



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 27 October 2015

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 27 October 2015 at 7.07pm
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 John Sipek

Cr Andrea Surace

Officers: Mr Bryan Lancaster Acting Chief Executive

Mr Henry Bezuidenhout Acting Director City Works & Development

Mr Anthony Smith Director Corporate Services

Mr Tony Ball Director Community Services

Mr Brett Luxford Director Environment & Lifestyle

Ms Vera Mitrovic-Misic Acting Manager Strategic and 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, 27 October 2015.

Cr Sharpe acknowledged the recent passing of former Moonee Valley Councillor, Mr Trevor Sinclair. The Mayor paid tribute to Mr Sinclair and his achievements and time as a Councillor.

2. Apologies

Nil.

3. Confirmation of Minutes

Moved by Cr Sipek, seconded by Cr Surace that the Minutes of the Ordinary Meeting of Ordinary held on Tuesday, 22 September 2015 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

- 4.1 Cr Cam Nation declared a Conflict of Interest in Item 9.2. A written disclosure has been provided to the Acting Chief Executive outlining the reasons for this conflict.
- 4.2 Cr Narelle Sharpe declared an indirect interest in Item 9.12.

Cr Giuliano entered the meeting at 7.11pm.

5. Presentations

- 5.1 Cr Nation presented Council with a plaque from the Newmarket Phoenix Football Club in recognition of Council's ongoing support and partnership.
- 5.2 Cr Nation presented Council with four proposals from Flemington Primary School as a result of their 'Shark Tank' project.
- 5.3 Cr Sharpe presented Council with a certificate from the National Breast Cancer Foundation for Council's support of the Pink Ribbon Breakfast.
- 5.4 Cr Sharpe presented Council with a certificate of appreciation from the Whitten Project for its support.

6. Petitions and Joint Letters

Nil.

7. Public Question Time

Kim Siow of Aberfeldie asked the following questions:

1. There is one toilet for the whole Library in Racecourse Rd, Flemington for disadvantaged, children, women and men. This is a busy Library. There is plenty of space to put in another toilet. When is MVCC going to add another toilet at least?
2. There is a big drainage project in the Aberfeldie area, over a 6-7 month period. Can you tell us to what advantage is it for residences, especially near the wet land in the Aberfeldie park. Is there more new drain that drains the park from previous flood prone areas?

The Acting Chief Executive advised that many of Council's public toilet facilities across the municipality are unisex toilets that also meet requirements regarding accessibility for people with a disability. In order to meet accessibility requirements for space, the Flemington Library public toilet is a unisex toilet. There is also another Unisex accessible toilet located at Pridham Plaza on Racecourse Road, a short distance away from the library.

There is limited space available to make changes to the toilets without impacting on accessibility and therefore no funds are provided at this time in Council's current program of works to refurbish these facilities.

With regard to the Aberfeldie Main Drain, the Acting Chief Executive advised that mitigation works involves the construction of a new duplicate Melbourne Water Main Drain. The advantage of the project, being undertaken by Melbourne Water,

and fully funded by Melbourne Water, will result in 43 fewer properties, and 23 fewer floor levels experiencing flood inundation during a 100 Year storm event.

The original scope of the project involved construction of a fully piped drainage option which would discharge to the Maribyrnong River. However, since the mutual consultation on the project, Melbourne Water has revised its preferred option namely, a bubble pit option on the northern part of that open space area.

In its report, presented at its Ordinary Meeting of Council on 22 September 2015, Council raised concerns regarding Melbourne Water's proposed bubble up pit option for Aberfeldie Park.

The Acting Chief Executive was able to advise that Melbourne Water has now recommended constructing a bubble up pit plus some additional pipe and are not pursuing a full piped option.

Council officers have assessed this new option and do not support this option. Council is continuing to work with stakeholders to achieve a better outcome for the community and a meeting is being held on Friday between Melbourne Water and Council to discuss a way forward.

8. Reports by Mayor and Councillors

File No. FOL/12/1435

Minute No. 2015/155

Council Resolution

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

CARRIED

At this point, Cr Cornish presented Council with a scarf and a Report to the Community from Scouts Victoria

9. Reports

9.1 66-68 Lincoln Road, Essendon (Crown Allotments 1 to 10, Section 23, City of Essendon, Parish of Doutta Galla) - Use of the land as a market (Regional Farmers Market), reduction to the car parking and bicycle facilities requirements and the display of business identification signage

File No: FOL/15/590
Author: Senior Statutory Planner
Directorate: City Works & Development
Ward: Buckley
Minute No. 2015/156

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/245/2015 for the use of the land as a market (Regional Farmers Market), a reduction to the car parking and bicycle facilities requirements and the display of business identification signage at 66–68 Lincoln Road, Essendon (Crown Allotments 1 to 10, Section 23, City of Essendon, Parish of Doutta Galla), subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The location of all trees in proximity to market stalls, with setbacks accurately annotated;
 - b) Notation that all structures will be located to provide for a tree protection zone to protect the root systems of all existing trees in proximity to market stalls in accordance with Council standards;
 - c) Setbacks of stalls from the existing play space facilities to be accurately annotated;
 - d) The location of the Environmental Significance Overlay (ESO2) to be accurately illustrated on the site plan, with the layout of the approved use and signage to be located outside of the overlay;
 - e) Scaled and dimensioned elevation plans of both proposed signs; and
 - f) Waste storage areas, including recyclable items, in accordance with Condition 8.

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 use and development permitted must always accord with the endorsed plan and

must not be altered or modified without the further written consent of the Responsible Authority.

3. The approved use may only operate once per month, on a Sunday, and only between the hours of:
 - a) 8:00am to 1:00pm (retail operation of the market); and
 - b) 6:00am to 2:00pm (setting up and removal/dismantling of the market).
4. No more than 60 stalls may operate in conjunction with the approved use to the satisfaction of the Responsible Authority.
5. The amenity of the area must not be detrimentally affected by the use of land by the:
 - a) Transportation of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil.
 - d) Presence of vermin.
 - e) Or in any other way.

to the satisfaction of the Responsible Authority.

6. Before the commencement of the use, a Site Management and Complaints Plan must be submitted to and approved by the Responsible Authority. When approved, the Site Management and Complaints Plan shall be endorsed and will then form part of this permit.

The Site Management and Complaints Plan must outline the procedures for:

- a) The operation of the use and the resolution of any complaints received in relation to odour, noise, litter, patron behaviour, the use of delivery vehicles or any other activity carried out upon the premises in association with the use.

The Site Management and Complaints Plan must implement appropriate measures to eliminate or remedy the cause of such complaints to the satisfaction of the Responsible Authority. The use hereby permitted must be carried out in accordance with the Site Management and Complaints Plan to the satisfaction of the Responsible Authority.

