or
- c) The registration of any stage of the subdivision is not completed within five years of the date of certification of that plan of subdivision.

The Responsible Authority may extend the time to certify the plan of subdivision if a request is made in writing prior to expiry of the permit or within six (6) months afterwards.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Unit regarding legal point of discharge, new crossings, building over easements, erection of hoarding etc.
- No on street parking permits will be provided to the occupiers of the subject site.

- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Unit and to the satisfaction of the Responsible Authority.

City West Water Note

- The applicant should be made aware that a sewer main extension is required to be constructed to service the proposed development. The applicant will be required to engage a City West Water accredited Engineering Consultant in order to have these works constructed. A list of accredited Engineering Consultants can be obtained from our website www.citywestwater.com.au

Melbourne Water Note

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 183625.

Division Called

A Division was called and voting was as follows:

For: Crs Marshall, Cusack, Cornish, Chantry, Sharpe, Giuliano and Nation.

Against: Cr Surace.

CARRIED

9.2 19 Rogerson Street, Avondale Heights (Lot 172 PS060332) Construction of three double storey dwellings

File No: MV/642/2014

Author: Statutory Planner

Directorate: City Works & Development

Ward: Rose Hill

Minute No: 2015/68

Council Resolution

Moved by Cr Cornish, seconded by Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/642/2014 for the Construction of three double storey dwellings at No.19 Rogerson Street, Avondale Heights (Lot 172 on PS60332), 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 all walls associated with the First Floor setback of Dwellings 2 and 3 to be increased by 500mm from the north eastern boundary.

- b) The First Floor setback of all Dwellings to be increased by 500mm from the south-west boundary.
- c) Any internal alterations required as a result of Condition 1a) and b), with no further change to the building footprint.
- d) A flat roof form provided to the garage of Dwelling 1 and 2.
- e) All paving except the driveways to be notated as permeable in accordance with the approved STORM report.
- f) Each rainwater tank to be notated to state, on the ground floor plan:
 - 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 report; and
 - iv) The roof catchment area collected to the rainwater tank, as detailed on the STORM report.
- g) A notation that the First Floor of Dwelling 3 is to be structurally independent from the lightweight carport within the easement.
- h) The word 'Townhouse' and 'Unit' replaced with 'Dwelling'.

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, a Construction & Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;

- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- k) Chemical storage;
- l) Noise and vibration;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected of work on the site at any one time.

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

- 4. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; and
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.
- 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. 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.
- 7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 8. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
- 9. 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.

10. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
11. The street tree(s) must not be removed or replaced without written consent of the Responsible Authority. The replacement is to be to the satisfaction of the Responsible Authority. All fees associated with the removal and replacement/replanting of the street tree(s) must be borne by the permit applicant and must be undertaken prior to the issue of an Occupancy Permit to the satisfactory and requirements of 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 a canopy trees within the front setback of Dwelling 1 which are able to achieve a minimum mature height of 4 metres;
- e) Pedestrian visibility splays to contain planting no greater than 900mm in overall height.
- f) The use of species with non-invasive root systems within and alongside the easement along the southern boundary; and
- g) 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. All existing vegetation to be retained must be including suitable management and protection of retained vegetation during any construction stage maintained to the satisfaction of the Responsible Authority.
- 18. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the responsible authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
- 19. This permit will expire if:-
 - a) The development does not start within two (2) years of the date of issue of this permit, or
 - a) The development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- A permit must be obtained from Council for all vehicular crossings.

- 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 the occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All 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 the road reserve.
- Prior to the commencement of any buildings and works, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal and/or replacement of the nominated street tree(s). Please contact Council on 9243 8888 to speak with Council's Arborist.

CARRIED

Cr Giuliano left the meeting at 8.34pm and returned at 8.36pm.

