



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

**Tuesday, 27 January 2015**

**Minutes**

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# Minutes of the Ordinary Meeting of Council

Tuesday, 27 January 2015 at 7:00pm  
held at the Moonee Valley Civic Centre

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## 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 John Sipek  
Cr Andrea Surace

**Officers:** Mr Neville Smith Chief Executive  
Mr Tony Ball Director Community Services  
Mr Bryan Lancaster Director City Works & Development  
Mr Carey Patterson Acting Director Corporate Services  
Mr Scott Widdicombe Director Environment & Lifestyle  
Mr Henry Bezuidenhout Manager Strategic & Statutory Planning  
Mr Troy Delia Acting Manager Governance & Local Laws

### 1. Opening

The Mayor, Cr Sharpe, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 27 January 2015.

### 2. Apologies

Nil.

### 3. Confirmation of Minutes

Moved by Cr Surace, seconded by Cr Sipek that the Minutes of the Ordinary Meeting of Council held on Tuesday, 16 December 2014 be confirmed.

**CARRIED**

**4. Declarations of Conflict of Interest**

Nil.

**5. Presentations**

Nil.

**6. Petitions And Joint Letters**

**6.1 Nature Strip Trees, Pearl Street**

**File No:** FOL/14/1254

Cr Sipek tabled a joint letter signed by 19 individuals requesting the removal of two gum trees on the Pearl Street nature strip adjacent to Hampton Road, Essendon West.

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

**7. Public Question Time**

Nil.

**8. Reports by Mayor and Councillors**

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

**Minute No.** 2015/01

**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 31 Moonee Street, Ascot Vale (Lot 1 on TP394299D) - Construction of five dwellings and a reduction in car parking requirements**

**File No:** MV/499/2014

**Author:** Principal Town Planner

**Directorate:** City Works & Development

**Ward:** Myrnong

**Minute No:** 2015/02

**Council Resolution**

Moved by Cr Marshall, seconded Cr Cusack that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/499/2014 for the construction of five dwellings and a reduction in car parking requirements at No.31 Moonee Street, Ascot Vale (Lot 1 TP394299D), on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 55.02-1 (Neighbourhood Character) and Clause 21.05-3 (Objectives & Strategies – Urban Design) of the Moonee Valley Planning Scheme.
2. The proposal provides inadequate car parking and will exacerbate parking problems in the surrounding area.
3. The proposed development does not meet the requirements of the following requirements of Clause 55 of the Moonee Valley Planning Scheme:
  - a) Clause 55.05-4 (Private Open Space)
4. The development is not site responsive and would represent an overdevelopment of the land.

**CARRIED**

**9.2            5 Pearl Street, West Essendon (Lot 5 on PS040474) -  
Construction of three dwellings**

**File No:** MV/448/2014

**Author:** Senior Town Planner

**Directorate:** City Works and Development

**Ward:** Rosehill

**Minute No:** 2015/03

**Council Resolution**

Moved by Cr Cornish, seconded Cr Surace that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/448/2014 for the construction of three dwellings at 5 Pearl Street, West Essendon (Lot 5 on PS040474), 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 secluded open space associated with Dwelling 3 to have a minimum area of 40 square metres.
  - b) Any internal alteration as a result of Condition 1(a).
  - c) The southern boundary wall associated with Dwelling 3 is not be altered as a result of Condition 1(a).