7. Vehicles are not to enter Lincoln Park for loading/unloading activities or waste collection unless with the explicit prior written consent of the Responsible Authority.
8. To the satisfaction of the Responsible Authority, the market must have adequate space and facilities for the temporary storage of waste (including recyclable items) which are to be contained within the property boundary and removed from the site at the end of each market.
9. Noise emitted from the site must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

10. To the satisfaction of the Responsible Authority, the loading and unloading of goods (including waste collection) from any vehicles must not disrupt the circulation and parking of vehicles, pedestrian circulation or access.
11. The market site must not be accessed via the proposed playground.
12. The use may not commence until the permit holder has entered into a license agreement with Moonee Valley City Council.
13. The location and details of the signage shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
14. The signage permitted must not be illuminated or floodlit.
15. An intermittent or moving light must not be displayed.
16. The signage must not be animated in part or whole.
17. Bunting, streamers and festooning must not be displayed.
18. To the satisfaction of the Responsible Authority, the signage permitted must only contain an advertisement which provides or supplies information relating to the approved use to be conducted on the land.
19. This permit for signage will expire fifteen (15) years after the date it is issued.
20. This permit will expire if:
 - a) the use does not start within (2) years of the date of this permit, or
 - b) the use is discontinued for a period of two (2) years.

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.

Permit Notes

- This is not a building permit under the Building Act.
- Where applicable, the approved use must comply with the Public Health and Wellbeing Act 2008, the Food Act 1984 and associated Council Local Laws. Both Council's Environmental Health Unit and Local Laws Department should be contacted regarding these requirements, and communication with these areas should be maintained to ensure the market is appropriately managed.
- All stall operators from outside Moonee Valley City Council are to be registered under the Food Act 1984, as relevant, with their respective local Council. The operators of such stalls are then required to lodge Statements of Trade via Streatrader (<https://streatrader.health.vic.gov.au>) to notify Moonee Valley City Council that they will be trading within the municipality.
- At the start of each month, the permit holder must provide an updated list of all stall holders to Council's Environmental Health Unit, including the following details:
 - Trading name;
 - Contact details;
 - Streatrader registration/notification number;

- Dates of operation; and
- Site location.
- Any facilities provided for community groups may be subject to the requirements of the abovementioned legislation. Council's Environmental Health Unit should be contacted before any such facilities are provided.

CARRIED

Cr Nation before any discussion or voting had taken place on the item.

9.2 144-160 Keilor Road & 1 O'Shannassy Street, North Essendon (Land in CP170637B, Lot 1 TP596915G & Lot 13 LP10910) - Construction of a six storey building, removal of an easement, reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1

File No: FOL/15/590
Author: Principal Statutory Planner
Directorate: City Works & Development
Ward: Buckley
Minute No. 2015/157

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sipek that Council, with respect to an Application for Review against Council's failure to decide the application within the prescribed time, resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/91/2015 for the construction of a six storey building, removal of an easement, reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 at No.144-160 Keilor Road & 1 O'Shannassy Street, North Essendon (Land in CP170637B, Lot 1 TP596915G & Lot 13 LP10910), 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 prepared by CHT Architects Revision A dated 7 October 2015 (TP00.01-TP01.12) but modified to show:

- a) Provision of an acoustic fence, at the cost of the owner, to a minimum height of 2.1 metres along the northern property boundary abutting No.2 Duffy Street.
- b) An additional 3m set back of apartments 4.10, 4.17, 5.08 and 5.13 from the northern property boundary, provided that balconies may be provided within such setbacks.
- c) Details of the car shuffleboard on the basement floor plans.
- d) Suitable colour and material treatment of the 'north elevation' to provide a softer, articulated and visually interesting interface with the existing dwellings at No.2 Duffy Street and No.3 O'Shannassy Street.
- e) The provision of internal pedestrian access from each retail tenancy to the rear 'back of house' corridor.
- f) Details of any fencing and/or gates associated with the landscaped communal courtyard areas and landscaped buffer strip along the north-eastern (rear) boundary of the site.
- g) All dwellings to meet the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- h) The north-eastern balconies facing the communal courtyards treated/screened to prevent internal views between dwellings in accordance with Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme.
- i) Portal frames to be provided to demarcate the retail entries and provide rhythm to the ground floor façade.
- j) Ensure rebates along the Keilor Road frontage provide a distinct material change through full height curtain walling to emphasise the vertical breaks along the elevation.
- k) The provision of internal elevation plans.
- l) All elevation plans provided with clear and correct material annotations.
- m) Notations on the plans in accordance with the approved STORM Rating Report.
- n) Provision of 300mm (min) wide trench grates at the bottom of each basement ramp.
- o) The location and details of all crossovers to be removed and reinstated to nature strip, kerb and channel clearly shown on the floor plans.
- p) The correct number of car spaces annotated on the upper basement floor plan.
- q) The correct street names and property numbers of the two existing dwellings shown on the floor plans.
- r) The correct rear setback dimensions clearly shown on the 'Section C Building A' plan.
- s) Annotations in accordance with Appendix D of the SMP referenced within Condition 25.

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

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

The WSUD Details should be appropriate to the proposed stormwater treatment measure (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).

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

4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.
 - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - k) 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 and Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

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

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

6. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
7. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
8. Service units, including air conditioning units, must not be located on any of the balconies unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. The privacy screens / obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
11. 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;
 - e) Be drained and sealed with an all-weather seal coat; and
 - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
12. 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.
 13. Bicycle parking spaces, access, lockers and compounds must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
 14. The street trees must not be removed or replaced without the written consent of the Responsible Authority. Any replacement is to be to the satisfaction of the Responsible Authority. All fees associated with the removal and replacement/replanting of the street trees must be borne by the permit applicant and must be undertaken prior to the issue of an Occupancy Permit to the satisfaction and requirements of the Responsible Authority.
 15. All kerb and channel fronting the property must be removed and replaced with MVCC Standard B2 kerb to the satisfaction of the Responsible Authority.
 16. The existing asphalt nature strip along Keilor Road fronting the property must be removed. Subject to the approval of the Responsible Authority, a permeable nature strip must be established with standard footpath width to the satisfaction of the Responsible Authority.
 17. The nature strip is to be grassed with new street trees to be planted within Duffy Street and O'Shannassy Street. A standard width reinforced concrete footpath and associated pram crossings must be inclusive of the nature strip.
 18. Public Cycling parking "hoops" as per urban design guideline must be installed within the proposed nature strip close to the entrance of the building to the satisfaction of the Responsible Authority.

Essendon Airport Conditions

Air Safety

19. Prior to the commencement of any building and works:

A Construction Methodology Statement must be submitted to the Responsible Authority detailing the construction activity proposed. The statement must include, but not be limited to, approval from Essendon Airport with regard to the locations, heights and radiuses of cranes during the construction phase and the height of the development (including any antennas etc) following completion of construction.

End Essendon Airport Conditions

VicRoads Conditions

20. All disused or redundant vehicle crossings must be removed and the area reinstated kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.

End VicRoads Conditions

City West Water Conditions

21. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
22. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.
23. Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

End City West Water Conditions

24. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following:
 - a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan.
 - b) Outline Green Travel Plan measures for the development including, but not limited to:
 - i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
 - ii) Include a minimum of one myki pass (of at least \$10 value) and registration information per bedroom for each dwelling within the household welcome pack;
 - iii) Bicycle parking and facilities available on the land; and
 - iv) Monitoring and review.
 - c) A plan showing:
 - i) The bicycle parking areas to be provided for use by residents.

Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land, to ensure the Green Travel

Plan continues to be implemented by residents/owners to the satisfaction of the Responsible Authority.

