



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 28 July 2015

Minutes

Report Index

The following reports were considered:

9.1	118A, 118B & 120 Buckley Street, Essendon (Lots 1 to 5 on PS 015001) – Construction of a four storey building containing 49 dwellings and a reduction in the statutory car parking requirements.....	7
9.2	102A - 104 Maribyrnong Road, Moonee Ponds (Lot 1 and 2 LP46251) - Demolition of the existing buildings and use and development of the land for a multi-storey (5 storeys), mixed use building (comprising 23 apartments, 2 retail tenancies), basement car parking and a reduction in the parking and vehicle loading requirements.	8
9.3	63-69 Buckley Street, Moonee Ponds (Lots 1 and 2 on TP298135W, Lots 1 and 2 on TP610927B, Lots 1 and 2 on TP680307N and Lot 1 on TP298182M) - Construction of 30 dwellings, reduction in visitor carparking and alter access to a Road Zone Category 1.	9
9.4	Dean Local Area Traffic Management Studyn	18
9.5	Holmes Local Area Traffic Management Study	19
9.6	Flemington Hill Traffic and Parking Study - Update.....	21
9.7	Housing Strategy Update - Summary of consultation on Housing Issues and Opportunities Paper and next steps.....	25
9.8	Airport West Activity Centre Structure Plan Review - Draft Issues and Opportunities Report	25
9.9	Council’s submission to the Better Apartments – A Discussion Paper	26
9.10	Integrated Transport Plan and Road Safety Plan Review Process	21
9.11	Sterling Drive Reserve North, Keilor East	21
9.12	Health & Wellbeing - Year 3 Action Plan.....	22
9.13	Draft Community Safety Program	22
9.14	Friends of Liquiçá - Computer Training Proposal	22
9.15	Endorsement of Interstate Travel for Council Representative	26
9.16	Cost Shifting and Grant Reduction in Local Government.....	23
9.17	Bill Posters	27
9.18	Recording of Public Council Meetings Policy	27
9.19	Report on Assemblies of Council	27
9.20	Report on Advisory Committees.....	23
9.21	Report on Tenders and Contracts Awarded.....	24
10.1	Notice of Motion - Heritage Gap Study.....	29
10.2	Notice of Motion - Obsolete Signage.....	30
10.3	Notice of Motion - Advertising Billboards at Napier Park.....	30
10.4	Notice of Motion - Land Acquired and Sold by Council	31
10.5	Notice of Motion - Parking Restrictions Brewster Street, Essendon.....	31
12.1	Tender Evaluation for Drainage Maintenance Services.....	33

Minutes of the Ordinary Meeting of Council

Tuesday, 28 July 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 Peter Gaffney Acting Director City Works & Development
Ms Michelle Leonard Acting Director Community Services
Mr Carey Patterson Acting Director Corporate Services
Mr Anthony Smith Acting Director Environment & Lifestyle
Mr Henry Bezuidenhout Manager Strategic & Statutory Planning
Ms Yvonne Hansen Manager Governance & Local Laws

1. Opening

The Mayor, Cr Sharpe, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 28 July 2015.

2. Apologies

Nil.

Leave of Absence

Council Resolution

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

- a) Cr Jim Cusack Leave of Absence for all formal meetings during the period 13 August 2015 to 24 September 2015 inclusive.
- b) Cr Jan Chantry Leave of Absence for all formal meetings during the period 7 September to 21 September 2015 inclusive.

CARRIED

3. Confirmation of Minutes

Moved by Cr Cusack, seconded by Cr Marshall that the Minutes of the Ordinary Meeting of Council held on Tuesday, 23 June 2015 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Nil.

6. Petitions And Joint Letters

6.1 Proposed Development – 444 Buckley Street, Essendon West

File No: FOL/14/200

Cr Sipek tabled a petition signed by 451 individuals requesting that the 50 metre outdoor pool at the East Keilor Leisure Centre be kept open.

6.2 Afton Street Bridge

File No: FOL/13/602

Cr Cornish tabled a joint letter signed by 7 individuals requesting that the Afton Street Bridge be renamed Livingstone Bridge.

7. Public Question Time

Question 1

Tony Lukov of Ascot Vale asked “Is it possible for Moonee Valley City to use/create a providence fund to facilitate affordable access to the Ascot Vale Leisure Centre by aged pensioners on a low income?.”

The Acting Chief Executive advised that Council is committed to ensure that Leisure Centres are meeting the needs of all Moonee Valley residents, not just those who can afford an on-going membership.

Currently, Council provides discount entrance fees for eligible concession card holders across all of its aquatic centres, including Ascot Vale Leisure Centre, and is reviewing all services that are offered either directly, or by our Leisure Centre Managers, or as part of a Council program.

