



City of
Moonee Valley

Ordinary Meeting of Council

Monday, 19 September 2016

Minutes

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Minutes of the Ordinary Meeting of Council

Monday, 19 September 2016 at 7.03pm
held at the Moonee Valley Civic Centre

PRESENT :

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

Officers: Mr Bryan Lancaster Chief Executive Officer
Ms Gail Conman Director City Services
Ms Natalie Reiter Director Planning & Development
Mr Anthony Smith Director Corporate & Community Services
Mr James Martin Acting Director Organisational Performance
Mr Petrus Barry Manager Statutory Planning
Mr Troy Delia Acting Manager Legislative Services & Support

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Monday, 19 September 2016.

2. Apologies

Nil

3. Confirmation of Minutes

Minute No. 2016/145

Council Resolution

Moved Cr Cusack, Seconded Cr Sharpe that the Minutes of the Ordinary Meeting of Ordinary held on Tuesday, 23 August 2016 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Nil

5. Presentations

Cr Surace presented a plaque to Cr Giuliano as a record of his term as Deputy Mayor. Cr Giuliano thanked the Mayor.

Cr Giuliano presented a Gavel to Cr Surace as a record of her term as the Mayor. Cr Surace thanked Cr Giuliano and the Councillors.

6. Petitions and Joint Letters

6.1 Planning Application - 86 Glass Street, Essendon

File No. MV/22/2016

Cr Chantry tabled a petition signed by 51 residents, requesting that Council refuse the planning application MV/22/2016 for 86 Glass Street, Essendon.

6.2 Proposed Removal of Chicane, St Leonards Road, Ascot Vale

File No. FOL/16/42

Cr Marshall tabled a petition signed by 18 residents of St Leonards Road, Ascot Vale, requesting that Council reject the proposed removal of chicane on St Leonards Road, Ascot Vale, between Union Road and Ferguson Street.

6.3 Proposed Naming of Afton Street Bridge

File No. FOL/15/594

Cr Paul Giuliano tabled 445 individually signed letters, objecting to the proposed name of Livingstone Bridge, and requesting that the bridge be named the Afton Street Bridge.

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

7. Public Question Time

Question 1

A public question was received from Mr Jon Fleming of Aberfeldie.

The Chief Executive Officer advised that the question could not be accepted as it related to a matter listed on the Meeting Agenda.

8. Reports by Mayor and Councillors

File No. FOL/16/130

Minute No. 2016/146

Council Resolution

Moved Cr Sipek, Seconded Cr Marshall that the reports by the Mayor and Councillors be received with the following amendments as tabled:

Cr Chantry:

8 September 2016	Attended MAV Annual Conference Dinner held at the Sofitel Hotel, Melbourne
9 September 2016	Attended Community Aviation Consultative Group meeting held at Essendon Fields House
12 September 2016	Chaired ANZAC Centenary Community Committee meeting Attended Consultation briefing and meeting in relation to 131 Fawkner Street, Essendon planning application Attended Consultation briefing and meeting in relation to 37-39 Nimmo Street, Essendon planning application
13 September 2016	Attended Public Forum and Councillor Briefing
14 September 2016	Attended Consultation briefing and meeting in relation to 72 Nimmo Street, Essendon planning application Attended Consultation briefing and meeting in relation to 15 Hayes Road, Strathmore planning application
15 September 2016	Attended End of Councillor Term morning tea at the Depot
17 September 2016	Attended a meeting with residents and traders in Napier Street Attended Strathmore Bowls Club women and men's President to discuss issues with the greens and road works on freeway

18 September 2016 Attended Theatre Performance “If these walls could talk” at the Clocktower Centre

19 September 2016 Attended Ordinary Meeting of Council

Cr Cusack:

7 September 2016 Attended Union Road Traders AGM

8 September 2016 Attended meeting with resident proposed development North Street, Ascot Vale

10 September 2016 Attended EDFL Grand Final

12 September 2016 Attended ANZAC Centenary Community Co-ordinating Committee meeting

13 September 2016 Attended Tenders Committee meeting

Attended Public Forum and Councillor Briefing

14 September 2016 Attended Council Elections Candidate Information Session held at Moonee Valley City Council

17 September 2016 Attended Official Opening Luncheon to mark the beginning of the 2016 Royal Melbourne Show

19 September 2016 Attended Ordinary Meeting of Council

Cr Marshall:

7 September 2016 Attended meeting with Manager Statutory Planning in relation to property in Pattison Street, Moonee Ponds

Attended Union Road Traders Association meeting

8 September 2016 Attended Strategic Planning Advisory Committee – September meeting

Attended Kent Street Traffic Management Study working group meeting

9 September 2016 Attended Launch of “Active Path” at Flemington Primary School assembly

13 September 2016 Attended Public Forum and Councillor Briefing

16 September 2016 Attended Courthouse Recovery Committee meeting

17 September 2016 Attended Official Opening Luncheon to mark the beginning of the 2016 Royal Melbourne Show

19 September 2016 Attended Audit Committee meeting

Attended Ordinary Meeting of Council

Cr Nation:

7 September 2016 Attended Citizenship Ceremony at the Clocktower Centre

13 September 2016	Attended Councillor Briefing
14 September 2016	Attended VEC Candidate Information Session held at Civic Centre Moonee Ponds
19 September 2016	Attended Audit Committee Meeting Attended Ordinary Meeting of Council
Cr Surace:	
8 September 2016	Attended MAV Annual Conference Dinner held at the Sofitel Hotel, Melbourne
9 September 2016	Attended MAV State Council Conference
10 September 2016	Attended Premier Division Grand Final Luncheon Attended Bully Zero Charity Ball
12 September 2016	Attended ANZAC Committee meeting
13 September 2016	Attended meeting with Manager Economic Development Business Support and Representative from ICMI Speakers and Entertainers Attended meeting with Manager Infrastructure Services to discuss Overland Reserve Chaired Public Forum and Councillor Briefing
14 September 2016	Attended Finding My Place Graduation Ceremony held at Avondale Heights Library and Learning Centre Chaired Essendon Citizens Advice Bureau Annual General Meeting Attended meeting with Director Planning and Development, Manager Statutory Planning and Representative to discuss major advertising boundaries and opportunities Attended Consultation briefing and meeting in relation to 1/44 Bowes Avenue, Airport planning application Attended Council Elections Candidate Information Session held at Moonee Valley City Council
15 September 2016	Attended End of Councillor Term Breakfast held at the Depot
16 September 2016	Attended Courthouse Recovery Committee meeting
17 September 2016	Attended Official Opening Luncheon to mark the beginning of 2016 Royal Melbourne Show

19 September 2016 Attended End of Councillor Term morning tea
Attended meeting with Chief Executive Officer and Representative from “easy2go” to discuss new car sharing concept
Attended afternoon tea with Statutory Planning Officers
Chaired Ordinary Meeting of Council

CARRIED UNANIMOUSLY

9. Reports

The Mayor vacated the Chair and appointed Deputy Mayor, Cr Giuliano as Temporary Chairperson.

9.1 19-21 Matthews Avenue, Airport West (Lots 7 and 8 on Plan of Subdivision 026084) - Construction of ten dwellings and a reduction in car parking requirements

File No: FOL/16/130
Author: Principal Statutory Planner
Directorate: Planning & Development
Ward: Rosehill

Motion

Moved Cr Surace, Seconded 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, the decision would have been to issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/136/2016 for the construction of ten dwellings and a reduction in car parking requirements at No. 19-21 Matthews Avenue, Airport West (Lots 7 and 8 on Plan of Subdivision 026084), on the following grounds:

1. The bulk, scale, form and layout of the proposal fails to meet Clause 21.06-1 (Neighbourhood Character) and Clause 55.02-1 (Neighbourhood Character Objectives) of the Moonee Valley Planning Scheme as it does not respect the character of the existing neighbourhood or integrate well with the street
2. The proposal fails to provide sufficient visitor car parking as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and would exacerbate parking problems in the surrounding area.

3. The proposal fails to satisfy the following standards contained within Clause 55 (Two or More Dwellings on a Lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
 - a) Clause 55.04-3 (Daylight to existing windows);
 - b) Clause 55.04-4 (North-facing windows);
 - c) Clause 55.04-5 (Overshadowing); and
 - d) Clause 55.04-6 (Overlooking).
4. The proposed height fails to meet the design objectives of Schedule 9 to Clause 43.02 (Design and Development Overlay – DDO9) – *Essendon Airport – Obstacle Height Area No. 2*.

For: Crs Surace, Sipek

Against: Crs Giuliano, Chantry, Cornish, Cusack, Marshall, Nation, Sharpe

LOST

Minute No. 2016/147

Council Resolution

Moved Cr Marshall, Seconded Cr Chantry 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, the decision would have been to issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/136/2016 for the construction of ten dwellings and a reduction in car parking requirements at 19-21 Matthews Avenue, Airport West (Lots 7 and 8 on Plan of Subdivision 023084), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale and three copies must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Defined pedestrian/shared zone within the vehicle accessway and additional pedestrian accessways provided to the proposed visitor car space and on the west (rear) boundary, connecting to the proposed pedestrian accessways and the shared accessway.
 - b) Lowered sill heights of 1.4 metre minimum above floor level to the ground floor windows adjacent to the entries to Dwellings 8 and 9, facing the communal open space.
 - c) The proposed accessway to be widened from 4.8 to 5.5 metres with an associated widening of and alignment to the proposed crossover.
 - d) Fixed obscure glazing to a height of 1.7 metre above floor level or an

increased 1.7 metre sill height above the floor level in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the following windows:

- i). The south-facing, first floor (kitchen/dining) window of Dwelling 8.
 - ii). The south-facing, first floor (Bed 2) windows of Dwellings 9 and 10.
 - iii). The west-facing first floor (kitchen/dining) window of Dwelling 10.
- e) Additional screening or a free standing screen abutting the southern boundary fence, with a height measuring at least 1.7 metres above the finished ground floor level of Dwellings 8, 9 and 10, spanning between the eastern edge of Dwelling 8 and the rear (western) boundary.
 - f) Any resultant modifications to the building or glazing materials and associated notations arising from the acoustic report required by Condition 17.
 - g) Additional design or landscape elements to improve the appearance and landmark of the pedestrian entries on each side boundary.
 - h) Corrections to the notated sizes/areas of the balconies in Dwellings 1 to 6, complying with the required minimum 8sqm provision.
 - i) Notated dimensions, including heights, of the internal storage areas to comply with the required 6 cubic metre volume.
 - j) The storage area of Dwelling 8 to be 1.5 to 1.8 metres above finished floor level high to avoid any impact to a parked car.
 - k) Details on the floor plans and elevations of any site services within the balconies, etc and their location, size and any screening.
 - l) A schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roof, fascias, windows frames, fences and paving.
 - m) Pedestrian visibility splays in accordance with Clause 52.06 of the Moonee Valley Planning Scheme and any subsequent modifications to the proposed front fences adjacent to the proposed accessway.
 - n) Notation to state the provision of 300mm wide trench gates in front of each garage door.
 - o) Notation to state the planting of a new street tree at the front of Dwelling 1 to the satisfaction of the Responsible Authority.
 - p) Notation to state that the kerb and channel to be re-constructed and re-levelled to the satisfaction of the Responsible Authority.
 - q) Notation to state that the concrete footpath to be re-constructed and re-levelled to the satisfaction of the Responsible Authority.
 - r) Lighting along the pedestrian accessways, the visitor car space and

the shared accessway.

- s) The internal access doors at the garages of Dwellings 1 to 5 and 7 to open outwards, not inwards into the parking area.
- t) Notation to state: “*The rainwater from total roof area of XXXm² is to be collected and discharged via a mechanically pumped or fully charged or gravity fed system (applicant to select type of system) into a XXXXL capacity rainwater tank which is to be connected to all toilets for toilet flushing*”.
- u) All Built Environment Sustainability Scorecard (BESS) treatment measures and associated notations to be shown on the relevant plans in accordance with the approved BESS report.
- v) Any modifications as a result of the recommendations on the amended Waste Management Plan as required by Condition 21.
- w) A separate, full copy of the STORM report (that is not incorporated as part of the approved BESS report).
- x) Direction signage and linemarking of the visitor car space.
- y) 11 resident car parks and 2 Visitor car parks

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

- 2. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.
- 3. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) (relating to the WSUD treatment measures) nominated in the approved and complying STORM report), such as cross sections and/or specifications for the permeable paving, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approved by the Responsible Authority.
- 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 and construction vehicles.
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;

- h) Environmental management and waste minimisation;
- i) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- k) Arrangements for chemical storage;
- l) Noise and vibration control;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected to work on the site at any one time.

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

The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

5. A minimum of 30 days prior to any building or works 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 completing and commissioning of all WSUD Response treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

6. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
7. Before the buildings are approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the

endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

8. Before the buildings approved by the permit are occupied, boundary fencing is to be constructed in accordance with endorsed plans to the satisfaction of the Responsible Authority.
9. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) available for use in accordance with the endorsed plans;
 - c) properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
 - d) finished with a permanent trafficable surface (such as concrete, asphalt or paving),

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

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

- e) be maintained and made available for such use; and
 - f) not be used for any other purpose,
- to the satisfaction of the Responsible Authority.
10. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

11. The existing street located to the north of the proposed crossover must not be removed or replaced without the prior written consent of the Responsible Authority. Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement of the street tree must be borne by the permit

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

12. Before the existing street tree situated to the north of the proposed crossover is removed, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the tree must be undertaken to the requirements and satisfaction of the Responsible Authority.
13. The existing street tree to be removed must be replaced with an advanced tree which is at least 2 metres high at the time of planting and of a species and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the replacement tree including:
 - 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 costs associated with the removal and replacement of the street tree must be borne by the permit applicant.

14. 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.
15. 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.
16. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

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

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

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

17. Before the development starts, an acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail noise attenuation measures required to all habitable rooms within the development to ensure minimal noise impacts external to the development.

When approved, the acoustic report will be endorsed and will form part of the permit.

The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

18. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is cause to any person within or beyond the land.
19. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and three copies must be provided. The amended landscape plan must be generally in accordance with the application but modified to show:
- a) Plans to accord with Condition 1 of this permit;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) The use of drought tolerant species;
 - d) The provision of at least two canopy trees within the front setback which are able to achieve a minimum mature height of 4 metres;
 - e) Features such as paths, paving and accessways;
 - f) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
 - g) All planting abutting the accessway and land frontage to having a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme; and
 - h) An appropriate irrigation system.

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

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

20. Before the buildings approved by this permit are occupied, all landscaping (all trees, shrubs and lawn) must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
21. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants".

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

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

22. This permit will expire if:
 - a) the development does not start within two (2) years of the date of issue of this permit; or
 - b) the development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All 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 and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- Before the development starts, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal and replacement of the nominated street tree. Please contact Council on 9243 888 to speak with Council's Arborist.
- No on street parking permits will be provided to the occupiers of the land.
- Should any activity and buildings and works (including television antenna and flagpole) occur above 80.00 metres Australian Height Datum, separate planning approval from the Responsible Authority as well as written approval from the Essendon Airport will be required.
- Should any construction activity occur above 80.00 metres Australian Height Datum (eg cranes) approval will be required from Essendon Airport.