25. Prior to the commencement of buildings and works, the Sustainability Management Plan (SMP) prepared by 'Urban Digestor' dated 28 July 2015 is to be submitted to the Responsible Authority for approval. Once approved, the SMP is to be implemented and appropriately managed during construction of the proposed building.
26. 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.
27. 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.
28. Before the development commences, an Engineering Design Plans (EDP) and a Drainage Layout Plan (DLP) together with supporting calculations must be submitted to and approved by the Responsible Authority. The EDP and DLP must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority, and must be in accordance with Council's drainage design guidelines. Once approved the EDP and DLP will be endorsed and will form part of this permit.

Construction of infrastructure service (drainage) requirement

The drainage works must be constructed in accordance with the endorsed EDP and DLP together with any provisions, recommendations and requirements to the satisfaction of the Responsible Authority.

After Practical Completion of works

Prior to occupancy of development, as constructed plans must be submitted and approved by the Responsible Authority.

All costs associated with the preparation of the plan and installation and construction of the associated infrastructure works must be borne by the permit holder.

29. 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.
30. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
31. The development must be provided with external lighting capable of illuminating access to the vehicle accessway, each 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.

32. Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of the Australian Standard AS 2021-2000, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Australia International Ltd.
33. Once construction commences, any structure or building activity (e.g. construction cranes) on the subject land, either permanent or temporary, must not penetrate prescribed airspace surfaces without approval of Essendon Airport.
34. Prior to the commencement of the development an acoustic report prepared by a qualified acoustics expert must be provided to the Responsible Authority and to its satisfaction. This report must detail the noise attenuation measures required to all habitable rooms within the dwellings to ensure minimal impacts from noise sources external to that dwelling (i.e. aircraft associated with Essendon Airport and traffic along Keilor Road). This report must also detail any noise attenuation measures required to internal car parking areas or courtyards within the building to ensure minimum internal and external impacts from noise sources within these areas. The recommendations of the acoustic report must be implemented prior to the completion of the development.
35. Noise levels emanating from service equipment on the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
36. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and must be connected to a registered security service.
37. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) generally in accordance with the Papworth Davies Plan reference LSK001a dated 12 October 2015 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) Pot sizes at planting.
 - c) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems.

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

38. 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.

39. Prior to the commencement of the development the applicant shall submit a Waste Management Plan to the Responsible Authority for approval, generally in accordance with the Waste Management Plan prepared by Leigh Design Pty Ltd and dated 13 April 2015. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
40. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
41. Prior to the occupation of the building, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 to the satisfaction to the Responsible Authority. That Agreement must be registered with the title and the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include the provisions:
 - a) Each privately owned car space and storage unit separately titled shall be maintained and used by the occupier of the relevant property or any other prime lot owner. It can not be sold or leased to any other third party that is not a prime lot owner.

Note: A prime lot owner is the entity that appears on the apartment or the commercial property lease, subdivision or title.

42. 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.

43. This permit will expire if:
 - a) The approved easement variation/removal is not registered with the Land Titles Office, within two (2) years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires 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 Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- A Council drain (minimum 300 mm dia RCP RRJ) or as specified by the Responsible Authority must be constructed to reach the approved point of discharge (approx. 50m).
- 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.
- The developer must confirm the existing stormwater drainage (including levels within Duffy Street and within the easement).
- The existing easement which is to be removed must be completed prior to submission of any build over easement application.
- The drainage design must demonstrate the pipe size proposed is supported with appropriate capacity, HGL analysis calculations, and consideration of upstream catchments. All calculations must be submitted to Council's Engineering Services Unit for approval prior to the commencement of any drainage or building works.
- Prior to the commencement of any buildings and works, separate approval must be obtained from Moonee Valley City Council in relation to any proposed removal and/or replacement of street trees. Please contact Council on 9243 8888 to speak with Council's Arborist.
- All proposed street trees to be in accordance with Council's Street Tree Management Plan.

- 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.
- Council will not accept any modifications to existing levels within the road reserve or to any R.O.W. Any change in levels to match existing surface levels along property boundary lines must be made within the property boundary.
- The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- If future retail development is to occur (i.e. retail tenancies merge to become one large tenancy), a new development application must be submitted with a reassessment of loading bay facilities.

CARRIED ON THE CASTING VOTE OF THE CHAIRPERSON

Cr Nation returned to the meeting at 8.05pm.

9.3 201 Pascoe Vale Road, Essendon (Lots 1 and 2 on TP 571754U) - Construction of five dwellings and a reduction in visitor car parking requirements.

File No: FOL/15/590
Author: Principal Statutory Planner
Directorate: City Works & Development
Ward: Buckley
Minute No. 2015/158

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/832/2014 for the Construction of five dwellings and a reduction in visitor car parking requirements at 201 Pascoe Vale Road, Essendon (Lots 1 and 2 on TP 571754U), 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 Scyon Matrix Finish applied to the upper levels of Dwellings 1, 5 and 6 (facing both Pascoe Vale Road and Loeman Street) to be modified to a lightweight timber cladding.
 - a) The northern balcony associated with Dwelling 2 reduced in size to 8 square metres and set back from the balcony of Dwelling 3 (ensuring a clear break in built form is provided).

- b) The glazing associated with the first floor balconies of Dwellings 1, 2, 4 and 5 to be treated with obscure glazing or an alternative non-transparent material.
- c) The provision of windows facing the accessway for the ground floor stores associated with Dwellings 1, 2 and 5.
- d) All external screening and obscure glazed windows to comply with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme, such a notation to be placed on the plans.
- e) The door of the store room associated with Dwelling 5 to be a sliding door.
- f) The landscape strip opposite the Dwelling 1 garage reduced in width to 500mm.
- g) The Dwelling 1 store reduced in size to improve egress of vehicles exiting the garage associated with Dwelling 1.
- h) All landscaping 2.5m from the property line and within the pedestrian visibility splay to be no higher than 900mm, such a notation to be placed on the plans.
- i) The size and location of the rain garden (as per the STORM assessment) graphically shown in m² and dimensioned to be a minimum 300mm setback from any site boundary or building and to be fully lined and have its overflow plumbed into the stormwater system.
- j) The extent, size and grading of the impervious catchment area draining to the raingarden to be graphically shown in m², and demonstrated how the rainwater is collected from this area and discharged into the raingarden (ie. is it gravity fed or does it require a pump system).
- k) The provision of a street tree along the Loeman Street frontage.

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessment must obtain a minimum of 100% to comply with Clause: 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme. The amended STORM assessment be generally in accordance with the STORM assessment submitted and assessed with the application but modified to show:
 - a) All impervious footpaths and balconies.
- 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,
- d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

5. 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.
6. 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.

7. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction,
 - b) Parking and traffic movement of all workers vehicles and construction vehicles,
 - c) Scaffolding and hoarding for the site; d) Allocated areas for loading and unloading,
 - d) Site evacuation plan and procedure,
 - e) Occupational health and safety policy,
 - f) Hazard identification and control,
 - g) Environmental management and waste minimisation,

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

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

- 8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 9. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
- 10. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 11. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the buildings.
- 12. 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.
- 13. Before the building/s approved by this permit is/are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) available for use in accordance with the endorsed plans;
 - c) properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and

- d) finished with a permanent trafficable surface (such as concrete, asphalt or paving),

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

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

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

to the satisfaction of the Responsible Authority.