- d) The word “unit” replaced with “dwelling” on all plans.
- e) Details of how the rainwater runoff from the common driveway is to be captured and drained to the raingarden;
- f) Show the size and location of any buffer strips and the extent, size and grading of the pervious surface/s draining to it.
- g) The size and location of the raingardens to be shown on the site and landscape plans. Raingardens must be setback a minimum of 300mm from a site boundary and a minimum of 300mm from a building. Raingardens must be lined and have their overflow plumbed into the stormwater system. Notes to this effect must be included on the drawings.
- h) The northern, western and southern boundary fencing to be 1.8 metres in height.
- i) The garage door associated with Dwelling 1 to open outward.
- j) All structures and planting within the pedestrian visibility splay to accord with the requirements of Clause 52.06 (Carparking) of the Moonee Valley Planning Scheme.
- k) The windows associated with the study and living room of Dwelling 1 to be double glazed.
- l) The annotation of the height of the northern wall associated with Dwelling 1.
- m) The bin location associated with Dwelling 3 to be located in a practicable location to residents of the dwellings and which does not encroach into the internal dimensions of the carspace.
- n) Dwelling 2 to be setback 1.0 metre from the northern boundary.
- o) Dwelling 3 to be setback 1.0 metre from the southern boundary.
- p) A schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roof, fascias, windows frames, fences and paving in accordance with Neighbourhood Character – Garden Suburban 6.

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. A minimum 30 days prior to any building or works commencing, all WSUD details, such as cross sections and specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.

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

- a) ROOF CATCHMENT AREA: the extent of the roof catchment area/s that is/are nominated in the STORM report must be graphically shown on the drawings, and must note which WSUD treatment measure each area connects to (ie. nominate the specific rainwater tank and/or specific raingarden that particular roof catchment area is connected to;
- b) RAINWATER TANKS: Show the size and location of any rainwater tank on the plans and elevations. Provide a note outlining the roof catchment area being collected by each rainwater tank and note connection to the number of toilets, as per the STORM or MUSIC report, or area of garden it is distributing to;
- c) RAINGARDENS: Show the size and location of any raingarden on the site and landscape plans. Raingardens must be setback a minimum of 300mm from a site boundary and a minimum of 300mm from a building. Raingardens must be lined and have their overflow plumbed into the stormwater system.

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

4. 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.
  - 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, i.e. 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.

5. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:

- a) Inspection frequency;
- b) Cleanout procedures;
- c) As installed design details/diagrams including a sketch of how the system operates; and
- d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

6. Prior to the issue of an Occupancy Permit, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
8. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
9. 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 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.
11. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.



12. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
13. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
14. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
15. The development must be provided with external lighting capable of illuminating access to each car parking space, vehicular accessway, pedestrian accessways and pedestrian entrances. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
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) Any landscaping within the visibility splays in accordance with Clause 52.06 of the Moonee Valley Planning Scheme to have a maximum height of 900mm.
  - c) A survey of all existing vegetation, abutting street trees, natural features and vegetation;
  - d) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design;
  - e) Planting on the land comprising trees and shrubs capable of:
    - i) Providing a complete garden scheme.
    - ii) Softening the building bulk.
    - iii) Providing at least one canopy in the front setback of Dwelling 1. Selected canopy tree must be capable of reaching a mature minimum height of 4 metres.

- iv) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.
- f) The proposed design features such as paths, paving, lawn and mulch;
- g) 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;
- h) The use of drought tolerant species, and
- i) All trees on the land that are proposed to be removed or destroyed.

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

- 17. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the responsible authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
- 18. This permit will expire if:
  - a) The development does not start within two (2) years of the date of issue of this permit, or the development is not completed within four (4) years of the date of issue of this permit.

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

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

#### **Permit Notes**

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- No on street parking permits will be provided to the occupiers of the subject site.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.

- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; C=0.4, tc=5mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.

**CARRIED**

**9.3            5-7 Munro Street and 12 Mirams Street, Ascot Vale (Lot 1 TP893762Y, Lot 1 on TP684532J and TP177787B) - Construction of nine dwellings (retention of 12 Mirams Street).**

**File No:** MV/453/2014  
**Author:** Principal Town Planner  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2015/04