For: Crs Giuliano, Chantry, Cornish, Cusack, Marshall, Nation

Against: Crs Surace, Sharpe, Sipek

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

7.54 The Mayor resumed the Chair.

**9.2 199-203 Union Road, Ascot Vale (Lot 1 TP846865E) -
partial demolition of the existing building, external
painting, construction of a multi-storey building to
accommodate a ground floor shop (supermarket), use of
the land for a childcare centre along with dwellings
along with a waiver of the loading bay requirements**

File No: FOL/16/130

Author: Principal Planner/Appeals Advocate

Directorate: Planning & Development

Ward: Myrnong

Minute No. 2016/148

Council Resolution

Moved Cr Marshall, Seconded Cr Cusack that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/467/2015 for the partial demolition of the existing building, external painting, construction of a multi-storey building to accommodate a ground floor shop (supermarket), use of the land for a childcare centre along with dwellings and a waiver of the loading bay requirements at 199-203 Union Road, Ascot Vale (Lot 1 TP846865E), on the following grounds:

1. The proposal fails to meet the overarching objective and strategies of Clause 15.01-2 (Urban Design Principles) and Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to appropriately respond to its location and the surrounding context including respect of its visual bulk & scale.
2. The proposal fails to meet the objective and strategies of Clause 15.03-1 (Heritage Conservation) of the Moonee Valley Planning Scheme as the proposal does not ensure the conservation of places of heritage significance.
3. 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.
4. The proposal fails to meet the decision guidelines contained within Clause 43.01-4 (Heritage Overlay) of the Moonee Valley Planning Scheme.
5. The proposed mix of uses for the subject site are not considered appropriate in the context of the surrounding area and would detrimentally affect the amenity of the neighbourhood, Union Road Shopping precinct, traffic generation and car parking.
6. The proposed loading arrangement is considered to exacerbate car parking and traffic issues for the surrounding area.

CARRIED UNANIMOUSLY

9.3 29-35 St Kinnord Street, Aberfeldie (Lots 20 & 22 Block D on PS 002016) - Construction of a single storey addition to be used in association with an existing kindergarten

File No: FOL/16/130
Author: Senior Statutory Planner
Directorate: Planning & Development
Ward: Buckley
Minute No. 2016/149

Council Resolution

Moved Cr Giuliano, Seconded Cr Sharpe that Council in relation to Planning Permit Application No. MV/169/2013/A for construction of a single storey addition to be used in associated with an existing kindergarten at 29-35 St Kinnord Street, Aberfeldie (Lots 20 & 22 Block D on PS 002016), defer the decision until the next meeting of Council on 22 November 2016, on the following grounds:

1. The claimed discrepancies in the car parking survey provided by the applicant to be investigated by Council officers to reflect an accurate depiction of parking vacancies in St Kinnord Street in order for an informed decision to be made.

CARRIED UNANIMOUSLY

9.4 320 Ascot Vale Road, Moonee Ponds (Lot 1 on TP 607044J) - Use of the land as restaurant, sale and consumption of liquor and a reduction in car parking requirements

File No: FOL/16/130
Author: Senior Statutory Planner
Directorate: Planning & Development
Ward: Myrnong
Minute No. 2016/150

Council Resolution

Moved Cr Marshall, Seconded Cr Nation that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/619/2015 for the use of the land as restaurant, sale and consumption of liquor and a reduction in car parking requirements at 320 Ascot Vale Road, Moonee Ponds (Lot 1 on TP 607044J) in accordance with the following grounds of refusal:

1. The proposal fails to appropriately respond to the policy directions contained within Clause 22.04-3 (Policy) of the Moonee Valley Planning Scheme.
2. The proposal fails to provide sufficient car parking as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and is expected to lead to an increased pressure for on-street parking in the surrounding area to an unacceptable degree.
3. The proposal is inappropriate with regard to the zoning of the land and the nature of the surrounding locality and will have a significant and unreasonable adverse effect on the residential amenity of neighbouring land.
4. The proposed licensed hours are excessive and will have a detrimental effect on the amenity of the area.
5. The proposal will exacerbate existing traffic issues in the area to an unreasonable degree.
6. The proposed use is not in accordance with Clause 37.08-9 (Activity Centre Zone – Decision Guidelines) of the Moonee Valley Planning Scheme.