14. Prior to the occupation of the approved development a street tree must be provided along the Loeman Street frontage to the satisfaction of the Responsible Authority. All fees associated with the new street tree must be borne by the permit applicant.
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.

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. 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
 - 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.
- 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.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

CARRIED

9.4 444 Buckley Street, West Essendon (Lot 21 PS 002314 and Lot 1 TP 712369R) - Construction of four dwellings and alter access to a Road Zone (Category 1)

File No: FOL/15/590
Author: Senior Statutory Planner
Directorate: City Works & Development
Ward: Rosehill
Minute No. 2015/159

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/89/2015 for the construction of four dwellings and alter access to a Road Zone (Category 1) at 444 Buckley Street, West Essendon (Lot 21, Section 13 on PS 002314 & Lot 1 TP 712369R) in accordance with the following conditions:

1. Prior to the commencement of the development, application must be made for the consolidation of Lot 21, Section 13 on PS 002314 and Lot 1 TP 712369R, at 444 Buckley Street, West Essendon. Alternatively, an application for the subdivision of the land in accordance with the approved development must be made prior to the commencement of the development. The new title for the subject site must then be submitted to the Responsible Authority within three (3) months of being registered with the Land Titles Office.
2. 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 deletion of the two balconies from the northern elevation of Dwelling 4.
 - b) The screening of the north facing, Bedroom 2 and Bedroom 3 windows associated with Dwelling 4 in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
 - c) A notation stating that the ground floor studies associated with Dwellings 2 and Dwelling 3 are not to be used as bedrooms.
 - d) An additional window to the ground floor living rooms associated with Dwellings 2 and 3.
 - e) The common accessway to have a width of 3.0 metres along the front boundary.
 - f) A notation stating that the vehicle crossover must be designed such as the layback maintains water in road reserve to the satisfaction of the responsible authority. This is to be noted on civil design drawings.
 - g) A notation stating that the carport structure associated with Dwelling 4 is to be constructed of lightweight material and to be readily removable.
 - h) The provision of saw cuts within the foundations of the carport associated with Dwelling 4.
 - i) The garage door associated with Dwelling 1 to open outwards.
 - j) The front footpath associated with Dwelling 1 to be noted as permeable.
 - k) The paved areas within the rear yards of all dwellings to be noted as permeable.

- l) The size and location of the proposed infiltration strip and the extent, size and grading of the impervious surface/s draining to it.
- m) The demonstration of how the rainwater is collected from the nominated paved area and distributed to the nominated size infiltration strip (i.e. is it gravity fed or pumped and show the grading of the paved area).
- n) A notation stating if the rainwater tanks are to be mechanically or gravity fed.

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

- 3. 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.
- 4. A minimum 30 days prior to any building or works commencing, all WSUD details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
- 5. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers 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 and Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

6. 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.

7. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. The fencing (boundary and internal) as shown on the endorsed plans must be installed prior to the occupation of the dwellings. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
11. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
12. 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.
13. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must

be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

14. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
15. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
16. Stormwater runoff from the development shall drain via an underground system and discharge to the kerb and channel in front of the property. If discharge to the kerb and channel via gravity is not possible, the discharge to the kerb and channel in front of the property will need to be via a dual pump system in accordance with AS3500.3.2. 1998, Section 9.

It will also be necessary to construct suitable drainage or a pumping system within the site to accommodate any inundation.

A drainage layout plan prepared by a Civil Engineer together with computations, indicating the pump specifications and location is to be submitted to and approved by the Responsible Authority prior to the commencement of any buildings and works (including drainage). All costs associated with the preparation of the plan and installation and construction of the required drainage works must be borne by the permit holder.

17. Before or works must no commence 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) 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) The deletion of all declared noxious weeds and replacement with appropriate species;

- d) A survey of all existing vegetation, abutting street trees, natural features and vegetation;
- e) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design;
- f) 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 trees 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.
- g) The proposed design features such as paths, paving, lawn and mulch;
- h) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, pot size, mature size and total quantities of each plant;
- i) The use of drought tolerant species, and
- j) 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.

- 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. 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.

Vicroads Conditions

- 20. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby permitted.
- 21. Road assets must be located a minimum of 1 metre clear of any proposed structures, crossovers and any other road assets.
- 22. Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - a) Formed to such levels and drained so that they can be used in accordance with the plan.

- b) Treated with an all-weather seal or some other durable surface.

End VicRoads Conditions

23. This permit will expire if:-

- a) The development does not start within two (2) years of the date of issue of this permit, or
- b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements etc.
- No on street parking permits will be provided to the occupiers of the subject site.
- 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 $C=0.80$.
- The pump system is to be in accordance with AS3500.3:2003 Section 9 and is to be installed by suitable qualified persons.
- Council will not be responsible for any damage to the property or neighbouring properties in the event that the pump system fails due to mechanical failure, exceedance of maximum design rainfall or otherwise. Property owner/s may face liability for any damage to neighbouring properties as a result of such failure.
- Council will not accept any modifications to existing levels within the road reserve or to any R.O.W. Any change in levels to match existing surface levels along property boundary line must be made within the property boundary.
- 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.

- 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.
- 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.
- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

CARRIED

Cr Surace voted against the motion.

9.5 1068-1070 Mt Alexander Road, Essendon (Lot 1 TP604546Y and Lot 1 TP405238V) - Demolition of an existing building and construction of a five storey building within a Design and Development Overlay (DDO3) and a Heritage Overlay (HO137), a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1

File No: FOL/15/590
Author: Principal Statutory Planner
Directorate: City Works & Development
Ward: Buckley
Minute No. 2015/160

Council Resolution

Moved by Cr Chantry, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/942/2014 for the demolition of an existing building and construction of a five storey building within a Design and Development Overlay (DDO3) and a Heritage Overlay (HO137), a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 at No.1068-1070 Mt Alexander Road, Essendon (Lot 1 TP604546Y & Lot 1 TP405238V), 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) Changes to the floor and elevation plans in accordance with 'Revision A' plans dated 29 June 2015.
- b) The provision of five additional office car parking spaces on-site.
- c) Shops 4 and 5 with a minimum Finished Floor Level (FFL) of 54.88, with no increase in the overall building height.
- d) The eastern boundary fence constructed of red brick with a minimum height of 2.2 metres above natural ground level.
- e) The aluminium privacy screens on the eastern elevation to have a timber look/appearance.
- f) The eastern window and balcony screens to be 'fixed' with a 'maximum transparency of 25%'.
- g) The ground floor east facing toilet window to be a restricted awning window with a maximum opening of 150mm and obscured glass.
- h) The provision of openable portions to the internal corridor/foyer windows, where possible, to utilise natural ventilation.
- i) The provision of openable portions to shop and office windows, where possible, to utilise natural ventilation.
- j) All east and west facing windows to shops and offices provided with external adjustable shading, or equivalent.
- k) A complete schedule of colours, materials and external finishes.

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 completion of the development, at the cost of the owner and to the satisfaction of the Responsible Authority, an information plaque/interpretive display must be erected on the site which contains a brief written summary of the history of the former workers cottage, the date of its demolition as well as an image of the building representing its original form. The details and location of the plaque/interpretive display must be to the satisfaction of the Responsible Authority.
- 4. A minimum 30 days prior to any building or works commencing, all WSUD Details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.