Question 2

Liz Lampert of Moonee Ponds asked the following questions:

1. Can you please detail what impact analysis has been undertaken by Council in relation to the numerous new multi-storey apartment complexes which are currently proposed within the Moonee Ponds Activity Centre, and more specifically in relation to the proposed development at 31 and 33 Taylor Street Moonee Ponds, to ensure that the significant increase in the usage of roads, drains and sewerage in the area for example, does not result in a lower quality/serve for existing residents?
2. Council has made a commitment to “manage our city’s growth whilst protecting our residential lifestyle”. Given the numerous difficulties relating to the 31 and 33 Taylor Street site such as traffic, lack of setbacks, access, overlooking of Eddy, Taylor and Margaret Street properties, as well as overshadowing of Margaret Street properties, can Council request the CEO and senior officers to visit the site and meet with residents?

The Acting Chief Executive advised that 31 and 33 Taylor Street are properties located within the Moonee Ponds Activity Centre (MPAC), which is an area where people shop, work, meet, relax and live. Moonee Ponds has been designated as an Activity Centre in both Plan Melbourne, which is the current State Government metropolitan planning strategy, as well as the previous metropolitan planning strategy, titled Melbourne 2030.

To help manage the growth and change within the MPAC, Council has an adopted Structure Plan which provides a long-term direction for how the centre should grow and develop over time. Council consulted extensively on the development of this plan. It also consulted extensively on the Amendment (C100) to implement the Structure Plan through the planning scheme via the Activity Centre Zone.

In terms of usage of roads, while Council cannot prevent residents from owning a car, by encouraging housing in locations easily accessible to public transport and employment opportunities, it can reduce the need for car ownership. These are attributes of the MPAC.

Council does recognise the need for new development to contribute to the amenity of the area, which has resulted in the following initiatives:

- Public Open Space Contributions – Developers are required to either provide public open space on site, or provide a financial contribution to Council equivalent to a minimum of 5% of the total site value. This contribution must be used by Council to acquire new open space in the area.
- Car Parking Plan – Council is currently finalising a car parking plan for the Moonee Ponds Activity Centre, which proposes to include a cash in lieu scheme for parking waivers. This would basically require developers

to pay financial contributions to Council to use for building new public car parks and improving the transport system.

- Development Contributions – Council is in the process of preparing a development contributions plan for the Moonee Ponds Activity Centre, which would require developers to provide a financial contribution to Council for every new dwelling as well as per commercial floor space. These funds would then go towards a specific list of infrastructure improvements in the area, including transport improvements, community facilities and public realm upgrades. As this plan requires a significant amount of work, it will take 1-2 years to complete.

In relation to 31 and 33 Taylor Street, Moonee Ponds, it is relevant to note that the application is being referred to Council's Engineering Services Unit, as well as Traffic & Transportation Unit to be assessed in terms of its impacts. Clause 55.02-4 of the Moonee Valley Planning Scheme requires the applicant to demonstrate that the development is provided with appropriate utility services and infrastructure and that the development does not unreasonably overload the capacity of utility services and infrastructure.

It is standard practice for a traffic impact assessment report to be prepared by a suitable qualified person to determine the traffic and parking impacts. The formal assessment by Council will therefore be informed by a range of technical reports and professional input.

In relation to Council's commitment to "manage our city's growth whilst protecting our residential lifestyle" this has largely been addressed above. In addition, I advise that the Local Policy Section of the Moonee Valley Planning Scheme is reviewed every four years and our Planning Scheme was reviewed and the Municipal Profile updated in February 2015.

Amongst other policy reviews, Council is also in the process of reviewing its Housing Strategy, which will look at a broad variety of issues and aims to provide clear direction over the next 10 years in terms of population growth, demographic changes and housing needs. Council is focussed on strategic planning and its commitment to managing the city's growth whilst protecting neighbourhood character. The introduction of the Neighbourhood Residential Character Guidelines in the Planning Scheme further demonstrates this commitment.

With reference to planning permit application at 31 and 33 Taylor Street, Moonee Ponds, it is relevant to note that the application is still undergoing a detailed assessment process by Council Officers with traffic, setbacks, access overlooking and overshadowing all to be addressed within the final planning officer report for consideration at an Ordinary Council Meeting later in the year.

The Acting Chief Executive noted that Council Officers have already visited the site on several occasions and a Consultation Meeting with objecting parties, the applicant, Council's Planning Officer and Councillors was held on 17 June 2015.

8. Reports By Mayor And Councillors

File No. FOL/12/1435

Minute No. 2015/103

Council Resolution

Moved by Cr Nation, seconded by Cr Sipek that the reports by the Mayor and Councillors be received with an amendment to Cr Nation's first item on his report to include "7 June 2015 – Attended meeting with resident regarding Moonee"

CARRIEDCr Giuliano left the meeting at 7.25pm and returned at 7.26pm.

Cr Sipek left the meeting at 7.32pm and returned at 7.33pm.

Cr Marshall left the meeting at 7.42pm and returned at 7.43pm

9. Reports

9.1 118A, 118B & 120 Buckley Street, Essendon (Lots 1 to 5 on PS 015001) – Construction of a four storey building containing 49 dwellings and a reduction in the statutory car parking requirements.

