



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 22 March 2016

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 22 March 2016 at 7.00pm
held at the Moonee Valley Civic Centre

PRESENT :

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

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr Anthony Smith Director Corporate & Community Services
Mr Henry Bezuidenhout Acting Director Planning & Development
Mr Gil Richardson Acting Director City Services
Ms Yvonne Hansen Manager Legislative Services & Support

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 22 March 2016.

2. Apologies

An apology for non-attendance was received for Cr Sipek.

Leave of Absence

Minute No. 2016/20

Council Resolution

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

- a) Cr Cusack Leave of Absence for all formal meetings during the period 20 April to 20 May 2016 inclusive.
- b) Cr Nation Leave of Absence for all formal meetings during the period 28 March to 10 April 2016 inclusive.

CARRIED

3. Confirmation of Minutes

Council Resolution

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

- a) Defer consideration of the Minutes of the Ordinary Meeting of Council held on Tuesday, 23 February 2016 pending further discussion of the minutes.
- b) Accept the Minutes of the Special Meetings of Council held on Tuesday, 22 December 2015 and Tuesday, 8 March 2016.

CARRIED

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Nil.

6. Petitions and Joint Letters

6.1 Peppercorn Tree - Antares Court, Aberfeldie

File No. 63/001/019

Cr Chantry tabled a petition signed by 30 individuals requesting the removal of a Peppercorn Tree from the nature strip in Antares Court, Aberfeldie.

6.1 Extension of Reserve Maintenance - Browning Crescent & Oakley Drive, Avondale Heights

File No. 63/002/083

Cr Surace tabled a joint letter signed by 17 individuals requesting that Council extends its reserve maintenance area which abuts residential properties in Browning Crescent and Oakley Drive, Avondale Heights, from 10 metres to 20 metres for safety reasons.

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

7. Public Question Time

Nil.

Cr Marshall left the meeting at 7.08pm and returned at 7.09pm.

8. Reports by Mayor and Councillors

File No. FOL/14/1249

Minute No. 2016/21

Council Resolution

- a) Moved by Cr Giuliano, seconded by Cr Sharpe that the reports by the Mayor and Councillors, subject to the removal of attendance at the Dousta Galla Bowling Club on 11 February 2016 and items listed for 12 February, 17 February and 3 March 2016 from Cr Sharpe's report, be received.

CARRIED

9. Reports

9.1 Proposed Budget 2016/17

File No: FOL/16/130

Author: Coordinator Management Accountant

Directorate: Corporate & Community Services

Ward: Municipal

Minute No. 2016/22

Council Resolution

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

1. Adopt in principle the Proposed Budget 2016/17 as per Appendix A (separately circulated) as its budget for the 2016/17 financial year as required by the Local Government Act.
2. Authorise the Chief Executive Officer to:
 - a) Give public notice of the preparation of the Proposed Budget 2016/17 in accordance with the Act;
 - b) Make available for public inspection the information required by Regulation 9 of the Local Government (Planning and Reporting) Regulations 2014 and invite submissions under Section 223 of the Act.
 - c) Extinguish Council's loan no. 204 - NAB by no later than 30 June 2016.
3. Consider any submissions received on the Proposed Budget 2016/2017 (if required) at a Special Committee of Council, comprising all Councillors, to be held on Tuesday 10 May 2016 commencing at 6.00 pm at Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

CARRIED

**9.2 11 Mooltan Street, Travancore (Lot 1 TP592810T) -
Construction of a residential aged care facility, buildings
and works in an Environmental Significance Overlay
(ESO2) and a reduction in car parking requirements**

File No: FOL/16/130
Author: Principal Statutory Planner
Directorate: Planning & Development
Ward: Myrnong
Minute No. 2016/23

Motion

Moved by Cr Cusack, seconded by Cr Sharpe that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/627/2015 for the construction of a residential aged care facility, buildings and works in an Environmental Significance Overlay (ESO2) and a reduction in car parking requirements at No.11 Mooltan Street, Travancore (Lot 1 TP592810T), subject to the following conditions:

1. Before the development starts, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 which provides for the following:
 - a) Operation and management of the proposed residential aged care facility, including the provision of staff, waste management and emergency management procedures, to be done in conjunction with the operation and management of McLean Lodge located at No.1 Little Princes Street, Travancore.