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

Where applicable, any stormwater treatment measures (e.g. rainwater tank, raingarden, etc.) contained within the endorsed plans must be included on

the stormwater drainage plan, the roof plan and landscape plan as applicable.

5. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers 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 and Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

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

qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

7. 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.
8. Service units, including air conditioning units, must not be located on any of the balconies unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. The privacy screens / obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
11. 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;
 - e) Be drained and sealed with an all-weather seal coat; and
 - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
12. 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.
13. Bicycle parking spaces and access must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.

VicRoads Conditions

14. No vehicle access to the site is permissible from Mt Alexander Road.
15. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings or works hereby approved.

End VicRoads Conditions

16. Prior to the commencement of buildings and works, the Sustainable Management Plan (SMP) report prepared by 'Northern Environmental Design' and dated 11 March 2015 is to be amended and submitted to the Responsible Authority for approval in accordance with the following:

- a) Details on the configuration of the proposed 'domestic gas hot water systems' for the shops and offices.

Once approved, the Sustainability Statement is to be implemented and appropriately managed during construction of the proposed building.

17. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
18. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
19. Prior to the 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.
20. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
21. The development must be provided with external lighting capable of illuminating access to the vehicle accessway, each car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
22. Noise levels emanating from service equipment on the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.

23. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and must be connected to a registered security service.
24. 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.

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.

25. 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.
26. Prior to the commencement of the development, the applicant shall submit an amended Waste Management Plan to the Responsible Authority for approval. The amended Waste Management Plan should accord with Condition 1 of this permit and shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
27. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
28. 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.

Division Called

A division was called and voting was as follows:

FOR: Crs Chantry, Cornish, Giuliano, Sipek, Surace

AGAINST: Crs Sharpe, Nation, Cusack, Marshall

CARRIED

9.6 1, 10, 12 at 992 Mt Alexander Road, Essendon - Use of the land for three Serviced Apartments (Residential Hotel)

File No: FOL/15/590

Author: Statutory Planner

Directorate: City Works & Development

Ward: Buckley

Minute No. 2015/161

Motion

Moved by Cr Chantry, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/6/2015 for the Use of the land for three Serviced Apartments (Residential Hotel) at No.1, 10 & 12 at 992 Mt Alexander Road, Essendon (Lot 1, 10 & 12 on Plan of Subdivision 342115Y), subject to the following conditions:

1. Before the use starts, plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions to show:
 - a) The site layout including use of each lot.
 - b) Carparking allocation.
 - c) Any recommendations of Condition 5 (Acoustic Report)

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 commencement of the use of the land, an Operational Management Plan (OMP) must be submitted and approved to the satisfaction of the Responsible Authority. The Operational Management Plan must include details of how the use will be managed to limit the impact on adjoining and nearby residents including, but is not limited to the following:
 - a) Guest management:

- i) Procedure and protocol for guests checking into the serviced apartments including a requirement to notify guests of the need to respect residential neighbours.
- ii) Arrangement to provide guests with written information advising that loud noise or disturbance before 9.00am and after 9.00pm on any day is unacceptable and will be managed via motel staff.
Such arrangements include:
 - 1. A guest arrival pack
 - 2. Notices located in serviced apartments;
 - 3. Notices located in designated car parking areas;
 - 4. Measures to be taken by management and staff to ensure guests come and go from the premises and the surrounding area in an orderly manner.
- b) Vehicle Access and Parking in accordance with Condition 7:
 - i) Provision of signage clearly designating the car parks associated with each serviced apartment;
 - ii) Details of procedures utilising to ensure guests park in the allocated spaces.
 - iii) Details of access arrangements that will ensure the security gate is closed after guests arrive and depart.
- c) The procedure for cleaning services associated with the serviced apartments including:
 - i) Cleaning schedule;
 - ii) Cleaning operations;
 - iii) Storage of cleaning products;
- d) Arrival and departure process for occupiers;
- e) Operation of any room service services;
- f) Noise control;
- g) Emergency evacuation procedures;
- h) Security gate operation;
- i) How waste facilities and collection are to be managed for the site.
- j) Include requirements under Condition 4
- k) Complaint Register and Resolutions
 - i) Maintenance of the detailed complaints register
 - ii) The procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or other person.
 - iii) The public display, on the door of each of the approved serviced apartments, of the name and phone number (to be manned 24/7)

of the manager of the serviced apartments that can be contacted in case of complaints or other issues.

When approved, the Operation Management Plan will be endorsed and form part of the permit.

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

4. The amenity of the area shall not be detrimentally affected by the use or development, through:
 - a) Transportation of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste procedures, grit or oil.
 - d) Presence of vermin.
 - e) In any other way.
5. Prior to the commencement of the development a qualified acoustics expert must prepare an acoustic report and a copy must be provided to the Responsible Authority, that details the noise attenuation measures required to all habitable rooms within the serviced apartments to ensure minimal impacts from external noise sources. The recommendations of the acoustic report must be implemented prior to the completion of the development to the satisfaction of the Responsible Authority.
6. Parking areas, loading bays and access lanes as shown on the Plan of Subdivision must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.
7. Before the commencement of the use signs must be erected in association with the car parking hereby provided, allowing for the identification of the nominated spaces within the car park, to the satisfaction of the Responsible Authority.
8. All external lights must be of a limited intensity to ensure no nuisance is caused to adjoining or nearby residents and must be provided with approved baffles, so that no direct light or glare is emitted outside the site.
9. To the satisfaction of the Responsible Authority a sign must be erected near all serviced apartment entrances to the premises requesting that patrons leave the premises in a quiet and orderly manner so as not to disturb the peace and quiet of the neighbourhood.
10. To the satisfaction of the Responsible Authority the owner must ensure adequate security is employed so as to control the behaviour of occupiers within the premises.
11. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
12. Once the use is commenced, the land must only be used for the permitted use and to the satisfaction of the Responsible Authority.

13. Goods must not be stored or left exposed outside the building as to be visible from any common property, public road or thoroughfare.
14. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garage storage areas must be screened from public view.
15. This permit will expire if:-
 - a) the use does not start within (2) years of the date of this permit, or
 - b) the use is discontinued for a period of two (2) years.

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.

Permit Notes

- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- This is not a building permit, and a building permit may be required for a change under Regulation 1011A of the Building Regulations 2006, as part of the existing building if changed to residential hotel (serviced apartments).

Division Called

A division was called and voting was as follows:

FOR: Crs Chantry, Cornish, Cusack, Marshall

AGAINST: Crs Sharpe, Nation, Giuliano, Sipek, Surace

LOST

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/6/2015 for the use of the land for Serviced Apartments (Residential Hotel) at 1, 10 & 12 at 992 Mt Alexander Road, Essendon on the following grounds:

1. The proposal will have an adverse effect on the existing residential dwellings on the site due to the nature of the use.
2. The proposal fails to meet the objectives and strategies of Clause 21.05-4 (Non-Residential Use in Residential Zones) as the proposal will detract from the amenity of existing residential users.
3. The proposed use fails to meet Clause 32.08-10 (Decision Guidelines) of the Moonee Valley Planning Scheme as it is not compatible with the predominantly private residential use of the site.

