



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 23 February 2016

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 23 February 2016 at 7.00pm
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
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
Ms Vera Mitrovic-Misic Acting Manager Statutory Planning

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 23 February 2016.

2. Apologies

Nil.

3. Confirmation of Minutes

Council Resolution

Moved by Cr Chantry, seconded by Cr Sharpe that the Minutes of the Ordinary Meeting of Council held on Tuesday, 15 December 2015 and the Special Meeting of Council held on Tuesday, 2 February 2016 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

- 4.1 Cr Narelle Sharpe declared an indirect interest in Item 9.5 due to residential amenity.
- 4.2 Cr Paul Giuliano declared an indirect interest in item 9.5 due to residential amenity.

5. Presentations

Nil.

6. Petitions and Joint Letters

6.1 Tree Removal, Peterleigh Grove, Essendon

File No. 63/016/010

Cr Sharpe tabled a petition signed by 27 residents of Peterleigh Grove, Essendon opposing the proposed removal of a tree outside No. 1 Peterleigh Grove, Essendon.

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

7. Public Question Time

Nil.

8. Reports by Mayor and Councillors

File No. FOL/14/1249

Minute No. 2016/02

Council Resolution

Moved by Cr Sipek , seconded by Cr Marshall that the reports by the Mayor and Councillors be received noting the removal of Cr Cusack's attendance at the TET 2016 Year of the Monkey event.

CARRIED

9. Reports

9.1 **147-157 Princes Street, Flemington (Lot 1 TP160088Y, Lot 1 TP324502F & Lot 1 TP247653L) - Construction of 25 dwellings with a reduction in car parking requirements**

File No: FOL/16/130
Author: Principal Statutory Planner
Directorate: Planning & Development
Ward: Myrnong
Minute No. 2016/03

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/233/2015 for the construction of 25 dwellings with a reduction in car parking requirements at No.147-157 Princes Street, Flemington (Lot 1 TP160088Y, Lot 1 TP324502F & Lot 1 TP247653L), 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 location of the vehicle accessway is an unsympathetic and inappropriate design response that would result in unacceptable amenity impacts to adjacent residential land.
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 55.03-1 (Street Setback)
 - b) Clause 55.03-2 (Building Height)
5. The proposal is expected to have a detrimental impact upon the drainage of the land and adjacent land.

CARRIED

Cr Sipek left the meeting at 7.40pm and returned at 7.43pm.

9.2 **4 Homer Street & 687 Mt Alexander Road, Moonee Ponds (CP 153150 & Units 3-15 & 19-22 SP23884A) - Construction of a multi-storey building accommodating ground floor retail, dwellings, reduction in the car parking requirements and works within a Road Zone**

File No: FOL/16/130
Author: Principal Planner/Appeals Advocate
Directorate: Planning & Development
Ward: Myrnong
Minute No. 2016/04

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/949/2014 for the construction of a multi-storey building accommodating ground floor retail, dwellings, reduction in car parking requirements and works within a Road Zone at 4 Homer Street and 687 Mt Alexander Road, Moonee Ponds (CP 153150 & Units 3-15 & 19-22 SP 23884A) subject to the following conditions;

1. Before the development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show;
 - a) The provision of 300mm trench grates at the bottom of the ramp.
 - b) Deletion of the on-street disabled car space.
 - c) Any wind measures as a consequence of Condition 4.
 - d) A notation that the four bicycle spaces provided within the landscape plaza to be in accordance with Moonee Valley City Council's urban design technical notes and details.
 - e) A revised Sustainable Management Plan and associated updates to the plans in accordance with Condition 18
 - f) A notation in accordance with Condition 17.
 - g) Provision for a bin room to service the apartments within the east tower on levels 10 and 13 (TP14 and TP16).
 - h) Provision for an additional 28 car spaces along with subsequent modifications to the basement parking levels.
 - i) A minimum of 15 visitor spaces allocated within the car park.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) Each privately owned car space and storage unit separately titled shall be maintained and used by the occupier of the relevant property or any other prime lot owner, this includes visitor spaces.

(Note: a prime lot owner is the entity that appears on the apartment or the commercial property lease, subdivision or title).
4. Before the development starts, an updated wind impact assessment must be submitted to and approved by the Responsible Authority. The assessment must be generally in accordance with that undertaken by Vipac Engineers and Scientists but modified to address the Revision B plans.
5. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. 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.
7. A minimum 30 days prior to any building or works commencing, a Construction & Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction;
 - b) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;

- i) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- k) Chemical storage;
- l) Noise and vibration;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected of work on the site at any one time.