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

2. 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 with dimensions and 3 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) Relocation of the staircase and laundry/cleaners cupboard in accordance with revised plan TP03, TP05 and TP06 dated 2 February 2016.
 - b) The south facing walls associated with bedroom 3 and the ensuite for bedroom 4 modified to comply with the setback requirements of Clause 55.04-1 (Side and Rear Setbacks) and Clause 55.04-3 (Daylight to Existing Windows) of the Moonee Valley Planning Scheme.

- c) The south facing walls associated with bedroom 3, the ensuite for bedroom 4 and the lift modified to comply with the setback requirements of Clause 55.04-4 (North-facing Windows) of the Moonee Valley Planning Scheme.
- d) The upper floor 'external covered walkway/balcony' screened in accordance with the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- e) A roof plan which graphically shows:
 - i) All roof areas, both treated by WSUD and untreated.
 - ii) The specific roof area in square metres of the rainwater catchment area discharging into the nominated stormwater treatment, with the WSUD treatment capacity clearly annotated.
 - iii) Water tank volumes and numbers of toilets the water tanks are connected to.

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

- f) 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 Rating Report.
 - iv) The roof catchment area collected to the rainwater tank, as detailed on the STORM Rating Report.
 - When approved, these plans will be endorsed and will form part of this permit.
- 3. 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.
- 4. A minimum 30 days prior to any building or works commencing, all WSUD Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
- 5. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:

- a) Hours of construction;
- b) Parking and traffic movement of all workers' 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.

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

initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

- The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder's User's Guide or a Building Maintenance Guide.
7. Before the building approved by this permit is occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
 8. Service units, including air conditioning units, must not be located on any of the balcony/terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
 9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
 10. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed 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.

11. 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.
12. Before the buildings approved by this permit are occupied, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
13. The development must be provided with external lighting capable of illuminating access to pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
14. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.
15. Prior to the commencement of buildings and works, the Arboricultural Impact Assessment prepared by 'Tree Logic' dated 28 July 2015 is to be resubmitted to the Responsible Authority for endorsement. The provisions, recommendations and requirements of the Arboricultural Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority. All works in the endorsed Arboricultural Impact Assessment must be supervised by an arborist with qualifications to the

satisfaction of the Responsible Authority.

16. The existing street trees (*Platanus x acerifolia*) must not be removed or damaged as a result of the permitted development.
17. 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 3 copies must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Plans to accord with Condition 2 of this permit.
 - b) The location and details of Tree Protection Zones as per the Arboricultural Impact Assessment prepared by Tree Logic (28 July 2015).
 - 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.
18. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
19. Immediately upon the discovery of any Aboriginal cultural material, works must cease and Aboriginal Affairs Victoria must be notified of the discovery.
20. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
21. 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 the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme, are exempt from the need for a planning permit).
- No staff, residents or visitors in this development will be entitled to on-street parking permits.
- 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.
- 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.

LOST ON THE CASTING VOTE OF THE CHAIRPERSON

Council Resolution

Moved by Cr Nation, seconded by Cr Surace that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/627/2015 for the construction of a residential aged care facility, buildings and works in an Environmental Significance Overlay (ESO2) and a reduction in car parking requirements at No.11 Mooltan Street, Travancore (Lot 1 TP592810T), subject to the following conditions:

1. Before the development starts, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 which provides for the following:
 - a) Operation and management of the proposed residential aged care facility, including the provision of staff, waste management and emergency management procedures, to be done in conjunction with the operation and management of McLean Lodge located at No.1 Little Princes Street, Travancore.

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

2. 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 with dimensions and 3 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) Relocation of the staircase and laundry/cleaners cupboard in accordance with revised plan TP03, TP05 and TP06 dated 2 February 2016.
 - b) The south facing walls associated with bedroom 3 and the ensuite for bedroom 4 modified to comply with the setback requirements of Clause 55.04-1 (Side and Rear Setbacks) and Clause 55.04-3 (Daylight to Existing Windows) of the Moonee Valley Planning Scheme.
 - c) The south facing walls associated with bedroom 3, the ensuite for bedroom 4 and the lift modified to comply with the setback requirements of Clause 55.04-4 (North-facing Windows) of the Moonee Valley Planning Scheme.
 - d) The upper floor 'external covered walkway/balcony' screened in accordance with the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
 - e) A roof plan which graphically shows:
 - i) All roof areas, both treated by WSUD and untreated.
 - ii) The specific roof area in square metres of the rainwater catchment area discharging into the nominated stormwater treatment, with the WSUD treatment capacity clearly annotated.
 - iii) Water tank volumes and numbers of toilets the water tanks are connected to.