CARRIED

Cr Giuliano left the meeting at 9.13pm and returned at 9.15pm.

Cr Sipek left the meeting at 9.14pm.

9.7 **952-960 Mt Alexander Road, Essendon (Lot 1 TP116038Q & Lot 1 TP116039N) - Construction of an eight storey building in a Commercial 1 Zone and a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1**

File No: FOL/15/590
Author: Principal Statutory Planner
Directorate: City Works & Development
Ward: Buckley
Minute No. 2015/162

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/216/2014 for the construction of an eight storey building in a Commercial 1 Zone and a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction in car parking requirements, a waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 at No.952-960 Mt Alexander Road, Essendon (Lot 1 TP116038Q & Lot 1 TP116039N), subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The elevation plans to correctly correlate with the floor plans, with particular regard to the front podium elevation facing Mt Alexander Road.
 - b) Any changes as a result of the ESD report required by Condition 20.
 - c) The habitable room windows and/or balconies associated with Dwellings 1.04, 1.05, 2.04 and 2.05 treated/screened in accordance with the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
 - d) The provision of convex traffic mirrors at each bend in the vehicle accessway to allow greater visibility of oncoming vehicles.
 - e) The proposed crossover to be 6.0 metres in width at the front building line.
 - f) The service cupboard doors adjacent to the shared vehicle accessway modified so that they do not encroach or open onto the accessway.

- g) The bicycle parking spaces on the nature strip relocated to within the boundaries of the subject site, in a convenient location for visitors to access.
- h) The proposed street tree species to be *Lophostemon Confertus* (Queensland Box).
- i) Provision of a 300mm trench grate in front of the basement ramp to prevent inundation of basement parking and storage areas.
- j) WSUD details as a result of Conditions 3 and 4.
- k) A complete schedule of colours, materials and external finishes.
- l) Revised service road access arrangements incorporating VicRoads' Condition 18 (tram separation kerbing) and consideration of Moonee Valley City Council's Mt Alexander Road bicycle improvements, to the satisfaction of Moonee Valley City Council and VicRoads.

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. Prior to the endorsement of plans under Condition 1 of this permit, an amended and correct STORM Rating Report must be submitted to and approved by the Responsible Authority. The amended STORM Rating Report must achieve a minimum rating of 100%.
- 4. A minimum 30 days prior to any building or works commencing, all WSUD Details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.

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

- a) **Roof Catchment Area:** The extent of the roof catchment area/s that is/are nominated in the STORM or MUSIC report must be graphically shown on the drawings, and must note which WSUD treatment measure each area connects to (i.e. nominate the specific rainwater tank and/or specific raingarden that that particular roof catchment area is connected to).
- b) **Rainwater Tanks:** Show the size and location of any rainwater tank on the plans and elevations. Provide a note outlining the roof catchment area being collected by each rainwater tank and note connection to the number of toilets, as per the STORM or MUSIC report, or area of garden it is distributing to.

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

5. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers 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 and Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

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

- d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

- 7. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 8. 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.
- 9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 10. The privacy screens / obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
- 11. 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;
 - e) Be drained and sealed with an all-weather seal coat; and
 - f) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
- 12. 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.

13. Bicycle parking spaces and access must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority. All bicycle parking is to be provided in accordance with the Australian Standards.
14. Prior to the commencement of the development, the applicant must provide details of the replacement tree, which is to include:
 - a) Method of mulching and mounding;
 - b) The species of the replacement planting;
 - c) The size of planting and its maturity; and
 - d) The location of the replacement planting

All fees associated with the removal and replacement of the street tree must be borne by the permit/applicant.

VicRoads Conditions

15. All disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.
16. The crossover and accessway is to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the works hereby approved.
17. Prior to the occupation of the buildings hereby approved, the access lanes, driveways, crossovers and associated works must be provided and available for use and be:
 - a) Formed to such levels and drained so that they can be used in accordance with the plan.
 - b) Treated with an all-weather seal or some other durable surface.
18. Before the buildings occupied by this permit commences the following roadworks must be completed at no cost to and to the satisfaction of the Roads Corporation:
 - a) Tram separation kerbing must be installed to the satisfaction of and at no cost to the Roads Corporation. It must extend along the west of the northbound tram tracks, on the north-west leg of the Mt Alexander Rd/ Napier St/ Fletcher St roundabout.
 - b) The separation kerbing is to be located within the existing painted traffic island, from the edge of the roundabout to the existing merge point between the northbound through traffic lane of Mt Alexander Road and northbound tram lane.

End VicRoads Conditions

19. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following:
- a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan.
 - b) Outline Green Travel Plan measures for the development including, but not limited to:
 - i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
 - ii) Include a minimum of one myki pass (of at least \$20 value) and registration information per bedroom for each dwelling within the household welcome pack;
 - iii) Bicycle parking and facilities available on the land; and
 - iv) Monitoring and review.
 - c) A plan showing:
 - i) The bicycle parking areas to be provided for use by residents.

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

20. Prior to the commencement of buildings and works, the Environmentally Sustainable Design (ESD) report prepared by 'Low Impact Development (LID) Consulting' and dated 6 June 2014 is to be amended and submitted to the Responsible Authority for approval in accordance with the following:
- a) Changes to the design as per current development plans, referenced within Condition 1.
 - b) Details of all openable windows/doors clearly shown on the elevation plans.
 - c) Clarification as to whether aluminium single or double glazed windows are to be used.
 - d) Glazing to 'battle axe' second bedrooms to comply with the Moreland Higher Density Design Code (Section 3.12 Daylight Access), or the equivalent standard within the Moreland Apartment Design Code.
 - e) Clarification as to what hot water units are proposed, with the location and details of these clearly shown on the plans (along with any screening).

Once approved, the Sustainability Statement is to be implemented and appropriately managed during construction of the proposed building.

21. 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.
22. 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.
23. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
24. The development must be provided with external lighting capable of illuminating access to each vehicle accessway, car parking space and pedestrian walkway. 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. Lighting of car parking facilities is to be in accordance with AS/NZS 1680.2.1:2008.
25. Prior to the commencement of the development an acoustic report prepared by a qualified acoustics expert must be provided to the Responsible Authority and to its satisfaction. This report must detail the noise attenuation measures required to all habitable rooms within the dwellings to ensure minimal impacts from noise sources external to that dwelling. The recommendations of the acoustic report must be implemented prior to the completion of the development.
26. Noise levels emanating from service equipment on the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
27. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and must be connected to a registered security service.
28. Prior to the commencement of the development, the applicant shall submit an amended Waste Management Plan to the Responsible Authority for approval. The amended Waste Management Plan should reflect the current development plans referenced within Condition 1 and shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
29. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

30. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within two (2) years from the date of issue of this permit; or
 - b) The development is not completed and the use is not commenced within four (4) years from the date of issue of this permit.

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

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

CARRIED

Cr Sipek returned to the meeting at 9.17pm.