CARRIED UNANIMOUSLY

9.5 86 Glass Street, Essendon (Lot 1 TP680221Y) - Construction of two dwellings to the rear of an existing dwelling

File No: FOL/16/130
Author: Principal Statutory Planner
Directorate: Planning & Development

Ward: Buckley
Minute No. 2016/151

Council Resolution

Moved Cr Chantry, Seconded Cr Sharpe that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/22/2016 for the construction of two dwellings to the rear of an existing dwelling at No.86 Glass Street, Essendon (Lot 1 TP680221Y), on the following grounds:

1. The proposal fails to meet the overarching objective and strategies of Clause 15.01-5 (Cultural Identity and Neighbourhood Character) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond and contribute to neighbourhood character.
2. The proposal fails to meet the objectives of Clause 21.06-1 (Neighbourhood Character) as it does not respect the existing neighbourhood character or contribute to the preferred character of the 'Garden Suburban 3' precinct.
3. The proposed bulk, scale, built form and layout fails to meet the objective and strategies contained within Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond to its location and the surrounding context.
4. The proposal fails to satisfy the following standards contained within Clause 55 (Two or More Dwellings on a Lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
 - a) Clause 55.02-1 (Neighbourhood Character Objectives);
 - b) Clause 55.03-1 (Street Setback Objective);
 - c) Clause 55.03-3 (Site Coverage Objective);
 - d) Clause 55.03-8 (Landscaping Objectives);
 - e) Clause 55.04-1 (Side and Rear Setbacks Objective);
 - f) Clause 55.04-2 (Walls on Boundaries Objective);
 - g) Clause 55.04-5 (Overshadowing Open Space Objective);
 - h) Clause 55.04-6 (Overlooking Objective);
 - i) Clause 55.05-1 (Accessibility Objective);
 - j) Clause 55.05-4 (Private Open Space Objective); and
 - k) Clause 55.06-2 (Front Fences Objective).
5. The proposal will exacerbate traffic impacts within Schofield Street and will cause adverse traffic impacts on the surrounding area, which will be substantial and unreasonable, with particular regard to the intersection of Glass Street and Schofield Street.
6. The proposal is an overdevelopment of the site.

CARRIED UNANIMOUSLY

9.6 Alf Pearce Reserve Fenced Dog Park Design

File No: FOL/16/130

Author: Coordinator Open Space & Urban Design

Directorate: Planning & Development

Ward: Buckley

Minute No. 2016/152

Council Resolution

Moved Cr Sharpe, Seconded Cr Giuliano that Council:

1. Undertake further consultation to confirm the final design of the fenced dog park in Alf Pearce Reserve for construction.

CARRIED UNANIMOUSLY

Cr Giuliano left the meeting at 9:10pm.

9.7 Debneys Park Update

File No: FOL/16/130

Author: Coordinator Open Space & Urban Design

Directorate: Planning & Development

Ward: Myrnong

Minute No. 2016/153

Council Resolution

Moved Cr Cusack, Seconded Cr Marshall that Council

1. Approve the draft design for fencing relocation, shared pathway and junior playspace at Debneys Park.
2. Undertake consultation to inform the community of the design inclusive of the playspace, shared pathway and fence.
3. Request State Government for an additional financial contribution to the improvements which will benefit the broader community.
4. Consider the shortfall of funding to be referred to the 2016/17 Capital Works Program.

CARRIED UNANIMOUSLY

Cr Giuliano returned to the meeting at 9:18pm.

9.8 24 Craig Street, Keilor East- Parking Supply Options

File No: FOL/16/130

Author: Traffic & Transport Engineer

Directorate: Planning & Development

Ward: Rosehill

Motion

Moved Cr Cornish that Council:

1. Endorse discussions with the Body Corporate 24 Craig Street, Keilor East and key stakeholders including residents within a 500 metre radius regarding an option to provide four car parking spaces for use by visitors to 24 Craig Street, Keilor East on part of Council's Steele Creek Drive Reserve as shown in **Attachment F**.
2. Receive a further report outlining the outcomes of the discussions.
3. Refer to the Steele Creek Master Plan and its relevant recommendations.

THE MOTION LASED FOR WANT OF A SECONDER

Minute No. 2016/154

Council Resolution

Moved Cr Sipek, Seconded Cr Sharpe that Council:

1. Endorse discussions with the Body Corporate 24 Craig Street, Keilor East and key stakeholders, community and the Friends of Steele Creek regarding an option to provide four car parking spaces for use by visitors to 24 Craig Street, Keilor East on part of Council's Steele Creek Drive Reserve as shown in **Attachment F**.
2. Temporarily fence off the area required to provide four car spaces to prevent further encroachment into the Reserve.
3. Receive a further report outlining the outcomes of the discussions.

For: Crs Surace, Giuliano, Chantry, Cusack, Marshall, Nation, Sharpe, Sipek

Against: Nil

Abstain: Cr Cornish

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

Cr Cornish left the meeting at 9:31mm.

9.9 Kent Street Traffic Management Study

File No: FOL/16/130

Author: Senior Traffic & Transport Engineer

Directorate: Planning & Development

Ward: Myrnong

Minute No. 2016/155

Council Resolution

Moved Cr Cusack, Seconded Cr Marshall that Council:

1. Adopt the Kent Street Traffic Management Plan as presented in **Appendix B**, noting the threshold treatments proposed for Queens Avenue and Pin Oak Crescent will not be raised but level with the existing road surface.
2. Refer the works within the Traffic Management Plan to future Capital Works Budget for funding consideration, noting the Queens Avenue / Pin Oak Crescent works will constructed in the 2016/17 financial year.
3. Advise residents and traders within the Kent Street Traffic Management Study area of the outcome of this report.
4. Advocate to VicRoads for the removal of Kent Street from the Over-Dimensional Route Network and funding opportunities for the installation of traffic signals at Mt Alexander Road and Kent Street.
5. Advocate to State Government and Vicroads to fund reconfiguration of the controlled intersection at Wellington Street and Mt Alexander Road to incorporate Kent Street, Mangalore and Flemington Streets. Noting the proposal developed by Council Officers during this LATM study.