**Motion**

Moved by Cr Marshall, seconded Cr Nation that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/453/2014 for the construction of nine dwellings at 5-7 Munro Street and 12 Mirams Street, Ascot Vale (Lot 1 on TP893762Y, Lot 1 on TP684532J and TP 177787B), on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clauses 55.02-1 (Neighbourhood Character) and 21.05-3 (Objectives and Strategies – Urban Design) of the Moonee Valley Planning Scheme.
2. The development is not site responsive and would represent an overdevelopment of the land.
3. The proposal development does not meet the requirements of the following requirements of Clause 55 of the Moonee Valley Planning Scheme:
  - a) Clause 55.03-1 (Standard B6 -Street Setback)
  - b) Clause 55.04-1 (Standard B17 - Side and Rear Setbacks)
  - c) Clause 55.05-4 (Standard B28 – Private Open Space)
  - d) Clause 55.05-5 (Standard B29 – Solar Access to Open Space)

**LOST**

### Council Resolution

Moved by Cr Cusack, seconded Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/453/2014 for the construction of nine dwellings at 5-7 Munro Street and 12 Mirams Street Ascot Vale (Lot 1 TP893762Y, Lot 1 TP684532J and TP177787B), 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 west facing habitable room windows provided with blade screening (or alternative) in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
    - b) The west facing balconies associated with Dwellings 1 and 9 provided with blade screening (or alternative) in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
    - c) The west facing balcony associated with Dwelling 1 increased in size in accordance with the plans submitted to Council on 11 November 2014.
    - d) The details of the boundary fencing annotated on the site plan.
    - e) The provision of 300mm trench grates at the bottom of the driveway ramp and in front of all garages.
    - f) The landscaping strip along the front property boundary to be 1.6 metres in width.
    - g) The provision of an approximately 900mm landscape strip along the western boundary of the courtyard associated with Dwelling 1.
    - h) Any alterations to the front courtyards associated with Dwellings 1 – 3 as a result of conditions 1 f) and g).
    - i) The rainwater tank associated with Dwelling 9.
    - j) The ground floor plan must graphically show the correct volume and location of each rainwater tank. Each rainwater tank must be accompanied by a note stating the specific roof area in square metres from which the rainwater is being harvested into that rainwater tank. The number of toilets connected to the rainwater tank must also be nominated. All roof areas, tank volumes and number of toilets the tank is connected to must be consistent with the information provided in the submitted and approved STORM report.
    - k) Any alteration as a result of Melbourne Water Conditions 18 – 24.
- Once approved these plans become the endorsed plans of this permit.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
4. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. 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;
  - 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.
6. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
7. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.

8. 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 sealed with an all weather seal coat, and
  - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
9. 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.
10. 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.
11. 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 manufacturer's 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.
12. 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 & 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.

- 13. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved to the satisfaction of the Responsible Authority. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants".
- 14. Prior to the issue of an Occupancy Permit, all boundary fencing on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
- 15. The existing street tree(s) or vegetation must not be removed or damaged as a result of the permitted development.
- 16. Building 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.

The landscape plan(s) must be generally in accordance with the plans submitted for endorsement but modified to show:

- a) The location and quantities of ground covers and shrubs.
- b) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
- c) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design.
- d) Planting on the land comprising trees and shrubs capable of:
  - i) Providing a complete garden scheme.
  - ii) Providing privacy to the front courtyards associated with Dwellings 1-3.
  - iii) Filtering views of the development when viewed from the adjoining properties.

- iv) Softening the building bulk.
  - v) Providing some canopy trees for landscape perspective. Selected canopy trees must be capable of reaching a mature minimum height of 4 metres.
  - vi) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.
- e) The proposed design features such as paths, paving, lawn and mulch.
  - f) 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.
  - g) The use of drought tolerant species.
  - h) All trees on the land that are proposed to be removed or destroyed.
  - i) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems.
  - j) Any planting within the vehicle visibility splay to be less than 900mm in height.