File No: MV/433/2014

Author: Principal Town Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2015/104

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/433/2014 for the construction of a four storey building containing 49 dwellings and a reduction in the statutory car parking requirements at 118A, 118B and 120 Buckley Street, Essendon (Lots 1 to 5 on PS015001), on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 21.06 (Built Environment) and Clause 55.02-1 (Neighbourhood Character) of the Moonee Valley Planning Scheme.
2. Townhouses 1, 2 and 3 are not provided with sufficient street interface and are out of character with the surrounding area.
3. The proposed development does not meet the following requirements of Clause 55 of the Moonee Valley Planning Scheme:
 - a) Clause 55.03-1 (Street Setback)

- b) Clause 55.03-2 (Building Heights)
 - c) Clause 55.03-3 (Site Coverage)
 - d) Clause 55.04-4 (Private Open Space)
4. The proposal fails to comply with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme as:
- a) The proposed development will result in excessive vehicle movements along the rear and side laneway;
 - b) The development will result in traffic impacts to Buckley Street which will be substantial and unreasonable; and
 - c) The proposed access along the laneway is narrow and will result in unsafe movements.

CARRIED

Cr Giuliano left the meeting at 8.09pm and returned at 8.10pm.

9.2 102A - 104 Maribyrnong Road, Moonee Ponds (Lot 1 and 2 LP46251) - Demolition of the existing buildings and use and development of the land for a multi-storey (5 storeys), mixed use building (comprising 23 apartments, 2 retail tenancies), basement car parking and a reduction in the parking and vehicle loading requirements.

File No: MV/874/2014

Author: Principal Town Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2015/105

Council Resolution

Moved by Cr Nation, seconded by Cr Marshall that with respect to an Application for Review against Council's failure to decide the application within the prescribed time, Council 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 refuse to Grant a Permit in relation to Planning Permit Application No. MV/874/2014 for the demolition of existing buildings and the use and development of the land for a multi storey (5 storeys), mixed use building (comprising 23 apartments, 2 retail tenancies), basement car park and reduction in the parking and vehicle loading requirements at 102A -104 Maribyrnong Road, Moonee Ponds (Lot 1 and 2 LP46251), on the following grounds:

1. The proposal fails to meet the overarching objective and strategies of Clause 15.03-1 (Heritage Conservation) of the Moonee Valley Planning Scheme in relation to the preservation of places of heritage significance.
2. The proposal fails to meet the objectives and strategies contained within Clause 21.06-2 (Heritage) of the Moonee Valley Planning Scheme and would result in a development that fails to conserve the historic quality of the existing heritage place.
3. The proposal fails to meet the strategies contained within Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme as the Green Wall proposed along the eastern elevation will not be viable in managing built form impacts to the adjoining property.
4. The proposal fails to meet the purpose of Clause 43.01 (Heritage Overlay) of the Moonee Valley Planning Scheme and would result in a development that adversely affected the significance of heritage places.
5. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 21.06 (Built Environment) and Clause 55.02-1 (Neighbourhood Character) of the Moonee Valley Planning Scheme.
6. The proposal will result in an unreasonable bulk, scale and massing to the adjoining property.

CARRIED

9.3 63-69 Buckley Street, Moonee Ponds (Lots 1 and 2 on TP298135W, Lots 1 and 2 on TP610927B, Lots 1 and 2 on TP680307N and Lot 1 on TP298182M) - Construction of 30 dwellings, reduction in visitor carparking and alter access to a Road Zone Category 1.

File No: MV/433/2014

Author: Principal Statutory Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2015/106

Motion

Moved by Cr Surace, seconded by Cr Sipek that Council Issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/433/2015 for the Construction of 30 dwellings, reduction in visitor carparking and alter access to a Road Zone Category 1 at 63-69 Buckley Street, Moonee Ponds (Lots 1 and 2 on TP298135W, Lots 1 and 2 on TP610927B, Lots 1 and 2 on TP680307N and Lot 1 on TP298182M), 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 provision of skylights for the upper floor bedrooms (those without windows) associated with Dwellings 2, 4, 5 and 7.
- b) Clarification of the materials and finishes used for the construction of the garage doors associated with Dwellings 19 – 30. All storage areas to be a minimum of 6m³ in total.
- c) The balconies associated with Dwellings 9 and 10 provided with external blade or timber screening to a height of 1.7m. The screening must limit views directly to the west and be in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- d) The provision of sliding doors for the ground floor habitable rooms with direct interface to the front private open spaces of Dwellings 1 – 8.
- e) A note on the plan that the acoustic fence along the boundary of 61 Buckley Street to be to the satisfaction of Moonee Valley City Council.
- f) A notation on the plans that all walls and structures within the adjoining property (71 Buckley Street) will be protected in accordance with the relevant Building Regulations.
- g) A roof plan which graphically shows:
 - i. All roof areas, both treated by WSUD and untreated.
 - ii. The specific roof area in square metres of the rainwater catchment area discharging into the nominated stormwater treatment, with the WSUD treatment capacity clearly annotated.
 - iii. Water tank volumes and numbers of toilets the water tank is connected to.