**9.3 12 Browning Street, Moonee Ponds (Lot 1 on TP7605P) -
Demolition of shed, partial demolition and alterations and
additions to an existing dwelling including the construction of
a garage on a lot less than 300sqm and in a Heritage Overlay
area**

File No: MV/767/2014

Author: Senior Town Planner

Directorate: City Works and Development

Ward: Myrnong

Minute No: 2015/69

Council Resolution

Moved by Cr Nation, seconded by Cr Cusack that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/767/2014 for the demolition of a shed, partial demolition and alterations and additions to an existing dwelling including construction of a garage on a lot less than 300sqm and in a Heritage Overlay area at No.12 Browning Street, Moonee Ponds (Lot 1 on TP 7605P) 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 setback from the rear boundary to be in line with the rear wall of number 10 Browning Street, Moonee Ponds without reducing any other setbacks.
- b) Any internal re-arrangement as a result of condition 1 (a).
- c) Bedroom 1 east facing windows screened in accordance with Clause 54.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- d) All new walls located on the eastern boundary to have a maximum height of 3 metres.
- e) 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 numbers of toilets the water tank is connected to.

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. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority.
5. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
6. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
7. 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.

8. 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.
9. 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.

10. 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.

11. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected as per the endorsed plans. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
12. This permit will expire if:-
 - a) the development does not start within two (2) years of the date of issue of this permit; or

- b) the development is not completed within four (4) years 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.
- This property is located within a Heritage Overlay control area. Planning permission is required for any additional works to the site in accordance with Clause 43.01 of the Moonee Planning Scheme.

CARRIED

Crs Marshall and Chantry voted against the motion.

9.4 33 Pearl Street, Niddrie (Lot 60 Block G on LP3151) - Construction of three dwellings

File No: MV/479/2014

Author: Senior Town Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2015/70

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Refusal to Grant a Planning Permit in relation to Planning Permit Application No. MV/479/2014 for the construction of three dwellings at 33 Pearl Street, Niddrie (Lot 60 Block G on LP3151), on the following grounds:

1. The proposal fails to meet the strategies contained in Clause 21.06-4 (Objectives & Strategies – Urban Design) of the Moonee Valley Planning Scheme and would result in a disproportionate built form that will be visually dominant when viewed from abutting backyard scapes.
2. The proposal fails to respect the existing and preferred future character of the area as identified under the Garden Suburban 6 Precinct Profile. The scale and massing of the development is excessive in this context and is not in line with the design guidelines of the precinct profile.

3. The proposal fails to comply with the following provisions of Clause 55 of the Moonee Valley Planning Scheme:
- a) Clause 55.02-1 (Neighbourhood character)
 - b) Clause 55.03-1 (Street setback)
 - c) Clause 55.03-8 (Landscaping)
 - d) Clause 55.03-10 (Parking location)
 - e) Clause 55.04-1 (Side and rear setbacks).

CARRIED

9.5 20 Westminster Drive, Avondale Heights (Lot 173 on LP063096) - Construction of three dwellings

File No: MV/645/2014

Author: Statutory Planner

Directorate: City Works & Development

Ward: Rose Hill

Minute No: 2015/71

Council Resolution

Moved by Cr Cornish, seconded by Cr Giuliano that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/645/2014 for the Construction of three dwellings at 20 Westminster Drive, Avondale Heights (Lot 173 on LP063096), 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 setback from Doyle Street of Dwellings 2 and 3 to be increased by 500mm, including the nook between the dwellings.
 - b) Any internal alterations required as a result of Condition 1(a), with no further change to the building footprint.
 - c) The crossover to Dwelling 3 to align with the proposed accessway.
 - d) The western rear boundary fence to each dwelling and the northern rear boundary fence to Dwelling 3 to be at least 1.8 metres in height.
 - e) The internal dividing boundary fences between the secluded private open space areas to each dwelling to be at least 1.8 metres in height.
 - f) The provision of additional windows to the northern facades of the first floor level of Dwellings 1 and 3 (bedroom 3 and bathroom of each dwelling), to Council's satisfaction.
 - g) Additional windows as required by Condition 1(f) to comply with Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme where applicable.

- h) The hipped roof to the garages of Dwellings 1 and 2 replaced with a flat roof.
 - i) Internal elevations of each dwelling.
 - j) All paving except the driveways to be notated as permeable in accordance with the approved STORM report.
 - k) Each rainwater tank to be notated to state, on the ground floor plan:
 - 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 report;
 - iv) The roof catchment area collected to the rainwater tank, as detailed on the STORM report.
 - l) 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 numbers of toilets the water tank is connected to.
- 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, a Construction & Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation

- i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems
- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- k) Chemical storage;
- l) Noise and vibration;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected of work on the site at any one time.