9.8 Amendment C154 - Rezoning of 5 Treadwell Road, Niddrie

File No: FOL/15/590
Author: Senior Strategic Planner
Directorate: City Works & Development
Ward: Buckley
Minute No. 2015/163

Council Resolution

Moved by Cr Giuliano, seconded by 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) of the Planning and Environment Act 1987, adopt Amendment C154 to the Moonee Valley Planning Scheme as exhibited (see amendment documentation included in Appendix B and Appendix C).
2. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Amendment C154 to the Moonee Valley Planning Scheme to the Minister for Planning for approval.

CARRIED

Cr Marshall and Cusack voted against the motion.

Cr Surace left the meeting at 9.22pm and returned at 9.25pm.

Cr Giuliano left the meeting at 9.23pm.

9.9 Draft Heritage Study 2015

File No. FOL/15/590
Author: Strategic Planner
Directorate: City Works & Development
Ward: Municipal
Minute No. 2015/164

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council endorse the draft Heritage Study 2015 for the purposes of community consultation, as detailed in Appendix B and Appendix C of this report.

CARRIED

Cr Giuliano returned to the meeting at 9:29pm.

9.10 Planning Scheme Amendment C149 - Significant Tree Review

File No. FOL/15/590
Author: Principle Planner
Directorate: City Works & Development
Ward: Municipal
Minute No. 2015/165

Council Resolution:

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

1. Formally adopt the Moonee Valley Significant Tree Register Review 2014 provided in Appendix C (separately circulated) to this report excluding tree with Unique ID 245 at 20 Grace Street, Moonee Ponds.
2. 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 C149, which will incorporate all changes recommended by the Panel as per page 21 of the Panel Report included in Appendix B (separately circulated) and in accordance with the documents included in Appendix A (separately circulated) excluding Tree Reference T205 (Unique ID 245 as referenced in Appendix C) at 20 Grace Street, Moonee Ponds from Table 1 within the proposed Explanatory Report and Schedule 2 to the Environmental Significance Overlay.
3. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Moonee Valley Planning Scheme Amendment C149 to the Minister for Planning for approval.
4. Upon further research, to review Tree T205 (Unique ID 245) located at 20 Grace Street, Moonee Ponds following a 12 month period.

CARRIED

Reports Considered En Bloc

Minute No: 2015/166

Council Resolution

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

- 9.13 Community Safety Action Plan 2015-2016
 - 9.15 Public lighting upgrades in Moonee Valley
 - 9.16 Regional Food Kitchen - Purchase Additional Shares
 - 9.18 68 Pin Oak Crescent, Flemington - Proposed Sale of Land
 - 9.19 Moonee Valley City Council Annual Report 2014/15
 - 9.20 Report on Audit Committee
 - 9.21 Report on Advisory Committees
 - 9.22 Report on Assemblies of Council
- be adopted by Council.

CARRIED

9.13 Community Safety Action Plan 2015-2016

File No: FOL/15/590
Author: Community Safety Officer
Directorate: Community Services
Ward: Municipal
Minute No: 2015/163

Council Resolution

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

1. Adopt the Community Safety Program 2015 – 2020 Appendix A (separately circulated); and
2. Endorse the Community Safety Action Plan 2015-16 Appendix B (separately circulated).

CARRIED

9.15 Public lighting upgrades in Moonee Valley

File No: FOL/15/590
Author: Coordinator Environment & Sustainability
Directorate: Environment & Lifestyle
Ward: Municipal
Minute No: 2015/163

Council Resolution

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

1. Takes up the opportunity to use the remaining Federal Government funding of up to \$275,407 to upgrade Council owned lights in public open spaces.
2. Invests Council's carbon tax refund (up to \$278,000) and reallocates funds from the 2015/16 capital works budget (up to \$272,814) towards this public lighting upgrade.

CARRIED

9.16 Regional Food Kitchen - Purchase Additional Shares

File No: FOL/15/590
Author: Manager, Aged & Disability
Directorate: Community Services
Ward: Municipal
Minute No: 2015/163

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that Council authorises the Chief Executive to purchase ten (10) additional shares in the Regional Food Kitchen at a cost of \$180,000.00.

CARRIED

9.18 **68 Pin Oak Crescent, Flemington - Proposed Sale of Land.**

File No: FOL/15/590
Author: Property Consultant
Directorate: Corporate Services
Ward: Municipal
Minute No: 2015/163

Council Resolution

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

1. Having completed all necessary statutory procedures under sections 189 and 223 of the *Local Government Act* 1989 and not having received any written submissions to the proposal, sell the 1.84m² parcel of land described as Lot 1 on Plan of Subdivision 739106N on Certificate of Title Volume 11590 Folio 105 to Dansam Investments Pty Ltd for \$4,000 (GST excl.) plus all associated administrative and legal costs.
2. Authorise the Chief Executive to execute all relevant contract and transfer documents on behalf of Council.

CARRIED

9.19 **Moonee Valley City Council Annual Report 2014/15**

File No: FOL/15/590
Author: Corporate Planning Administration Support Officer
Directorate: Office of Chief Executive
Ward: Municipal
Minute No: 2015/163

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that Council adopt the Annual Report 2014/15 provided as Appendix A (separately circulated).

CARRIED

9.20 **Report on Audit Committee**

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

Minute No: 2015/163

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that Council receive the unconfirmed Minutes of the Audit Committee Meeting held 21 September 2015.

CARRIED

9.21 Report on Advisory Committees

File No: FOL/15/590

Author: Acting Coordinator Governance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/163

Council Resolution

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

- a) ANZAC Centenary Advisory Committee held 1 June 2015 (Appendix A);
- b) Integrated Waterways Advisory Committee held 17 July 2015 (Appendix B);
- c) Strategic Planning Advisory Committee held 30 July 2015 (Appendix C);
and
- d) Early Years Reference Group held 11 August 2015 (Appendix D).

CARRIED

9.22 Report on Assemblies of Council

File No: FOL/15/590

Author: Acting Coordinator Governance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/163

Council Resolution

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

CARRIED

9.11 Thrive: Strategy for young people

File No: FOL/15/590
Author: Youth Planner
Directorate: Community Services
Ward: Municipal
Minute No. 2015/167

Council Resolution

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

1. Adopt 'Thrive: Strategy for young people' as presented at Appendix A;
2. Endorse the first 'Thrive Action Plan' as presented at Appendix B;
3. Dissolve the Youth Advisory Forum;
4. Adopt the Terms of Reference for the Moonee Valley Young People's Coalition presented at Appendix C and invite nominated organisations to appoint delegates to the Coalition; and
5. Note the establishment of the Moonee Valley Young People's Committee, noting that Appendix D is to be:
 - a) brought into line to be consistent with the report, the terms of reference on pages 222 & 223, and the framework outlined of Page 224 of the Agenda, to remove all references to the committee being a reference group or advisory group of Council, and that the committee will act as a group to bring recommendations and suggestions to Council through the Moonee Valley Young People's Coalition; AND
 - b) To rename the Moonee Valley Young People's Committee Terms of Reference to Operating Guidelines.

CARRIED

Having declared an interest in Item 9.12, Cr Sharpe vacated the Chair and left the meeting at 9.53pm before any discussion or voting had taken place on the item.

The Deputy Mayor, Cr Nation assumed the Chair.