The details must be consistent with the information provided in the approved complying STORM Rating Report.
 - f) 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 Rating Report.
 - iv) The roof catchment area collected to the rainwater tank, as detailed on the STORM Rating Report.
 - g) The deletion of the first floor front bedroom (Bed 6) with the incorporation of a pitched roof form that complements No.9 Mooltan Street.

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

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

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

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

7. Before the building approved by this permit is occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Service units, including air conditioning units, must not be located on any of the balcony/terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
10. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed 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.

11. 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.

12. Before the buildings approved by this permit are occupied, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
13. The development must be provided with external lighting capable of illuminating access to pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
14. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.
15. Prior to the commencement of buildings and works, the Arboricultural Impact Assessment prepared by 'Tree Logic' dated 28 July 2015 is to be resubmitted to the Responsible Authority for endorsement. The provisions, recommendations and requirements of the Arboricultural Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority. All works in the endorsed Arboricultural Impact Assessment must be supervised by an arborist with qualifications to the satisfaction of the Responsible Authority.
16. The existing street trees (*Platanus x acerifolia*) must not be removed or damaged as a result of the permitted development.
17. 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 3 copies must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Plans to accord with Condition 2 of this permit.
 - b) The location and details of Tree Protection Zones as per the Arboricultural Impact Assessment prepared by Tree Logic (28 July 2015).

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.

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

19. Immediately upon the discovery of any Aboriginal cultural material, works must cease and Aboriginal Affairs Victoria must be notified of the discovery.
20. Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.
21. 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 the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme, are exempt from the need for a planning permit).
- No staff, residents or visitors in this development will be entitled to on-street parking permits.
- 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.
- 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.

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

Cr Nation left the meeting at 8.01pm and returned at 8.03pm.

9.3 **12 Butler Street, Essendon (Lot 1 and 2 on Title Plan 256130U) - Construction of four dwellings in a Special Building Overlay area**

File No: FOL/16/130
Author: Statutory Planner
Directorate: Planning & Development
Ward: Buckley
Minute No. 2016/24

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 MV/525/2015 for the Construction of four (one single and three double storey) dwellings in as Special Building Overlay area at No. 12 Butler Street, Essendon (Lot 1 and 2 on Title Plan 256130U), subject to the following conditions:

1. The proposal fails to achieve acceptable outcomes in terms of neighbourhood character, in particular it does not respond appropriately to the following design guidelines of the Garden Suburban 3 Precinct under the Moonee Valley Neighbourhood Character Study 2012:
 - a) Building height, form and layout
 - b) Siting and setbacks
 - c) Garden styles.
2. Dwelling 4 fails to meet Design Standard 1 - Accessways contained within Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme as the internal radius requirement of at least 4 metres is not met.
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 55.02-1 (Neighbourhood Character)
 - b) Clause 55.03-1 (Street Setback Objective)
 - c) Clause 55.03-5 (Energy Efficiency)
 - d) Clause 55.04-2 (Walls on Boundaries)
 - e) Clause 55.04-6 (Overlooking)
 - f) Clause 55.04-7 (Internal Views)
 - g) Clause 55.05-4 (Private Open Space).