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

- h) Each rainwater tank to be noted to state, on all relevant plans:
 - i. The capacity of the rainwater tank;
 - ii. Whether a mechanically, fully charged or gravity fed system is proposed;
 - iii. Number of toilets connected to the rainwater tank, as detailed on the STORM report;
 - iv. The roof catchment area collected to the rainwater tank, as detailed on the STORM report.
- i) Demonstration on the site layout plan as to how the rainwater runoff is to be:

- i. Collected from any nominated impervious surface area, and
- ii. Distributed to the nominated sized and located Enviss Sentinel Infiltration Pits (ie. is it gravity fed or pumped and show the grading of the paved area).

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. The (north-south) Right of Way between 61 and 63 Buckley Street is to be constructed in accordance with the Moonee Valley City Council Drawing MV43 (Asphalt Construction with bluestone invert). All costs associated with the construction of the right of way must be borne by the permit holder.
4. The (east-west) right of way along the rear of the property is to be reinstated from the Robinson Street entrance to the south western corner of 61 Buckley Street, to the satisfaction of the Responsible Authority.
5. Prior to the commencement of buildings and works, detailed engineering drawings to show both the construction of the north-south right of way and reinstatement of the east-west right of way are to be submitted to and approved by the Responsible Authority. The right of way is to be surveyed and designed by a qualified surveyor/civil engineer respectively. The plans are to indicate, existing surface levels, proposed surface levels and construction of the north-south right of way in accordance with Moonee Valley City Council Drawing MV43 (Asphalt Construction with bluestone invert).
6. Construction and reinstatement of the right of ways as specified in this permit must be satisfactorily completed upon the issue of an Occupancy Permit for the approved development. The right of way is to be constructed and properly drained to the satisfaction of the Responsible Authority
7. A minimum of 30 days prior to any building or works commencing, a Construction and Site Management Plan must be submitted to and approved by the Responsible Authority detailing the construction activity proposed. The plan must include, but not be limited to:
 - a) Hours of construction;
 - b) Methods for limiting escape of dust and litter from the land
 - c) Parking and traffic movement of all workers vehicles and construction vehicles;
 - d) Scaffolding and hoarding for the site;
 - e) Allocated areas for loading and unloading;

- f) Site evacuation plan and procedure;
- g) Occupational health and safety policy;
- h) Hazard identification and control;
- i) Environmental management and waste minimisation;
- j) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
- k) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- l) On site stormwater contamination;
- m) Chemical storage;
- n) Noise and vibration;
- o) Risk assessment;
- p) Works timetable; and
- q) Number of workers expected of work on the site at any one time.
- r) Proposed parking and standing locations for construction vehicles and construction workers vehicles;
- s) Temporary fencing works; and
- t) Safe Work Method Statements as required for construction activities complying with current Occupation Health and Safety Standards.

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

8. Prior to the commencement of the development (including the construction of crossovers), a management plan prepared by a qualified arborist must be submitted to the Responsible Authority for approval. The management plan must provide recommendations and set out actions required to minimise damage to the health of the existing street tree(s) along Buckley Street as a consequence of the approved building works. Once considered satisfactory and approved by the Responsible Authority, the management plan will be endorsed under the planning permit. Once endorsed the findings of the management plan must be undertaken to the satisfaction of the Responsible Authority and all approved works supervised by a qualified arborist as they relate to the street tree(s). All costs and responsibilities associated with the commissioning of the management plan, the undertaking of the report's findings and arborist supervision must be borne by the permit holder.
9. 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.
10. 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.
 11. The existing barrel drain within the R.O.W between 61 and 63 Buckley Street must be upgraded to a minimum 900mm dia RCP RRJ and to the Councils satisfaction. Engineering Design Plans prepared by a qualified Civil Engineer must be submitted to and approved by the Responsible Authority prior to the commencement of any building or works (including drainage). The Engineering Design Plans must accord with Council's Drainage Design Guidelines. All costs associated with the construction of the right of way must be borne by the permit holder.
 12. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; and
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.
 13. A minimum 30 days prior to any building or works commencing, all WSUD Design Details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
 14. Prior to the issue of an Occupancy Permit, all retaining walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 15. 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.

16. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
17. 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.
18. 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.
19. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
20. Prior to the issue of an occupancy permit, an acoustic screen fence must be erected (along the boundary of 61 Buckley Street) as per the endorsed plans at the cost of the owner and thereafter maintained all to the satisfaction of the Responsible Authority.
21. The fence must be constructed in accordance with a design and specifications (prepared by a suitably qualified person) submitted to and approved by the Responsible Authority, prior to the construction of the fence.
22. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected as per the endorsed plans. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
23. 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.