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

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

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

- 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. 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.
- 7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 8. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.

9. 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.
10. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
11. The street tree(s) must not be removed or replaced without written consent of the Responsible Authority. The replacement is to be to the satisfaction of the Responsible Authority. All fees associated with the removal and replacement/replanting of the street tree(s) must be borne by the permit applicant and must be undertaken prior to the issue of an Occupancy Permit to the satisfactory and requirements of the Responsible Authority.
12. The existing tree(s) to be retained on the endorsed plan, must not be damaged, removed or destroyed without the written consent of the Responsible Authority (other than in accordance with a Notice given pursuant to the Local Government Act).
13. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
14. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
15. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
16. The development must be provided with external lighting capable of illuminating access to each 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.

17. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
- a) Plans to accord with Condition 1 of this permit;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) The use of drought tolerant species;
 - d) The provision of canopy trees within the front setback of each dwelling which are able to achieve a minimum mature height of 4 metres;
 - e) The use of species with non-invasive root systems within and alongside the easement along the southern boundary; and
 - f) 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.

18. All existing vegetation to be retained must be including suitable management and protection of retained vegetation during any construction stage maintained to the satisfaction of the Responsible Authority.
19. 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.
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 should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- A permit must be obtained from Council for all vehicular crossings.
- 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.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- 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 the road reserve.

CARRIED

Cr Nation abstained from the vote.

9.6 Planning Scheme Amendment C154 (5 Treadwell Road)

File No: FOL/15/154

Author: Senior Strategic Planning Officer

Directorate: City Works & Development

Ward: Buckley

Minute No: 2015/72

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council request the Minister for Planning, to appoint a Panel in accordance with Section 23(1)(b) of the Planning and Environment Act 1987 to consider the submission received in relation to Amendment C154.

CARRIED

Crs Marshall and Cusack voted against the motion.

Reports Considered En Bloc

Minute No: 2015/73

Council Resolution

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

- 9.7 Combined Planning Permit Application Mv/37/2014 and Amendment C150 to the Moonee Valley Planning Scheme (1-5 Term Street, Strathmore)
 - 9.8 Consideration of demolition requests and planning permit applications for properties where a heritage overlay does not apply
 - 9.9 Keilor Road/Matthews Avenue Junction Niddrie – Part Road Discontinuance to facilitate toilet facility refurbishment project
 - 9.10 Proposed sale of land abutting 1 & 3 Normanby Street and 142 Maribyrnong Road, Moonee Ponds
 - 9.11 5 Bank Street, Ascot Vale - Proposed part road discontinuance
 - 9.13 Footpath Trading Policy
 - 9.14 Financial Performance Report March 2015
 - 9.15 Endorsement of Nominations For Arts & Culture Community Advisory Committee
 - 9.16 Report on Audit Committee
 - 9.17 Report on Advisory Committees
 - 9.18 Report on Assemblies Of Council
- be adopted by Council.

CARRIED

9.7 Combined Planning Permit Application MV/37/2014 and Amendment C150 to the Moonee Valley Planning Scheme (1-5 Term Street, Strathmore)

File No: FOL/14/871

Author: Strategic Planner & Senior Statutory Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2015/73

Council Resolution

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

1. Adopt Amendment C150 to the Moonee Valley Planning Scheme in accordance with Section 29(1) of the *Planning and Environment Act 1987*.
2. Pursuant to Section 31(1) of the *Planning and Environment Act 1987*, submit Amendment C150 to the Moonee Valley Planning Scheme to the Minister of Planning for approval.
3. Recommend to the Minister for Planning that Planning Permit MV/37/2014 be granted in the form exhibited in accordance with Section 96G(1)(a) of the *Planning and Environment Act 1987*.
4. Submit Planning Permit MV/37/2014 to the Minister for Planning in accordance with Section 96H of the *Planning and Environment Act 1987*.