CARRIED UNANIMOUSLY

9.10 Local Area Traffic Management Studies - Implementation Status

File No: FOL/16/130
Author: Traffic & Transport Engineer
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/156

Council Resolution

Moved Cr Nation, Seconded Cr Giuliano that Council:

1. Note the implementation status of the traffic management plans for the Fletcher, St Therese's, Dean, Holmes and Buckley Park local areas as shown in **Appendix A**.
2. Adopt the revised Local Area Traffic Management study program as shown in **Appendix B** noting Valley Lake (Area 2A) commencing in 2017/18.

CARRIED UNANIMOUSLY

Reports Considered En Bloc

Minute No. 2016/157

Council Resolution

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

- 9.15 Moonee Valley Early Years Plan 2014-22 - Action Plan Progress Report 2015-16.
- 9.16 Councillor-Community Dispute Resolution Policy
- 9.17 Independent Member Appointments to Councils Audit Advisory Committee
- 9.18 Report on Assemblies of Council
- 9.19 Report on Advisory Committees

be adopted.

CARRIED UNANIMOUSLY

9.15 Moonee Valley Early Years Plan 2014-22 - Action Plan Progress Report 2015-16.

File No: FOL/16/130

Author: FC&S Strategic Planning Advisor

Directorate: Corporate & Community Services

Ward: Municipal

Minute No. 2016/157

Council Resolution

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

1. Receive and note the MVEYP Progress Report on the implementation of the Action Plan 2015-16 and the Action Plan for 2016-17.
2. Endorse and become a signatory to the Victorian Child Friendly Cities and Communities Charter.
3. Notify the Victorian Local Government Association (VLGA) and Victorian Child Friendly Cities and Communities Network of Moonee Valley City Council's commitment to The Charter.

CARRIED UNANIMOUSLY

9.16 Councillor-Community Dispute Resolution Policy

File No: FOL/16/130

Author: Coordinator Legislative Services

Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/157

Council Resolution

Moved by Cr Giuliano, seconded by Cr Nation that Council adopt the Councillor-Community Dispute Resolution Policy (provided as **Appendix A**) and that a copy of the adopted Policy be made available on Council's website

CARRIED UNANIMOUSLY

9.17 Independent Member Appointments to Councils Audit Advisory Committee

File No: FOL/16/130
Author: Acting Manager Finance
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/157

Council Resolution

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

1. Appoint Mr David Ashmore as an independent member of the Audit Committee for a period of three months to 28 February 2017.
2. Appoint Mr David Nairn as an independent member of the Audit Committee for a period of five months to 28 February 2017.

CARRIED UNANIMOUSLY

9.18 Report on Assemblies of Council

File No: FOL/16/130
Author: Coordinator Legislative Services
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/157

Council Resolution

Moved by Cr Giuliano, seconded by Cr Nation that Council receive and note the written records of Assembly of Councillors, provided as **Appendix A**, received since the last report to Council in August 2016.

CARRIED UNANIMOUSLY

9.19 Report on Advisory Committees

File No: FOL/16/130
Author: Coordinator Legislative Services
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/157

Council Resolution

Moved by Cr Giuliano, seconded by Cr Nation that Council receive and note the following confirmed Advisory Committee Meeting Minutes, received since the last report to Council in August 2016:

- a) Municipal Emergency Management Planning Committee held on 12 May 2016 (**Appendix A**);
- b) Moonee Valley Young Peoples' Coalition Meeting held on 26 May 2016 (**Appendix B**); and
- c) ANZAC Centenary Community Coordinating Committee held on 6 June 2016 (**Appendix C**)

CARRIED UNANIMOUSLY

9.11 Bluestone Laneways

File No: FOL/16/130
Author: Senior Strategic Planner
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/158

Council Resolution

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

1. Include in Council's future work plan the preparation of a laneway policy, to among other things protect bluestone laneways and specifically acknowledge the heritage contribution of Moonee Valley's bluestone laneways, kerbs and channels and in preparing that policy, give detailed consideration to the suitability of applying the heritage overlay or other planning controls to such bluestone infrastructure.
2. Integrate preparation of a laneway policy into the Neighbourhood Character Study review.
3. Continue to address protection for laneways, kerbs and asphalt footpaths as part of all Construction Management Plans.
4. Strengthen Council's internal procedures to:
 - a) Acknowledge that bluestone laneways are an important community asset and contribute to neighbourhood character;

- and
- b) Ensure Council works are only undertaken in laneways after proper consideration of their community value and neighbourhood contribution.
5. Continue to apply Council's engineering standards for repairing bluestone kerbs and asphalt footpaths.
 6. Prepare engineering standards for the laying of bluestone pitchers in laneways and make them publically available as per standards for other engineering works.
 7. Resolve to consider the reinstatement of existing bluestone laneways in situations where they have been resurfaced on a case by case basis and as situations arise.