24. Building or works must not be commenced (and trees or vegetation must not be removed) until an amended landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. The amended landscape plan(s) must be generally in accordance with the original advertised landscape plan prepared by John Patrick but modified to show:
- a) Plans to be in accordance with condition 1.
 - b) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design.
 - c) Planting on the land comprising trees and shrubs capable of:
 - i. Filtering views of the development from the east and west.
 - ii. Providing a complete garden scheme.
 - iii. Softening the building bulk.
 - iv. Providing some canopy trees for landscape perspective. Selected canopy trees must be capable of reaching a mature minimum height of 4 metres.
 - v. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.
 - d) Heat and drought tolerant plants on the Buckley Street frontage to contend with the northern aspect and reflected heat from pavements.
 - e) Plant selection beneath overhanging balconies which will tolerate low light levels.
 - f) The plant species *Robinia pseudoacacia* 'Frisia' replaced with an equivalent medium sized native which will not create weed problems.
 - 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.

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

25. 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 shall be in accordance with endorsed plans and 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.

VicRoads Conditions

26. 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 commencement of the use or the occupation of the buildings or works hereby approved.

End VicRoads Conditions

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council’s Technical Services Department regarding legal point of discharge, new crossings, building over easements etc.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works) as prepared by the Moonee Valley City Council.
- Please be advised that the future subdivision of this development maybe subject to a public open space contribution of greater than 5%, in accordance with the requirements of Schedule 1 to Clause 52.01 of the Moonee Valley Planning Scheme.

VicRoads Note

- 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.

End VicRoads Note

Division Called

A Division was called and voting was as follows:

For: Crs Surace and Sharpe.

Against: Crs Marshall, Cusack, Cornish, Chantry, Giuliano, Sipek and Nation.

LOST

Cr Giulilano left the meeting at 8.51pm

Cr Sipek left the meeting at 8.53pm and returned at 8.55pm.

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/433/2014 for the construction of 30 dwellings, reduction in visitor car parking and alter access to a Road Zone Category 1 at 63-69 Buckley Street, Moonee Ponds (Lots 1 and 2 on TP298135W, Lots 1 and 2 on TP610927B, Lots 1 and 2 on TP680307N and Lot 1 on TP298182M), on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 21.06 (Built Environment) and Clause 55.02-1 (Neighbourhood Character) of the Moonee Valley Planning Scheme.
2. The proposal fails to comply with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme as:
 - a) The proposed development will result in excessive and unsafe vehicle movements along the rear and side laneway;
 - b) The development will result in traffic impacts which will be substantial and unreasonable;
 - c) The proposed development will saturate usage of the rear laneway and will impact on the existing and surrounding properties; and
 - d) The development provides insufficient visitor parking.
3. The development fails to comply with Clause 55.03-5 (Energy Efficiency) and as townhouses 2, 4, 5 and 7 are each provided with some bedrooms without a window.
4. The development is not site responsive and would represent an overdevelopment of the land.

Division Called

A Division was called and voting was as follows:

For: Crs Marshall, Cusack, Cornish, Chantry, Sipek and Nation.

Against: Crs Surace and Sharpe.

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

Cr Giuliano returned to the meeting at 9.04pm.

Cr Andrea Surace left the meeting at 9.04pm and returned at 9.05pm.

9.4 Dean Local Area Traffic Management Study

File No: FOL/14/645

Author: Traffic & Transport Engineer

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2015/107

Council Resolution

Moved by Cr Nation seconded by Cr Marshall that Council:

1. Adopt the Final Dean Traffic Management Plan as presented in Appendix B (circulated separately).
2. Adopt for implementation the Final Dean Parking Management Plan as presented in Appendix C (circulated separately), with the correction of minor typographical errors listed in the Key to match current restrictions.
3. Note the additional traffic issues raised by the local community as identified in Appendix D.
4. Refer the works within the Final Traffic Management Plan and Parking Management Plan to future Capital Works Budget for funding consideration.
5. Advise residents and traders within the Dean study area of the outcome of this report.
6. Undertake further investigation and consultation on the implementation of 40 kilometre per hour speed zones in The Strand and other local streets within the area between Buckley Street, Mount Alexander Road, The Strand and Pascoe Vale Road precinct, in line with the current speed limits in Blair Street, Kernan Street, Robinson Street and Hutcheson Street, and the precinct-wide approach applied in the southern end of the LATM area.

7. Undertake further consultation with residents in Lethbridge Street and Murray Street in regards to parking changes proposed in Appendix C.
8. Undertake consultation with residents in Dickens Street to bring the street in line with the rest of the Permit Zones in the Dean Street LATM area, with a proposal to change the current southern side restriction of 'Permit Zone 7.30am – Midnight' to 'Permit Zone' (noting the new 2P zones at the western end of the street will still apply).
9. Implement measures as determined from the investigation and consultation outlined in 6, 7 and 8 above.