CARRIED

9.8 Consideration of demolition requests and planning permit applications for properties where a Heritage Overlay does not apply

File No: FOL/13/768

Author: Coordinator Strategic Planning

Directorate: City Works & Development

Ward: Municipal

Minute No: 2015/73

Council Resolution

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

1. Confer delegation of requests to the Minister for Planning for interim Heritage Overlays under Section 20(4) of the *Planning and Environment Act 1987* to the Chief Executive.
2. Endorse the process for the consideration of applications for demolition under Section 29A of the *Building Act 1993* as they relate to properties identified in an adopted heritage study or in the Heritage Gap Study as outlined in Appendix A – separately circulated, to this report.

3. Endorse the criteria as set out in Attachment 1 of Appendix A – separately circulated and summarised below, for resolving to request interim controls:
 - a) Significant or landmark building;
 - b) Good condition;
 - c) Rarity in the local context; and
 - d) For properties in a precinct or group of buildings, the loss of the building will irreversibly jeopardise the significance of the entire precinct or group of buildings.

CARRIED

9.9 Keilor Road/Matthews Avenue Junction Niddrie – Part Road Discontinuance to Facilitate Toilet Facility Refurbishment Project

File No: FOL/15/157

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Buckley

Minute No: 2015/73

Council Resolution

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

1. Note that after having given notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 to the *Local Government Act 1989* of a proposal to discontinue a section of road reserve at the Keilor Road/Matthews Avenue Junction, contained in certificate of title Volume 11520 Folio 706 and shown as the shaded area of land on the allocation plan in Appendix B, no submissions were received.
2. Is of the opinion that the section of road is no longer required for public use and that it should be discontinued and the land retained for municipal purposes.
3. Publish a notice, pursuant to clause 3(a) of Schedule 10 to the Local Government Act 1989 in the Victorian Government Gazette.
4. Authorise the Chief Executive to execute the transfer (if required) and other associated documents.

CARRIED

9.10 Proposed Sale of Land Abutting 1 & 3 Normanby Street and 142 Maribyrnong Road, Moonee Ponds

File No: FOL/15/283

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Myrnong

Minute No: 2015/73

Council Resolution

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

1. After having given notice of its intention to sell the land described as Lot 1 on TP918312A and contained on Certificate of Title Volume 11492 Folio 713 and provided at Appendix B, in accordance with sections 189 and 223 of the *Local Government Act* 1989 and having received two written submissions to the proposal and heard a verbal submission from the owner of 142 Maribyrnong Road, Moonee Ponds, is of the opinion that the subject land is still required for public use and therefore, the proposal to sell the subject land be abandoned.
2. Undertake the necessary procedures pursuant to section 35(8) of the Subdivision Act 1988 to certify and register the Council land as a 'road' for the continued use and benefit of abutting property owners.

CARRIED

9.11 5 Bank Street, Ascot Vale - Proposed Part Road Discontinuance

File No: PR 1106

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Myrnong

Minute No: 2015/73

Council Resolution

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

1. Note that after having given notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 to the *Local Government Act* 1989 of a proposal to discontinue a 4.4m² section of road abutting 5 Bank Street, Ascot Vale, contained in certificate of title Volume 4578 Folio 446 and shown as Lot 1 on the land allocation plan in Appendix E, no submissions were received.
2. Is of the opinion that the 4.4m² section of road is no longer required for public use and that it should be discontinued and the land sold by private treaty to the owners 5 Bank Street, Ascot Vale.
3. Publish a notice, pursuant to clause 3(a) of Schedule 10 to the *Local Government Act* 1989 in the Victorian Government Gazette.

4. Authorise the Chief Executive to execute the transfer and other associated documents.

CARRIED

9.13 Footpath Trading Policy

File No: FOL/14/709

Author: Coordinator Economic Development

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/73

Council Resolution

Moved by Cr Cornish, seconded by Cr Giuliano that Council adopt the Footpath Trading Policy.

CARRIED

9.14 Financial Performance Report March 2015

File No: FOL/15/192

Author: Manager Finance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/73

Council Resolution

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

1. Receive and note the Financial Performance Report for the period 1 July 2014 to 31 March 2015.
2. Receive and note the Grants Status Report for March 2015.