CARRIED

9.4 **8 Ida Street, Niddrie (Lot 484 PS 010094) - Construction of three dwellings**

File No: FOL/16/130
Author: Senior Statutory Planner
Directorate: Planning & Development
Ward: Buckley
Minute No. 2016/25

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/445/2015 for the construction of three dwellings at 8 Ida Street, Niddrie (Lot 484 PS 010094), 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 installation of double glazed windows to all ground floor habitable room windows adjacent to the common driveway.
 - b) The provision of acoustic fencing along the northern, eastern and western boundaries.
 - c) The provision of a 1.8 metre high internally dividing fence between the secluded private open spaces associated with Dwellings 1 and 2.
 - d) The location of letterboxes in accordance with Clause 55.06-4 (Site Services) of the Moonee Valley Planning Scheme.
 - e) The tandem car space associated with Dwelling 1.
 - f) All BESS treatment measures and associated notations to be shown on the relevant plans as required by Condition 6.
 - g) Each rainwater tank to be noted to state, on all the ground floor plan:
 - i) “The rainwater from all dwellings roof areas nominated is to be collected and discharged via a mechanically pumped OR fully charged OR gravity fed system (select system) into the selected rainwater tank which is to be connected to toilets for toilet flushing”, in accordance with the approved STORM report.
 - h) The infiltration sand to have the following information provided:
 - i) Show graphically the size in m².
 - ii) If the raingarden is located on a boundary against an adjacent neighbouring building dimension the raingarden with a minimum 300mm setback from the building.
 - iii) Show graphically the extent, size and grading of the impervious

catchment area draining to WSUD treatment measure, demonstrate how the rainwater is collected from this area and discharged into the buffer/infiltration strip/pit or in-ground raingarden (i.e. is it gravity fed or does it require a pump system).

- iv) Provide a note equivalent to “The rainwater from the impervious paved area nominated to be collected & discharged into buffer/infiltration strip/pit or in-ground raingarden, to be fully lined with an impervious liner and have its overflow/aggie drain connected to the stormwater system”, in accordance with the approved STORM report.

Once approved these plans become the endorsed plans 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 WSUD Details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
4. A minimum 30 days prior to any building or works commencing, a Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater system.

The WSUD Site Management Plan may form part of a broader Site Management Plan that covers other project components, ie. such as noise, EPA issues, traffic management, waste management, etc.

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

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

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

6. Prior to or simultaneously to the submission of Condition 1 plans, the submission of an amended BESS report providing a correct assessment against;
 - a) Urban ecology;
 - b) Transport; and
 - c) Internal Environmental Quality.
7. The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.
8. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed 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.
10. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
11. Prior to the issue of an Occupancy Permit, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
12. The existing street trees along Ida Street or vegetation must not be removed or damaged as a result of the permitted development.
13. 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:

- a) Be maintained and made available for such use; and
- b) Not be used for any other purpose.

To the satisfaction of the Responsible Authority.

14. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the responsible authority's specification and any obsolete, disused or redundant vehicle crossing(s) 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.

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 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 manufacturers 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. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person

within or beyond the land.

18. Before the development starts, or any trees or vegetation removed, an amended landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit.
 - b) Deletion of the three Allistemon Kingspark Special “Bottle Brush” trees from the secluded private open spaces of Dwellings 1, 2 and 3.

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

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

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

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

Permit Notes

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

- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.

CARRIED

**9.5 54 Mary Street, Essendon (Lot 173 Block D on LP 3151) -
Construction of four dwellings**

File No: FOL/16/130
Author: Senior Statutory Planner
Directorate: Planning & Development
Ward: Buckley
Minute No. 2016/26

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/213/2015 for the construction of four dwellings at 54 Mary Street, Essendon (Lot 173 Block D on LP 3151), on the following grounds:

1. The bulk, height and scale of the proposal would present a visually dominant and unsympathetic built form in relation to the character of the area and adjoining properties contrary to Clause 21.06 (Built Environment) of the Moonee Valley Planning Scheme.
2. 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)
 - b) Clause 55.03-1 (Street Setback)
 - c) Clause 55.04-1 (Side and Rear Setbacks)..