CARRIED UNANIMOUSLY

9.12 Moonee Ponds Bowling Club - Exercise of Lease Option

File No: FOL/16/130
Author: Property Consultant
Directorate: City Services
Ward: Myrnong
Minute No. 2016/159

Council Resolution

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

1. Notes that Moonee Ponds Bowling Club has exercised its option for a final three year lease for occupancy and use of bowling club land at Queens Park, Moonee Ponds, expiring on 9 August 2019.
2. Notes that for the final three year lease extension option, the amount of \$5,000 per annum (the amount payable to MPBC) will be paid through Council's Community Funding (Grants) area, subject to an application being made each year.
3. Agrees that the Essendon Italian Pensioners Group caterer be provided with access for two (2) nominated vehicles to Queens Park reserve, via the Mt Alexander Road entry gate, for the purpose of transporting food and equipment for the functions held on nine nominated Sundays in accordance with the lease requirements.
4. Meet with Moonee Ponds Bowling Club to discuss the provision of services to hirers of the facility, including Essendon Italian Pensioners Group.
5. Notes that if the Essendon Italian Pensioners Group cannot continue its scheduled events, that council will assist in finding new accommodation.

6. In the event the Essendon Italian Pensioners Group do vacate, no further monies will be paid to Moonee Ponds Bowling Club, in relation to its rental use by the Essendon Italian Pensioners Group.

CARRIED UNANIMOUSLY

**9.13 Recommissioning of the Water Fountain opposite the
Clocktower Centre, Moonee Ponds**

File No: FOL/16/130
Author: Manager Infrastructure Services
Directorate: City Services
Ward: Myrnong
Minute No. 2016/160

Council Resolution

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

1. Note the report.
2. Carry out further scoping of options for the fountain area considering:
 - a) Public Transport Victoria's plans to upgrade the adjacent bus interchange in the next year.
 - b) Inclusion of water sensitive urban design elements and other potential improvements to the fountain area, such as providing a shaded, cool space in a heavily urbanised environment.
 - c) Application of the Sustainable Water Hierarchy to ensure the use of the most appropriate water source.
3. Refer the proposal for consideration in the capital works program for 2017/18.

CARRIED UNANIMOUSLY

Cr Sipek left the meeting at 10.06pm and returned at 10.08pm.

**9.14 Update of the Strathmore Children's Centre
Redevelopment –
Stage 2**

File No: FOL/16/130
Author: Manager, Family & Children Services
Directorate: Corporate & Community Services
Ward: Buckley
Minute No. 2016/161

Council Resolution

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

1. Defer the relocation of the Strathmore Heights Kindergarten and Strathmore Community Kindergarten to the redeveloped Strathmore Children's Centre (Stage 2) to the 31 December 2019.
2. Request an extension of the expiry date for the commencement of construction and use in relation to the planning permit (MV/37/2014) for 1-5 Term Street, Strathmore, due to expire on the 9 September 2017.
3. Continue to pursue Capital Grant funding opportunities for Strathmore Children's Centre.
4. Disseminate information to service users and the local community of the changes.

CARRIED UNANIMOUSLY

10. Notices of Motion

10.1 Notice Of Motion No. 2016/24 - Edinburgh Street Heritage Precinct

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Myrnong
Minute No. 2016/162

Council Resolution

Moved Cr Marshall, Seconded Cr Cusack that Council requests the Chief Executive Officer to prioritise work to achieve a Heritage Overlay over the relevant area of the Edinburgh Street Flemington Precinct with a view to having this Overlay in the Planning Scheme within the next 18 months.

CARRIED UNANIMOUSLY

10.2 Notice Of Motion No. 2016/25 - Development of Policy for Dog Parks

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal
Minute No. 2016/163

Council Resolution

Moved Cr Marshall, Seconded Cr Sipek that Council requests the Chief Executive Officer to prepare a policy to guide the future development of Dog Parks.

CARRIED UNANIMOUSLY

10.3 Notice Of Motion No. 2016/26 - Open Space Contribution Update Report

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal
Minute No. 2016/164

Council Resolution

Moved Cr Marshall, Seconded Cr Sipek that Council requests the Chief Executive Officer to prepare a report for the November 2016 Ordinary Meeting outlining the available Open Space Contribution monies by precinct and an indication of projects underway or planned for this Council term to expend these funds.

CARRIED UNANIMOUSLY

10.4 Notice Of Motion No. 2016/27 - New Residential Zones

File No: FOL/16/130
From: Councillor Jan Chantry
Ward: Municipal
Minute No. 2016/165

Council Resolution

Moved Cr Chantry, Seconded Cr Giuliano that item 10.4 Notice of Motion No. 2016/27 - New Residential Zones be withdrawn from this item and re-tabled as item of Urgent Business 11.1.

11. Urgent Business

The Chairperson sought a vote to accept an item of urgent business relating to New Residential Zones.