CARRIED

Cr Andrea Surace left the meeting at 9.07pm and returned at 9.15pm.

Cr Jan Chantry left the 9.08pm and returned at 9.10pm.

9.5 Holmes Local Area Traffic Management Study

File No: FOL/14/644

Author: Traffic & Transport Engineer

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2015/108

Council Resolution

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

1. Adopt the Final Holmes Traffic Management Plan as presented in Appendix B (circulated separately), with the following corrections:
 - a) Waverley Street Box to read: "Waverley Street re-design subject to current Vicroads review",
 - b) Smith Street Box to read: "Further consultation to be undertaken with Smith Street residents in regards to the introduction of one-way (eastbound arrangement) from Railway Cr to Marshall Street, widening of footpath between ROW and Margaret Street, and modification of parking to suit a one-way arrangement".
2. Adopt for implementation the Final Holmes Parking Management Plan as presented in Appendix C (circulated separately), with the following corrections:
 - a) Removal of "changes to parking restriction subject to further consultation with residents and traders" on Edgar Street, due to consultation already occurring;

- b) Addition of “further consultation required” on the north and south sides of Smith Street between Railway Crescent and Margaret Street;
 - c) Several minor typographical errors listed in the Key to match current restrictions.
3. Note the additional traffic issues raised by the local community as identified in Appendix D.
 4. Refer the works within the final Traffic Management Plan and Parking Management Plan to future Capital Works Budget for funding consideration.
 5. Advise residents and traders within the Holmes study area of the outcome of this report.
 6. Undertake further consultation with residents in Margaret Muir Way, Athol Street, Darling Street, Normanby Street, in regards to parking changes outlined in Appendix C.
 7. Undertake further consultation with residents in Smith Street, in regards to traffic changes outlined in Appendix B, and parking changes outlined in Appendix C.
 8. Complete a more localised investigation of the Leslie Road, Stanely Street & Sherbourne Street school zone, reviewing measures proposed in the Draft Holmes Road LATM, with a report to come before Council prior to December 2015.
 9. Undertake a weekday, Saturday and Sunday occupancy review of Chaucer Street, Montgomery Street & Browning Street, Moonee Ponds, and if required undertake consultation with residents.
 10. Implement measures as determined from the reviews outlined in 6, 7, 8 and 9 above.

CARRIED

Reports Considered En Bloc

Minute No: 2015/109

Council Resolution

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

- 9.10 Integrated Transport Plan and Road Safety Plan Review Process
- 9.11 Sterling Drive Reserve North, Keilor East
- 9.12 Health & Wellbeing Year 3 Action Plan
- 9.13 Draft Community Safety Program
- 9.14 Friends of Liquica – Computer Training Proposal
- 9.16 Cost Shifting and Grant Reduction in Local Government

9.20 Report on Advisory Committees

9.21 Report on Tenders and Contracts Awarded

be adopted by Council.

CARRIED

9.10 Integrated Transport Plan and Road Safety Plan Review Process

File No: FOL/15/494

Author: Strategic Transport Planner

Directorate: City Works & Development

Ward: Municipal

Minute No: 2015/109

Council Resolution

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

1. Endorse the process as outlined in Appendix A to develop the Integrated Transport Plan.
2. Endorse the process as outlined in Appendix B to develop the Road Safety Plan.
3. Endorse the Transport Issues and Opportunities Paper shown in Appendix C (separately circulated) for community consultation later in 2015.

CARRIED

9.11 Sterling Drive Reserve North, Keilor East

File No: FOL/14/1247

Author: Manager, Leisure & Open Space Planning

Directorate: Environment & Lifestyle

Ward: Rosehill

Minute No: 2015/109

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sipek that Council decline the proposal from Edenvale Manor to acquire Sterling Drive Reserve North.

CARRIED

9.12 Health & Wellbeing - Year 3 Action Plan

File No: FOL/13/908

Author: Health & Community Planning Officer

Directorate: Community Services

Ward: Municipal

Minute No: 2015/109

Council Resolution

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

1. Note the Health Plan Progress Report July 2015 Appendix A (separately circulated).
2. Adopt the Health and Wellbeing Action Plan 2015/16 Appendix B (separately circulated).

CARRIED

9.13 Draft Community Safety Program

File No: FOL/12/181

Author: Community Safety Officer

Directorate: Community Services

Ward: Municipal

Minute No: 2015/109

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sipek that Council endorse the draft Moonee Valley Community Safety Program 2015-2020 for public comment from 30 July to 14 September 2015.

CARRIED

9.14 Friends of Liquiçá - Computer Training Proposal

File No: FOL/14/1197

Author: Director Community Services

Directorate: Community Services

Ward: Municipal

Minute No: 2015/109

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sipek that Council endorse the recommendation of the Liquiçá District Partnership Working Group and allocate expenditure of USD\$9,545.00 (at the AUD equivalent exchange rate) from the

Liquiçá Partnership account for the provision of computer training to seven village Chiefs and seven secretaries within the Liquiçá District.