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

- 17. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

#### **MELBOURNE WATER CONDITIONS**

- 18. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- 19. Finished floor levels of the ground level split floor dwellings must be constructed no lower than 9.67 metres to Australian Height Datum (AHD).
- 20. The entry/exit of the carpark must incorporate a flood proof apex constructed no lower than 9.67 metres to Australian Height Datum (AHD).
- 21. All doors, windows, vents and openings to the car park must be constructed no lower than 9.67 metres to Australian Height Datum (AHD).
- 22. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.
- 23. Prior to the issue of an Occupancy Permit, a certified plan, showing finished floor levels (as constructed) reduced to Australian Height Datum, must be



submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

24. Prior to development, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with ground and floor levels to Australian Height Datum.

**END MELBOURNE WATER CONDITIONS**

25. 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 Engineering Services Unit regarding legal point of discharge, new crossings, building over easements etc.
- No on street parking permits will be provided to the occupiers of the subject site.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and to the satisfaction of the Responsible Authority.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation;  $C=0.4$ ,  $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or  $C=0.80$ .
- Any future subdivision must address the removal of the carriageway easement which is located on the subject sites.

Melbourne Water Notes

- The applicable flood level is 9.07 metres to Australian Height Datum (AHD).
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference 242864.

End Melbourne Water Notes.

**Division Called**

A Division was called and voting was as follows:

**For:** Crs Giuliano, Cusack, Cornish, Chantry and Sharpe.

**Against:** Crs Surace, Sipek, Nation and Marshall.

**THE FORESHADOWED MOTION IN THE NAME OF CR CUSACK WAS PUT  
AND CARRIED**

**9.4            2 Beaver Street, Aberfeldie (Lot 1 on TP 808534U and Lot 1 on  
TP 808544R) - Construction of four double storey dwellings**

**File No:** MV/459/2014

**Author:** Senior Town Planner

**Directorate:** City Works and Development

**Ward:** Buckley

**Minute No:** 2015/05

**Council Resolution**

Moved by Cr Chantry, seconded Cr Giuliano that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/459/2014 for the construction of four double storey dwellings at No.2 Beaver Street, Aberfeldie (Lot 1 TP808534U), on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 55.02-1 (Neighbourhood Character) and Clause 21.05-3 (Objectives & Strategies – Urban Design) of the Moonee Valley Planning Scheme.
2. The proposed development does not meet the requirements of the following requirements of Clause 55 of the Moonee Valley Planning Scheme:
  - a) Clause 55.03-1 (Street Setback)
3. The proposal will increase the use of the laneway and has the potential to create a pedestrian hazard.

**CARRIED**

**9.5            Planning Scheme Amendment C142 - Heritage Places Study  
2012-14**

**File No:** FOL/14/354

**Author:** Senior Strategic Planning Officer

**Directorate:** City Works & Development

**Ward:** Municipal

**Minute No:** 2015/06

**Council Resolution**

Moved by Cr Marshall, seconded Cr Surace that Council:

1. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), adopt Moonee Valley Planning Scheme Amendment C142. The revised amendment will incorporate all changes recommended by the Panel, as per pages 21 and 22 of the Panel Report provided in **Appendix B** (separately circulated).
2. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Moonee Valley Planning Scheme Amendment C142 to the Minister for Planning for approval.

**CARRIED**

**9.6 Amendment to remove reference to the Residential 1 Zone from the Moonee Valley Planning Scheme**

**File No:** FOL/13/1071

**Author:** Coordinator Strategic Planning

**Directorate:** City Works & Development

**Ward:** Municipal

**Minute No:** 2015/07

**Council Resolution**

Moved by Cr Marshall, seconded Cr Cusack that Council:

1. Request the Minister for Planning to prepare, adopt and approve an amendment to the Moonee Valley Planning Scheme, in accordance with Section 20(4) of the *Planning and Environment Act 1987*, which makes the following changes to the planning scheme:
  - (a) Changes reference to the Residential 1 Zone to more generally refer to residential zones in Clause 22.04, and Clause 43.02 (Schedule 3) as detailed in Appendix A (separately circulated).