CARRIED

9.15 Endorsement of Nominations for Arts & Culture Community Advisory Committee

File No: FOL/13/601

Author: Manager Arts & Culture

Directorate: Environment & Lifestyle

Ward: Municipal

Minute No: 2015/73

Council Resolution

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

1. Appoint Mr Chris Clark, Ms Raelene Marshall and Ms Shelley Abazi as Community Members to the Arts & Culture Community Advisory Committee until the end of the Council term.
2. Write to all applicants thanking them for their interest and willingness to assist the Moonee Valley community.

CARRIED

9.16 Report on Audit Committee

File No: FOL/09/1556

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/73

Council Resolution

Moved by Cr Cornish, seconded by Cr Giuliano that Council receive the unconfirmed Minutes of the Audit Committee Meeting held on 20 April 2015.

CARRIED

9.17 Report on Advisory Committees

File No: FOL/14/1256

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/73

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 April 2014:

- a) Integrated Transport Committee held 2 February 2015 (Appendix A);

- b) Disability Reference Group held 16 February 2015 (Appendix C); and
- c) Strategic Planning Advisory Committee held 19 February 2015 (Appendix D).

CARRIED

9.18 Report on Assemblies of Council

File No: FOL/09/1245

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/73

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 April 2015.

CARRIED

9.12 Corporate Sponsorship Policy

File No: FOL/10/1365

Author: Coordinator Community Partnerships & Sponsorship

Directorate: Environment & Lifestyle

Ward: Municipal

Minute No: 2015/74

Council Resolution

Moved by Cr Nation, seconded by Cr Marshall that Council adopts the Corporate Sponsorship Policy with the following amendments:

1. Replace section “8. Register of Sponsors” with:

Council to maintain a register of all corporate sponsorships, to be made available to the public upon request. Corporate sponsorships equal to, or greater than \$10,000 per annum, in either cash, in-kind support, or a combination of both, are to be published on the Council website, and acknowledged in Council’s Annual Report. Multi-year sponsorships greater than \$10,000 for the term of the sponsorship, in either cash, in-kind support, or a combination of both, are to be published on the Council website, and acknowledged in Council’s Annual Report.

CARRIED

10. Notices of Motion

10.1 Notice of Motion No. 2015/12

Title: 'Universal Access to Early Childhood Education' National Partnership Agreement

From: Cr Cam Nation

Ward: Municipal

File No: FOL/14/1258

Minute No: 2015/75

Council Resolution

Moved by Cr Nation, seconded Cr Marshall that Council:

1. Writes to the Federal Government recognising their \$840 million funding commitment as part of the 'Universal Access to Early Childhood Education' National Partnership Agreement. Under the Agreement the State Government funds 10 hours of kindergarten and the Commonwealth funds the additional five hours. This vital funding ensures that all four-year-olds can access 15 hours of kindergarten to prepare them for the following school year.
2. Continues to work with all levels of Government to advocate for continued Commonwealth investment in preschool programs, to ensure that all families with young children in Moonee Valley can access affordable preschool education, and to improve learning outcomes for children in Moonee Valley and future generations.

CARRIED

11. Urgent Business

Nil.

Cr Giuliano left the meeting at 9.06pm and returned at 9.08pm.

12. Confidential Reports

Council Resolution

Moved by Cr Chantry, seconded by Cr Marshall that Council resolve to close the meeting to the public pursuant to Section 89(2) of the Local Government Act 1989 to discuss contractual matters.

CARRIED

Consideration of Confidential Reports

- 12.1 Tender Evaluation for the Management & Operation of the Ascot Vale Leisure Centre
- 12.2 Queens Park Cottage Café / Restaurant - Proposed Assignment of Lease
- 12.3 Essendon Football Club – Windy Hill, Heads of Agreement
- 12.4 25 Rose Avenue, Niddrie – Adverse Possession Claim
- 12.5 Implementation of a managed service and software system for the supply of temporary agency staff

Council Resolution

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

CARRIED

The meeting concluded at 9.32pm.

CONFIRMED

**CR NARELLE SHARPE
CHAIRPERSON**