CARRIED

9.6 222-226 Buckley Street, Essendon (Lot 1 PS24250) Use and development of the land for a four-storey building comprising 2 shops and 25 apartments, associated parking reduction, waiver of the loading bay requirements, construction of a building in a Special Building Overlay and works in a Road Zone Category 1

File No: FOL/16/130
Author: Principal Planner/Appeals Advocate
Directorate: Planning & Development
Ward: Buckley
Minute No. 2016/27

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sharpe that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/377/2015 for the use and development of the land for a four-storey building comprising 2 shops and 25 apartments, associated parking reduction, waiver of the loading bay requirements, construction of a building in a Special Building Overlay and works in a Road Zone Category 1 at 222-226 Buckley Street, Essendon (Lot 1 PS 24250), subject to the following conditions;

1. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show;
 - a) All west facing habitable room windows to have vertical sun shading/screening;
 - b) A notation specifying the rainwater tank is to be connected to all residential dwellings toilets to reflect the STORM report;
 - c) The provision for north facing 3kW solar photovoltaic system on the roof;
 - d) Notation to indicate double glazing to all dwellings;
 - e) A notation in accordance with Condition 3b).
 - f) Greater design/material variation along the ground floor Lincoln Road elevation.
 - g) Provision of 37 car parking spaces in accordance with the parking requirements of Clause 52.06 along with subsequent modifications to the car park layout.

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the

Responsible Authority.

3. Prior to commencement of construction or carrying out of works, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 satisfactory to the Responsible Authority. That agreement must be registered on the title to the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include provisions that:
 - a) Liability and maintenance of those parts of the development projecting into air space under the care and management of Council and disclaiming any right or intention to make or cause to be made at any time any claim or application relating to adverse position of the land. The owner of the property to be developed must pay all Council's reasonable legal costs and expenses of this Agreement, including preparation, execution and registration on title;
 - b) The construction of a nature strip, inclusive of tree planting, along Lincoln Road for the area abutting the site to be designed and constructed to Council's satisfaction with all associated costs to be borne by the permit holder.
4. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
5. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - a) a description of previous land uses and activities on the land;
 - b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970* (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

If the assessment required by condition 5 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible

Authority at the cost of the Permit Holder.

6. If the assessment required by condition 5 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the Environment Protection Act 1970 (EP Act) must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
 - a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
 - b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),and the Certificate or Statement must be provided to the Responsible Authority.
7. If, pursuant to Condition 6, a Statement is issued;
 - a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
 - c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
 - d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the responsible authority pursuant to section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the responsible authority).

8. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
9. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
 - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - k) Chemical storage;
 - l) Noise and vibration;
 - m) Works timetable; and
 - n) Number of workers expected of work on the site at any one time.

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

10. A minimum 30 days prior to any building or works commencing, all WSUD details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.
11. A minimum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to;
 - a) inspection frequency;
 - b) cleanout procedures;

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

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

- 12. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 13. The area set aside for parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must be to the satisfaction of the Responsible Authority:
 - a) Be provided and completed prior to the commencement of the use hereby permitted;
 - b) Thereafter 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; and
 - e) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
- 14. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
- 15. Council will not accept any modifications to existing levels within the road reserve or to any Right Of Way (R.O.W). Any change in levels to match existing surface levels along property boundary line must be made within the property boundary.
- 16. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
- 17. Prior to the commencement of buildings and works, detailed engineering drawings to show the re-construction of part of the R.O.W. are to be submitted to and approved by the Responsible Authority. The R.O.W. 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 re-construct the existing bluestone on a concrete bedding to the satisfaction of the responsible authority.

Re-construction of the R.O.W. as specified in this permit must be satisfactorily completed upon the issue of an Occupancy Permit for the approved development. The R.O.W. is to be constructed and properly drained to the satisfaction of the Responsible Authority.

18. 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.
19. 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.
20. The Sustainability Management Plan (SMP) prepared by 'Efficient Energy Choices' dated 19 August 2015 amended as follows;
 - a) Amended STEPS assessment to require a 3kW p/v system and correct number of toilets as specified within the SMP and STORM reports.
 - b) Amended SMP requiring star rating for dwellings to be 7 Stars as per the Energy and STEPS reports.

Upon approval of the SMP, the development must be implemented and appropriately managed during the construction of the proposed building.

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

- c) A plan showing the bicycle parking areas to be provided for use by residents.

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

22. Before the development starts, a 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'.
23. Before the development starts, and before any trees or vegetation are removed, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The 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 3 copies must be provided. The landscape plan must be generally in accordance with the plans submitted with the application but modified to show:
- a) Plans to accord with condition 1;
 - 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 tolerate species; and
 - d) An appropriate irrigation system.