9.12 Biannual Grants Program - Round 1

File No: FOL/15/590

Author: Coordinator, Community Planning & Engagement

Directorate: Community Services

Ward: Municipal

Minute No. 2015/168

Council Resolution

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

1. Endorse the recommendation of the Grants Advisory Panel for allocation of the first round of Biannual Grants as presented in Appendix A; and
2. Notes that all applicants will be advised of the outcome of Round 1.

CARRIED

Cr Marshall left the meeting at 10:02pm.

Cr Sharpe returned to the meeting at 10.02pm and assumed the Chair.

9.14 Alf Pearce Fenced Dog Park

File No: FOL/15/590

Author: Coordinator, Open Space & Urban Design

Directorate: Environment & Lifestyle

Ward: Buckley

Minute No. 2015/169

Council Resolution

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

1. Undertake a six month trial of a fenced dog park at Alf Pearce Reserve from November 2015 to April 2016.
2. Receive a further report following the trial of the dog park, after further community and user consultation.

Division Called

A division was called and voting was as follows:

FOR: Crs Sharpe, Nation, Cusack, Giuliano, Sipek and Surace

AGAINST: Crs Chantry and Cornish

CARRIED

9.17 **144A Mascoma Street, Strathmore (Nursery Corner) - Proposed New Lease**

File No: FOL/15/590
Author: Coordinator Property Services
Directorate: Corporate Services
Ward: Buckley
Minute No. 2015/170

Council Resolution

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

1. Enter into a lease with Tim Taylor trading as “With Compliments Indoor Plant Hire” (‘Tim Taylor’) for occupancy and use of Council’s property at 144A Mascoma Street, Strathmore for a term of two years commencing 1 November, 2015 at an annual rental of \$21,000 (plus GST), subject to the tenant obtaining a Section 97N Certificate of Existing Use Rights and satisfactory clean-up and maintenance of the lease site.
2. Note that the deed of lease shall be prepared and executed by the Chief Executive under his instrument of delegation.
3. Advise Tim Taylor that it will not be offering a new lease at the end of the lease term and that the lease site is to be cleared of the tenant’s goods and chattels and the land reinstated to the satisfaction of Council in accordance with lease conditions.

CARRIED

Cr Surace left the meeting at 10.23pm and returned at 10.25pm.

10. Notices of Motion

10.1 **Notice of Motion No. 2015/22 – Financial Support Framework**

File No. FOL/15/590
Author: Cr Cam Nation
Ward: Municipal
Minute No. 2015/171

Council Resolution

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

1. Requests that the final component of the Council grant and support program (Financial Support Framework), including standardised models for future decision making for both ‘Donation & Social Sponsorship’ support and ‘Operational & Partnership Subsidy’ support, be completed and that all annual community support be consolidated into one budget centre to be reviewed as part of the Council’s annual budget process.

2. Receive a report at the Ordinary Council Meeting in February 2016, articulating future options for the 2016/17 financial year for the treatment of all existing arrangements, being both 'Donation & Social Sponsorship' and 'Operational & Partnership Subsidy' support.
3. Requests that the above work completed under the Financial Support Framework be developed into a formalised Council Policy for adoption at the Ordinary Council Meeting in June 2016, and applied in the 2016/17 financial year.
4. Requests that for the 2016/17 financial year:
 - a) That standardised Memorandum of Understanding templates be developed to be used for all organisations receiving direct or indirect financial support;
 - b) That standardised criteria be developed for organisations accessing council facilities at either a no fee or subsidised rate;
 - c) That criteria be developed detailing the eligibility of groups able to access such waivers or discounted rates;
 - d) That an information sheet and assessment criteria for 'Donations & Social Sponsorship' be developed to assess all requests;
 - e) That a standardised application process for community groups to access indirect support be developed.
5. Review sublet provisions, in conjunction with the processes outlined above.

CARRIED

10.2 Notice of Motion No. 2015/23 – Lease Register

File No. FOL/15/590

Author: Cr Cam Nation

Ward: Municipal

Minute No. 2015/172

Council Resolution

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

1. Undertake a review of Council's leasing policy and procedures, with a report and updated policy to be presented for endorsement at the Ordinary Meeting of Council in February 2016.
2. As part of this updated policy, request that all new leases and lease renewals be referred to Council for endorsement (noting multiple leases may be presented as one report).
3. Ensure that all future lease agreements outline the responsibilities of Council and the relevant organisation, in regards to upkeep and maintenance of the asset.

4. Requires that the Lease Register be updated on a quarterly basis, and that the Lease Register be made available at the Civic Centre for public inspection.
5. No further lease renewals occur prior to the updated policy being presented for endorsement at the Ordinary Meeting of Council in February 2016.

CARRIED

Cr Sipek left the meeting at 10.42pm and returned at 10.47pm.

10.3 Notice of Motion No.2015/24 - S173 Agreements in relation to car parking associated with new developments

File No. FOL/15/590

Author: Cr Paul Giuliano

Ward: Municipal

Minute No. 2015/173

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that Council receive a report on the subject of Council's standard planning conditions be revised to include the following condition for developments incorporating multi user car parks (i.e. where a car space or lot, including storage cages and storage facilities, are separately titled):

- a) Prior to an occupant of a building, the owner/developer must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 to the satisfaction to the Responsible Authority. That Agreement must be registered on title to the land, be free of cost to the Responsible Authority (by the owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include provisions that:
 - i) Each privately owned car space and storage unit shall be maintained and used by the occupier or a primary lot owner or the relevant property, and will not be leased or sold separately to external parties that are non-residentials or not prime lot owners of the building or the development.
 - ii) With the owner's consent and Responsible Authority's consent to be used for purposes of maintaining or running the building/development.

Division Called

A division was called and voting was as follows:

FOR: Crs Sharpe, Nation, Cusack, Giuliano, Sipek and Surace

AGAINST: Crs Chantry and Cornish

CARRIED

11. Urgent Business

The Chairperson sought a vote to accept an item of urgent business relating to the future grade separation of Buckley Street and the Craigieburn Railway Line.

CARRIED UNANIMOUSLY

11.1 Title: Essendon Junction Grade Separation

File No: FOL/11/421

Minute No: 2015/174

Council Resolution

Moved by Cr Surace, seconded by Cr Giuliano that Council write immediately to The Hon. Daniel Andrews, Premier of Victoria, The Hon. Jacinta Allen, Minister for Public Transport, Mr Danny Pearson, Member for Essendon and Mr Ben Carroll, Member for Niddrie, regarding the Essendon Grade Separation project requesting:

- a) Copies of plans of the five options, including a summary table outlining the key aspects by c.o.b. Friday, 30 October 2015.
- b) A review of the community and stakeholder consultation process to allow genuine input on all options.

CARRIED

The Chairperson sought a vote to accept an item of urgent business relating to appointing a substitute to attend the Parks and Leisure Conference.

CARRIED UNANIMOUSLY

11.2 Title: Parks & Leisure Conference

File No: FOL/09/724

Minute No: 2015/175

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council nominate Cr Surace to attend the Parks & Leisure Conference Awards Ceremony in Sydney on 28 October 2015.

CARRIED

The Chairperson sought a vote to accept an item of urgent business relating to Meeting Procedures and Councillor Conduct within formal Council Meetings.

LOST

12. Confidential Reports

Nil.

13. Close of Meeting

The meeting concluded at 11.02pm.

**CR NARELLE SHARPE
CHAIRPERSON**