CARRIED UNANIMOUSLY

11.1 New Residential Zones

File No: FOL/16/130
Minute No: 2016/166

Council Resolution

Moved Cr Chantry, Seconded Cr Giuliano that Council request Officers prepare a report for the November 2016 Ordinary Meeting detailing the plethora of work undertaken by the last Council to put in place the Neighbourhood Residential Zone throughout much of the City of Moonee Valley. This report should highlight the work Councillors undertook with Michael Buxton and the work prepared by SGS Consultants which resulted in the preparation of Amendment C137. The Panel

Report which considered Amendment C137 did not support the proposed 68-70% coverage by Neighbourhood Residential Zone, and allowing dwelling growth within activity centre areas. The Report recommended Council undertake further strategic work, including a more detailed Housing Strategy, to justify how we apply the new residential zones. Subsequent to that work, Council adopted a process for preparing a new Housing Strategy and Officers have undertaken much of the base work to inform the implementation of the new zones.

In late 2015 the Minister for Planning appointed the Managing Residential Development Advisory Committee to report on the application of the new zones and recommend improvements to the zones themselves. Following the release of the Committee's Report, Moonee Valley City Council will be able to progress the work undertaken to date. It should be noted Officers are also working on Moonee Valley 2040 (MV2040) which will include significant opportunities for engagement with the community and MV2040 will reflect the community's desires for how they want to live in Moonee Valley into the future.

CARRIED UNANIMOUSLY

The Chairperson sought a vote to accept an item of urgent business relating to Speed Humps in Lorraine Street and laneway between Riverview Road and Levien Street, Essendon.

CARRIED UNANIMOUSLY

**11.2 Speed Humps in Lorraine Street and Laneway between
Riverview Road and Levien Street, Essendon**

File No: FOL/16/130

Minute No: 2016/167

Council Resolution

Moved Cr Marshall, Seconded Cr Cusack that Council request Council officers halt work on the project to install speed humps in Lorraine Street and laneway between Riverview Road and Levien Street, Essendon while further consultation is undertaken to assess the need and acceptability of this proposal to the residents in the affected area.

CARRIED UNANIMOUSLY

The Chairperson sought a vote to accept an item of urgent business relating to Stage 2 of 40 Hall Street, Moonee Ponds.

CARRIED UNANIMOUSLY

Cr Giuliano left the meeting at 10:50pm and returned to the meeting at 10:56pm.

11.3 Stage 2 of 40 Hall Street, Moonee Ponds

File No: MV/491/2015

Minute No: 2016/168

Council Resolution

Moved Cr Marshall, Seconded Cr Cusack that the Chief Executive Officer write to the Minister of Planning requesting Stage 2 of 40 Hall Street Moonee Ponds Planning Permit Application No. MV/491/2015 for (Stage 2) construction of multi-storey buildings and associated works, use of the land for dwellings and reduction in the car parking requirements at 40 Hall Street, Moonee Ponds (PC354406) be referred directly to the Minister of Planning for his consideration on the following grounds:

1. The proposal exceeds the preferred heights nominated within Precinct 2D under Schedule 1 to the Activity Centre Zone which was approved by the Minister as part of Amendment C100 in March 2015;
2. The proposal fails to meet the strategies contained at Clause 15.01-2 (Urban design principles) and Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme as building separation and heights do not appropriately respond to the location and surrounding context;
3. The proposal fails to provide sufficient degree of housing diversity contrary to the objectives and strategies contained within Clause 21.05-2 (Housing Diversity) of the Moonee Valley Planning Scheme;
4. The proposal fails to achieve an appropriate level of internal amenity for apartments;
5. The proposal fails to minimise off-site amenity impacts and would lead to unreasonable wind and overshadowing impacts on surrounding areas; and
6. The proposal fails to provide sufficient car parking as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and is expected to lead to an increased pressure for on-street parking in the surrounding area to an unacceptable degree.

The City of Moonee Valley waited two years to have C100 approved, and given this was only approved in March last year, an application which is so blatantly inconsistent with Planning Scheme Amendment, with the revised application being for 34 storeys while the Planning Scheme Amendment nominated a preferred 50 metres (which may broadly be approximated to 16 storeys), Council now request this to be referred directly to the Minister of Planning.

CARRIED UNANIMOUSLY

12. Confidential Reports

Minute No: 2016/169

Council Resolution

Moved Cr Guiliano, Seconded Cr Cusack that Council resolve to close the

meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss the following matters:

12.1 Pascoe Vale Road / Wiseman Court - Drainage project

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (f) legal advice.

12.2 Moonee Ponds - Boardwalk Replacement Options

Item 12.2 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.

12.3 Fairbairn Park (Middle) New Pavilion Tender Evaluation

Item 12.3 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

12.4 Proposed Purchase 1-15 Strathaird Street, Strathmore - Update

Item 12.4 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.

12.5 Council Office Accommodation - Lease of Level 1/641 Mt Alexander Road, Moonee Ponds

Item 12.5 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

CARRIED UNANIMOUSLY

Minute No: 2016/170

Council Resolution

Moved Cr Nation, Seconded Cr Giuliano that Council resume in open Council.

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 11.00pm

**CR ANDREA SURACE
CHAIRPERSON**