**CARRIED**

**9.7 Melbourne Water Infrastructure Works - M102 Water Main and Aberfeldie Main Drain**

**File No:** FOL/14/553 & FOL/14/1090

**Author:** Senior External Projects Manager/ Manager Technical Services

**Directorate:** City Works & Development

**Ward:** Buckley & Rosehill

**Minute No:** 2015/08

### **Council Resolution**

Moved by Cr Cornish, seconded Cr Giuliano that Council:

1. Write to the Managing Director, Melbourne Water indicating Council's in principle support for the M102 Project, following the route contained in Appendix A (separately circulated) subject to the following conditions:
  - a) Melbourne Water providing written advice to Council, from the Minister for Planning or his delegate as to the appropriate method for managing the relevant approvals under the *Planning and Environment Act 1987* required to facilitate the project. This must include the appropriate method for the assessment of approval for the use of land within PPRZ zone for proposed works and depot sites.
  - b) Provide for Council review and approval;
    - i) Construction and Site Management Plans.
    - ii) Environmental Management Plan, including management of any contaminated spoil or hazardous waste.
    - iii) Traffic Management Plan (including road closures, truck management, impacts on bus/ tram routes, worker parking, impacts and on business and residential on street parking.
    - iv) Vegetation reinstatement plan.
  - c) Melbourne Water agreeing to a Licence for use of Council land (Appendix B), and the creation of the relevant easements, if required.
  - d) Melbourne Water undertaking a pre-condition assessment of Council assets.
  - e) Agreement that Council Arborists will be permitted access to key sites at Council's discretion.
  - f) Melbourne Water agree to provide legacy outcomes including;
    - i) replacing Steele Creek Bridge to Council's satisfaction, to provide improved pedestrian and cycling access,
    - ii) funds towards shared paths and bike lanes to reinforce connectivity in the vicinity of the pipe route, and
    - iii) a suitable revegetation outcomes along the pipe route.
    - iv) Recreation areas.
  - g) Melbourne Water preparing a Communications Plan to the satisfaction of Moonee Valley City Council (MVCC). The plan must include a requirement for Melbourne Water or their contractors to provide a

- phone hotline to manage and respond to public issues throughout the course of the project.
2. Write to the Managing Director, Melbourne Water indicating Council's in-principle support for the AMD Project, following the route contained in Appendix C (separately circulated) subject to the following conditions:
    - a) Melbourne Water providing written advice to Council, from the Minister for Planning or his delegate as to the appropriate method for managing the relevant approvals under the Planning and Environment Act 1987 required to facilitate the project. This must include the appropriate method for the assessment of approval for the use of land within PPRZ zone for proposed works and depot sites.
    - b) Provide for MVCC review and approval:
      - i) Construction and Site Management Plans.
      - ii) Environmental Management Plan, including management of any contaminated spoil or hazardous waste.
      - iii) Traffic Management Plan (including road closures, truck management, impacts on bus/ tram routes, worker parking, impacts on business and residential on street parking.
    - c) Melbourne Water agreeing to a Licence for use of the land within Aberfeldie Park and the creation of the relevant easements.
    - d) Melbourne Water agreeing to restore Aberfeldie Park to Council's satisfaction including replacement of the Turf wicket.
    - e) Melbourne Water agreeing to further explore and commit to undertake legacy projects in the form of car park upgrade.
    - f) Melbourne Water preparing a Communications Plan to the satisfaction of Moonee Valley City Council (MVCC). The plan must include a requirement for Melbourne Water or their contractors to provide a phone hotline to manage and respond to public issues throughout the course of the project.
  3. Inform the Integrated Waterways Advisory Committee and Integrated Transport Committee on the progress of these projects and provide these Committees with relevant project documentation for review and input to assist Council's responses to Melbourne Water.
  4. Ensure that Community Groups impacted by these works are kept informed on the progress with these projects.