CARRIED

9.16 Cost Shifting and Grant Reduction in Local Government

File No: FOL/12/766

Author: Manager Finance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/109

Council Resolution

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

1. Receives the report (refer Appendix A) on cost shifting and grant reduction in local government.
2. Notes the continued advocacy campaigning at all levels of government for adequate funding for Council services into the future.

CARRIED

9.20 Report on Advisory Committees

File No: FOL/14/1256

Author: Acting Coordinator Governance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/109

Council Resolution

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

- a) Moonee Valley Disability Reference Group held 13 April 2015 (Appendix A).
- b) Strategic Planning Advisory Committee held 16 April 2015 (Appendix B).
- c) Liquica District Partnership Working Group held 27 April 2015 (Appendix C).

CARRIED

9.21 Report on Tenders and Contracts Awarded

File No: FOL/14/1252

Author: Acting Coordinator Governance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/109

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sipek that Council receive and note the report of Council's Tenders Committee and tenders awarded at its meeting held 14 July 2015.

CARRIED

9.6 Flemington Hill Traffic and Parking Study - Update

File No: FOL/11/460

Author: Coordinator Transport

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2015/110

Council Resolution

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

1. Implement all adopted and committed traffic management treatments within Flemington Hill in a staged process, as detailed in Appendix A.
2. Commence the statutory process to permanently relocate the existing partial road closure of Victoria Street from Hill Street to Racecourse Road under Clause 9 of Schedule 11 of the Local Government Act 1989, as detailed in Appendix B.
3. Establish a Special Committee of Council, comprising all Councillors, to consider any written submissions received in accordance with Section 223 of the Local Government Act 1989.
4. Publish a public notice in a locally available newspaper giving an outline of the proposed relocation of the existing partial road closure, and stating that Council will receive submissions in accordance with Section 223 of the Local Government Act 1989 and further stating that submissions in respect to the proposed relocation of the partial road closure must be and will be considered by a Special Committee of Council (if required) on Tuesday, 20 October 2015 at 6.00pm.
5. Adopt the revised LATM implementation program as shown in Appendix C, with the Newmarket LATM commencing in 2018/19.

6. Advise the Working Group members, residents, landowners, traders and key stakeholders within the Flemington Hill local area of the outcome of this report.
7. Receive a further report at the completion of the Origin Destination Survey detailing results of the survey and considering the appropriateness of the commencement of the statutory process for the proposed three-month trial of the six (6) partial closures within the Flemington Hill local area in light of the changing circumstances and time elapsed since the Council resolution of 28 May 2013 and amend Appendix A as appropriate to reflect this.

CARRIED

9.7 Housing Strategy Update - Summary of consultation on Housing Issues and Opportunities Paper and next steps

File No: FOL/14/678

Author: Senior Strategic Planning Officer

Directorate: City Works & Development

Ward: Municipal

Minute No: 2015/111

Council Resolution

Moved by Cr Marshall, seconded by Cr Giuliano that Council adopts the Housing Issues and Opportunities Paper as provided in Appendix C (separately circulated) to this report.

CARRIED

Cr Nicole Marshall left the meeting at 9.33pm and returned at 9.35pm.

9.8 Airport West Activity Centre Structure Plan Review - Draft Issues and Opportunities Report

File No: FOL/14/963

Author: Senior Strategic Planning Officer

Directorate: City Works & Development

Ward: Rose Hill

Minute No: 2015/112

Council Resolution

Moved by Cr Surace, seconded by Cr Sipek that Council endorse the Airport West Activity Centre Structure Plan Review Draft Issues and Opportunities Report (Appendix A – separately circulated) for public exhibition for a period of four weeks subject to finalisation of images which are to be inserted into the

document prior to exhibition and include in dot point 5 under Public Transport the words trams, lightrail and trains (as it appears on Page 221 of the agenda).

CARRIED

9.9 Council's submission to the Better Apartments – A Discussion Paper

File No: FOL/15/499

Author: Senior Strategic Planning Officer

Directorate: City Works & Development

Ward: Municipal

Minute No: 2015/113

Council Resolution

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

1. Endorse the submission to the Better Apartments discussion Paper as provided in Appendix B (separately circulated).
2. Endorse the ranking of issues as outlined in the discussion section of this report.
3. Forward the submission to the Victorian State Government by Friday 31 July 2015.

CARRIED

9.15 Endorsement of Interstate Travel for Council Representative

File No: FOL/09/724

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/114

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council endorse the attendance of the Mayor and Deputy Mayor at the Parks & Leisure Australia Awards of Excellence and/or 19th National Conference between 25-28 October 2015.**CARRIED**

9.17 Bill Posters

File No: FOL/14/204

Author: Acting Coordinator Parking Control & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/115

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

1. Receive and note the report.
2. Write to the Victorian Government Department of Justice requesting amendment be made to the Summary Offences Act 1966 to ensure that responsibility for unauthorised posting of bills be extended to the organisation responsible for the posting of the bill.
3. Refer the issue of unauthorised bill posting to the next Municipal Council Association of Victoria State Council.