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

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

Melbourne Water Conditions

24. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
25. Shop 1 and Shop 2 must be constructed with ground floor levels set no lower than 20.55 metres to Australian Height Datum (AHD).
26. The entrance to the basement must be set no lower than 20.55 metres to AHD.
27. Prior to the issue of a Certificate of Occupancy, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.

End of Melbourne Water Conditions

VicRoads Conditions

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

End of VicRoads Conditions

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

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements etc.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and to the satisfaction of the Responsible Authority.

VicRoads Notes

- This proposal 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.

Melbourne Water Notes

- Preliminary land and flood level information available at Melbourne Water indicates that the above property is subject to overland flooding from the Holmes Road Main Drain. For a storm event with a 1% chance of occurrence in any one year, the applicable flood level for the property is 20.25 metres to Australian Height Datum (AHD).

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 257138.

CARRIED

9.7 21-23 Norwood Crescent, Moonee Ponds (Lots 1 & 2 LP25566) - Use and development of the land for a six storey building comprising 31 dwellings, an office and a reduction in car parking requirements

File No: FOL/16/130
Author: Principal Statutory Planner
Directorate: Planning & Development
Ward: Myrnong
Minute No. 2016/28

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/439/2015 for the use and development of the land for a six storey building comprising 31 dwellings, an office and a reduction in car parking requirements at No.21-23 Norwood Crescent, Moonee Ponds (Lots 1 & 2 LP25566), on the following grounds:

1. The proposal fails to meet the overarching objective and the strategies of Clause 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to positively contribute to the local character.
2. The proposal fails to meet the objectives 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.
3. The proposed building height does not meet the preferred building height nominated within Clause 37.08 (Schedule 1 to the Activity Centre Zone) of

the Moonee Valley Planning Scheme and is considered excessive to the site and surrounding area.

4. The proposal fails to provide sufficient 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..

CARRIED

9.8 1 Melfort Avenue, Essendon (Lot 9 PS012260) - Use and development of the land for the purpose of a childcare and display of business identification sign

File No: FOL/16/130
Author: Team Leader Statutory Planning
Directorate: Planning & Development
Ward: Buckley
Minute No. 2016/29

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sharpe that Council issue a Planning Permit in relation to Planning Permit Application MV/668/2015 for the use and development of the land for the purpose of a childcare centre and display of business identification signage at No. 1 Melfort Avenue, Essendon (Lot 9 PS012260) subject to the conditions as stipulated within the resolution made at the Ordinary Meeting of Council held 23 February 2016 (refer Minute No. 2016/06).

CARRIED

Reports Considered En Bloc

Minute No. 2016/30

Council Resolution

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

- 9.9 Airport West Activity Centre Structure Plan Review - Draft Issues and Opportunities - Community Consultation Key Findings Report
- 9.10 Draft Heritage Study 2015
- 9.11 Election Period Policy
- 9.12 Delegations of Council
- 9.13 Ascot Vale Trugo Club - Maribyrnong Park Moonee Ponds - Proposed Lease
- 9.14 Graffiti Management Policy Implementation Update
- 9.15 Report on Assemblies of Council
- 9.16 Report on Tenders and Contracts Awarded

9.17 Report on Advisory Committees

CARRIED

**9.9 Airport West Activity Centre Structure Plan Review -
Draft Issues and Opportunities - Community
Consultation Key Findings Report**

File No: FOL/16/130
Author: Senior Strategic Planner
Directorate: Planning & Development
Ward: Rosehill
Minute No. 2016/30

Council Resolution

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

1. Adopt the final version of the Airport West Activity Centre Structure Plan Review Issues and Opportunities Report as provided in Appendix B (separately circulated).
2. Note the Airport West Activity Centre Structure Plan Review, draft Issues and Opportunities Community Consultation Key Findings Report as provided in Appendix A (separately circulated).

CARRIED

9.10 Draft Heritage Study 2015

File No: FOL/16/130
Author: Strategic Planner
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/30

Council Resolution

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

1. Adopt the Heritage Study 2015/16 Report, as revised (refer to Appendix D – separately circulated).
2. Seek authorisation from the Minister for Planning to prepare and exhibit Moonee Valley Planning Scheme Amendment C164 to implement the recommendations of the Heritage Study 2015/16.
3. Request that the Minister for Planning apply interim heritage controls to the sites recommended for inclusion into the Heritage Overlay.

4. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C164 in accordance with Section 19 of the Planning and Environment Act 1987.

CARRIED

9.11 Election Period Policy

File No: FOL/16/130
Author: Coordinator Legislative Services
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/30

Council Resolution

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

1. Adopts the Election Period Policy (provided as Appendix A) and that a copy of the adopted Policy be made available on Council's website.
2. Reschedule its Ordinary Meeting of Council to be held Tuesday, 27 September 2016 to Tuesday, 20 September 2016.
3. Cancel its Public Forum scheduled for Tuesday, 11 October 2015.

CARRIED

9.12 Delegations of Council

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/30

Council Resolution

Moved by Cr Giuliano, seconded by Cr Nation that Council, having undertaken a review of its delegations in accordance with Section 98 of the *Local Government Act 1989* ("the Act"), hereby resolves that:

1. The powers, duties and functions set out in the Instrument of Delegation, provided as Appendix A, be delegated to the Chief Executive Officer subject to the conditions and limitations specified in that Instrument.
2. The powers, duties and functions set out in the Instrument of Delegation, provided as Appendix B (separately circulated), be delegated to members of the Council Staff subject to the conditions and limitations specified in that Instrument.

3. The Instruments of Delegation outlined in 1 and 2 above be signed and sealed, and shall come into force immediately upon the common seal of the Council being affixed to the Instruments and previous corresponding Instruments shall be revoked.
4. The duties and functions set out in the Instruments of Delegation outlined in 1 and 2 above must be performed and the powers set out in the instruments must be executed in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. It is noted that the Instrument of Delegation to the Chief Executive Officer includes a power of sub-delegation to members of Council staff, in accordance with Section 98(3) of the Act.

CARRIED

9.13 Ascot Vale Trugo Club - Maribyrnong Park Moonee Ponds - Proposed Lease

File No: FOL/16/130
Author: Coordinator Property Management
Directorate: City Services
Ward: Buckley
Minute No. 2016/30

Council Resolution

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

1. Enter into a lease with Ascot Vale Trugo Club Inc. for occupancy and use of the Trugo clubhouse (Pioneer Retreat) and court at 294A Maribyrnong Road, Moonee Ponds for an initial term of five years and at an annual rental of \$150 commencing 1 April 2016.
2. Authorise the Chief Executive Officer to execute the lease.

CARRIED

9.14 Graffiti Management Policy Implementation Update

File No: FOL/16/130
Author: Coordinator Open Space & Urban Design
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/30

Council Resolution

Moved by Cr Giuliano, seconded by Cr Nation that Council receive and note the Graffiti Management Policy Implementation Update.

CARRIED

9.15 Report on Assemblies of Council

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/30

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 February 2016.

CARRIED

9.16 Report on Tenders and Contracts Awarded

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/30

Council Resolution

Moved by Cr Giuliano, seconded by Cr Nation that Council receive and note the report of Council's Tenders Committee and tenders variations approved at its meetings held 23 February and 8 March 2016.

CARRIED

9.17 Report on Advisory Committees

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/30

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 February 2016:

- a) Early Years Reference Group held 8 October 2015 (Appendix A);

- b) Municipal Emergency Management Plan Committee held 12 November 2015 (Appendix B);
- c) Arts & Culture Advisory Committee held 16 November 2015 (Appendix C);
- d) Integrated Waterways Advisory Committee held 20 November 2015 (Appendix D); and
- e) Early Years Reference Group held 8 December 2015 (Appendix E);

CARRIED

10. Notices of Motion

10.1 Notice of Motion Report No. 2016/3 - Safe Schools Coalition program

File No: FOL/16/130
From: Councillor Cam Nation
Ward: Municipal
Minute No. 2016/31

Council Resolution

Moved by Cr Nation, seconded by Cr Sharpe that Council writes to the:

1. Prime Minister, the Hon. Malcolm Turnbull MP and the Minister for Education and Training, Senator the Hon. Simon Birmingham to request the continuation of financial support for the Safe Schools Coalition program (in its form prior to the recent review) currently being run at Buckley Park College, Essendon Keilor College, Lowther Hall Anglican Grammar School, Mount Alexander College, Penleigh & Essendon Grammar School, Rosehill Secondary College and Strathmore Secondary College to:
 - a) Outline the importance of the program to support gender and sexual diversity within Moonee Valley's schools;
 - b) Outline Moonee Valley City Council's vision to support gender and sexual diversity through Council's Diversity, Access & Equity Policy;
 - c) Note that the Safe Schools Coalition program shares similar values and aims of Moonee Valley City Council's LGBTIQ Action Plan, which aims to support our lesbian, gay, bisexual, transgender, intersex and queer community members and their families; and
 - d) Reinforce Moonee Valley's commitment to support an inclusive city that respects the human rights of all citizens, celebrates diversity and promotes participation in community life, noting Council's disappointment in the review of the Safe Schools Coalition program.
2. Safe Schools Coalition Australia, and member schools within Moonee Valley City Council, outlining Council's support for the continuation of the program (in its form prior to the review).

3. Premier, outlining Council's support for the Safe Schools Coalition program to remain as it was prior to the Federal Government's review of the program.

CARRIED

10.2 Notice of Motion No. 2016/4 - Canning Street Bridge

File No: FOL/16/130
From: Councillor Shirley Cornish
Ward: Rosehill
Minute No. 2016/32

Council Resolution

Moved by Cr Cornish, seconded by Cr Marshall that Council write to the Minister for Public Transport, the Minister for Roads and Road Safety and all State Government Ministers in the western region, seeking to commence discussions about widening the Canning Street bridge, to accommodate a tram line on Military Road to Buckley Street, Avondale Heights and improved walking and cycling safety at the Canning Street bridge.

CARRIED

Cr Cornish left the meeting at 8.57pm.

10.3 Notice of Motion No. 2016/5 - Mt Alexander Road Water Fountain

File No: FOL/16/130
From: Councillor Paul Giuliano
Ward: Myrnong
Minute No. 2016/33

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sharpe that a report be provided to Council outlining the costs to recommission the Mt Alexander Road Water Fountain.

CARRIED

10.4 Notice of Motion No. 2016/6 - Conservation of extremely rare or unique properties of potential heritage significance in the City of Moonee Valley

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal
Minute No. 2016/34

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that the Chief Executive Officer provide a report to Council detailing:

1. Properties, if any, within the City of Moonee Valley that have been identified by heritage studies conducted by Council as having high heritage significance and being rare or unique in nature.
2. What Council has done and can do to preserve the heritage of these properties, including any potential funding or grant opportunities that may enable this heritage to be preserved.

CARRIED

10.5 Notice of Motion No. 2016/7 - Defence Site

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal
Minute No. 2016/35

Council Resolution

Moved by Cr Marshall, seconded by Cr Surace take notice that Council write to the following requesting an update on the status of the Maribyrnong Defence Site, including any indicative timeframes for the remediation, planning and development of the site:

1. Minister for Defence, Senator the Hon. Marise Payne;
2. Minister for the Environment, the Hon. Greg Hunt MP;
3. Minister for Defence Materiel, the Hon. Dan Tehan MP;
4. Federal Government Senators for Victoria;
5. Federal Member for Maribyrnong, the Hon. Bill Shorten MP;
6. Minister for Planning, the Hon. Richard Wynne MP;
7. State Member for Footscray, the Hon. Ms Marsha Thomson MP;
8. State Member for Niddrie, Mr Ben Carroll MP;
9. Department of Defence;

10. Department of Environment, Land, Water & Planning;
11. Environment Protection Authority;
12. Places Victoria; and
13. Maribyrnong City Council.

CARRIED

11. Urgent Business

Nil.

12. Confidential Reports

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council resolve to close the meeting to the public pursuant to Section 89(2) of the Local Government Act 1989 to consider a matter which the Council considers would prejudice the Council or persons

CARRIED

Consideration of Confidential Reports

12.1 40 Hall Street & 34-36 Margaret Street, Moonee Ponds - Consideration of VCAT Amended Plans

Council Resolution

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

CARRIED

13. Close of Meeting

The meeting concluded at 9.30pm.

**CR ANDREA SURACE
CHAIRPERSON**