**CARRIED**

**9.8 ANZAC Centenary Committee**

**File No:** FOL/14/1238

**Author:** Acting Director Environment and Lifestyle

**Directorate:** Environment & Lifestyle

**Ward:** Municipal

**Minute No:** 2015/09

### **Council Resolution**

Moved by Cr Chantry, seconded Cr Cusack that Council:

1. Approves the attached list of community members as members of the ANZAC Centenary Community Co-ordinating Committee (provided as Appendix A).
2. Approves the list of projects to be funded with the \$30,000 Council allocation from within existing Council 2014/15 budget.
3. Note the proposed calendar of events (provided as Appendix B) where items will be badged as Moonee Valley ANZAC Centenary activities.
4. Designate an officer to assist with the co-ordination and development of selected approved projects.
5. Approve the Terms of Reference for the ANZAC Centenary Community Co-ordinating Committee (provided as Appendix C).
6. Appoint Councillor Jan Chantry as Chairperson of the ANZAC Centenary Community Co-ordinating Committee and appoint Councillor Jim Cusack and Councillor Andrea Surace as the Deputy Chairs.

**CARRIED**

### **9.9 Health & Wellbeing Plan 2014/15 - Progress**

**File No:** FOL/13/908

**Author:** Health & Community Planning Officer

**Directorate:** Community Services

**Ward:** Municipal

**Minute No:** 2015/10

### **Council Resolution**

Moved by Cr Sipek, seconded Cr Marshall that Council:

1. Note the Health Plan Progress Report January 2015.
2. Note that the Progress Report will be made publically available on Council's webpage.

**CARRIED**

**9.10 Maribyrnong Boathouse Cafe/Restaurant 7 The Boulevard,  
Moonee Ponds Lease**

**File No:** FOL/14/570

**Author:** Coordinator Property Services

**Directorate:** Corporate Services

**Ward:** Myrnong

**Minute No:** 2015/11

**Council Resolution**

Moved by Cr Cornish, seconded Cr Chantry that Council:

1. Having completed statutory procedures under sections 190 and 223 of the Local Government Act 1989 and received no written submissions to the proposal, resolves to enter into a lease with Maribyrnong Boathouse Pty Ltd (ACN 107 654 884) to operate the Maribyrnong Boathouse Café/Restaurant, 7 The Boulevard, Moonee Ponds for a term of 10 years with options for three further terms of five years each, commencing 4 March 2015 at a commencement rental of \$120,000 plus GST per annum, subject to a 4% increase on each anniversary of the commencement date during the term and any further term(s), and market rent reviews on the fifth anniversary of the commencement date and on the commencement date of each further term.
2. Amend the lease agreement as provided in Appendix A to include a requirement for biannual contract management meetings to assist the lease manager in monitoring the progress and performance of the lessee particularly regarding key deliverables documented in the lease.
3. Authorise the Chief Executive to execute the lease provided at Appendix A (separately circulated) on behalf of Council.

**CARRIED**

**10. Notices of Motion**

**10.1 Notice of Motion No. 2015/01**

**Title:** 'Do Not Leave Children in Cars' – Community Safety Campaign

**From:** Cr John Sipek

**Ward:** Municipal

**File No:** FOL/14/1258

**Minute:** 2015/12

Moved by Cr Sipek, seconded Cr Nation that Council write to Kidsafe Victoria supporting the developed 'Do Not Leave Children in Cars' community campaign

to help raise awareness about the dangers of leaving children unattended in cars and reduce the number of incidents across the State, by:

- a) Installing 'Do Not Leave Children in Cars' signs at every Council off-street car park facility.
- b) Actively contact organisations such as supermarkets, shopping centres, petrol stations, schools, kindergartens and early childhood centres within municipality to encourage their participation in the community awareness campaign.
- c) Allocating \$10,000 from the 2014/2015 budget to initiate this safety campaign as soon as practicable and referring \$40,000 to the 2015/2016 budget to finalise this project.

**CARRIED**

**11. Urgent Business**

Nil.

**12. Confidential Report**

Nil.

The meeting concluded at 8.39pm.

**CONFIRMED**

**CR NARELLE SHARPE  
CHAIRPERSON**