CARRIED

9.18 Recording of Public Council Meetings Policy

File No: FOL/14/204

Author: Acting Coordinator Governance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/116

Council Resolution

Moved by Cr Surace, seconded by Cr Siepk that Council defer this report pending further review of the policy.

CARRIED

9.19 Report on Assemblies of Council

File No: FOL/09/1245

Author: Acting Coordinator Governance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2015/117

Council Resolution

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

CARRIED

10. Notices of Motion

Councillor Giuliano declared a conflict of interest in Item 10.1 due to an indirect interest because of a residential amenity. He owns a property within the vicinity of the study area.

Cr Giuliano left the meeting before any discussion or voting took place on this item.

Cr Sipek left the meeting at 10.06pm and returned at 10.07pm.

10.1 Notice of Motion No. 2015/15

Title: Heritage Gap Study

From: Cr Nicole Marshall

Ward: Municipal

File No: FOL/14/1258

Minute No: 2015/118

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council request the Acting Chief Executive to prepare a report to be provided at the 22 September 2015 Ordinary Council Meeting outlining:

1. Those properties identified in the Heritage Gap Study which lie in or near Activity Centres; and
2. The current priority given to those properties for Stage 2 Heritage Studies, for the purpose of enabling Council to determine if the current Stage 2 priority for those properties is appropriate in light of the levels of development occurring in or near Moonee Valley's Activity Centres.

CARRIED

Cr Giuliano returned to the meeting at 10.12pm

10.2 Notice of Motion No. 2015/16

Title: Obsolete Signage
From: Cr Nicole Marshall
Ward: Municipal
File No: FOL/14/1258
Minute No: 2015/119

Council Resolution

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

1. Undertake a communications program requesting members of the community to report to Council signage within Moonee Valley road reserves and Council managed properties that the community member believes is superfluous, confusing, damaged or otherwise inappropriate with a view to the relevant signage being removed, amended or repaired as applicable where Council has authority to undertake those actions.
2. Work in partnership with other authorities responsible for signage where reported as a result of Point 1 above where Council does not have the authority to rectify the relevant issue.

CARRIED

10.3 Notice of Motion No. 2015/17

Title: Advertising Billboards at Napier Park
From: Cr Jan Chantry
Ward: Municipal
File No: FOL/14/1258
Minute No: 2015/120

Council Resolution

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

1. Revoke its previous decision made 4 February 2004 concerning billboard advertising for community events in Napier Park which allows:
 - a) A maximum of 1 sign for the reserve;
 - b) Restrictions in size of sponsor's logo; and
 - c) Advertising is limited to community bodies from Moonee Valley.
2. Cease to permit all billboard advertising in Napier Park.

CARRIED

10.4 Notice of Motion No. 2015/18

Title: Land Acquired and Sold by Council

From: Cr Paul Giuliano

Ward: Municipal

File No: FOL/14/1258

Minute No: 2015/121

Council Resolution

Moved by Cr Giuliano, seconded by Cr Surace that Council request the Acting Chief Executive prepare a report on all land acquired and sold by Council in the last five years and include a copy of all Council reports associated with these decisions.

CARRIED

10.5 Notice of Motion No. 2015/19

Title: Parking Restrictions Brewster Street, Essendon

From: Cr Paul Giuliano

Ward: Municipal

File No: FOL/14/1258

Minute No: 2015/122

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council resolve to consult the residents, land owners and occupants of Brewster Street, Essendon from Mt Alexander Road to Grice Crescent (north and south side) for the purpose of altering parking permit conditions from one hour to two hours.

The consultation to take place within the next 2-3 weeks and a report to be brought back to Council at the next Ordinary Meeting of Council to be held Tuesday, 25 August 2015.

CARRIED

11. Urgent Business

Moved by Cr Sipek, seconded by Cr Surace that the item from Cr Sipek regarding Council convening an Anzac Day Centenary Committee be considered as Urgent Business.

CARRIED UNANIMOUSLY

Title: Letter of Support on behalf of Smith Theatre Incorporated

File No: FOL/11/421

Minute No: 2015/123

Council Resolution

Cr Sipek moved and Cr Surace seconded that Council write a letter of support from the Mayor and Council on behalf of Smith Theatre Incorporated to Samuel French Incorporation and Origin Theatrical Pty Ltd to perform Rock of Ages.

CARRIED

Cr Giuliano left the meeting at 10.45pm and returned at 10.47pm

12. Confidential Report

Council Resolution

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

CARRIED

Consideration of Confidential Reports

12.1 Tender Evaluation for Drainage Maintenance Services

Council Resolution

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

CARRIED

The meeting concluded at 10.50pm.

CONFIRMED

**CR NARELLE SHARPE
CHAIRPERSON**