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

- 8. 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.
- 9. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to;
 - a) Inspection frequency;
 - b) cleanout procedures;
 - c) as installed design details/diagrams including a sketch of how the system operates
 - d) a report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

- 10. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 11. 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;
 - e) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.
12. The loading and unloading of vehicles (including waste collection) and the delivery of goods to and from the land must:
- a) Only be carried out within the designated loading bay on the land;
 - b) Must not disrupt the circulation and parking of vehicles, pedestrian circulation or access;
 - c) Must not be carried out during the morning and evening peak periods.
 - e) to the satisfaction of the Responsible Authority.
13. 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.
14. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
15. The permit holder must confirm any stormwater drainage assets within title boundary, particularly within the frontage setback to Mt Alexander Road. Costs associated with the relocation of any Council drainage assets must be borne by the permit holder.
16. Council will not accept any modifications to existing levels within the road reserve or to any Right of Way (ROW). Any change in levels to match existing surface levels along property boundary line must be made within the property boundary.
17. The ROW to the rear of the property is to be removed and re-constructed for the entire length and extending to Homer Street (approx. 40m) and once constructed in accordance with Council Standards and to the satisfaction of Councils Asset Officer, shall be an asset maintained by Moonee Valley City Council. All costs associated with design and construction of the R.O.W must be borne by the developer.

Prior to the commencement of buildings and works, detailed engineering drawings to show the construction of the right of way are to be submitted to and approved by the Responsible Authority. The ROW is to be surveyed and designed by a qualified surveyor/civil engineer respectively. The plans are to indicate, existing surface levels, proposed surface levels and construction of the ROW in accordance with Moonee Valley City

Council Drawing No.34 (Asphalt Right of Ways Typical Sections).

Construction of the ROW as specified in this permit must be satisfactorily completed upon the issue of an Occupancy Permit for the approved development. The ROW is to be constructed and properly drained to the satisfaction of the Responsible Authority.

18. The Sustainability Management Plan (SMP) prepared by 'Green Rate' dated 25 October 2015 amended to ensure consistency with the approved STORM Rating report. Upon approval of the SMP, the development must be implemented and appropriately managed during the construction of the proposed building.
19. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following:
 - a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;
 - b) Outline Green Travel Plan measures for the development including, but not limited to:
 - i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
 - ii) Include a minimum of one myki pass (of at least \$20 value) and registration information per bedroom for each dwelling within the household welcome pack;
 - iii) Bicycle parking and facilities available on the land; and
 - iv) Monitoring.
 - c) A plan showing the bicycle parking areas to be provided for use by residents.
 - f) Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land, to ensure the Green Travel Plan continues to be implemented by residents/owners to the satisfaction of the Responsible Authority.
20. Buildings or works must not be commenced until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. The landscape plan(s) must be generally in accordance with the plans prepared by MEMLA Consultants dated 27 July 2015 but modified to reflect the Revision B architectural drawings.

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

21. Before the building approved by this permit is occupied, all landscaping, (including trees, shrubs and lawn) must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
22. The provisions, recommendations and requirements contained in the arborist report prepared by ArbEcology dated 9 July 2015 must be implemented and complied with to the satisfaction of the Responsible Authority.
23. The existing street trees on Mt Alexander Road must not be removed or damaged as a result of the permitted development.
24. 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 generally in accordance with the Plan dated 17 November 2015 and must include:
 - a) Waste estimation for the commercial area.
 - 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.

Public Transport Victoria Conditions

25. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Mt Alexander Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.
26. The existing bus stop and associated infrastructure on Mt Alexander Road must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

End of Public Transport Victoria Conditions

27. 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 within four (4) years.

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Unit regarding legal point of discharge, new crossings, building over easements, erection of hoarding 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.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Unit and to the satisfaction of the Responsible Authority.
- Should any activity occur above 123.5 metres Australian Height Datum (e.g. cranes during construction) approval will be required from Essendon Airport).

CARRIED

Cr Nation voted against the motion.

Cr Giuliano left the meeting at 8.06pm and returned at 8.08pm.

**9.3 117 Keilor Road, Essendon (Lot 16 LP7912) -
Construction of a four storey building in a Design and
Development Overlay (DDO7), waiver of loading bay
requirements and alteration of access to a road in a
Road Zone, Category 1**

File No: FOL/16/130
Author: Principal Statutory Planner
Directorate: Planning & Development
Ward: Buckley
Minute No. 2016/05

Council Resolution

Moved by Cr Chantry, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/200/2015 for the construction of a four storey building in a Design and Development Overlay (DDO7), waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 at No.117 Keilor Road, Essendon (Lot 16 LP7912), 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 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) Deletion of Dwellings G01 and G07, or reconfiguration of these dwellings and foyer area to significantly improve internal amenity.
 - b) The northern and eastern elevations to correctly show ground floor dwellings and the basement vehicle access door in accordance with the floor plans.
 - c) The southern elevation of Dwellings 105 and 106 to correctly correlate with the first floor plan, with reference to the balconies and built form above these.
 - d) Deletion of the third floor heavy banding element around the top and sides of the balcony for Dwelling 301 fronting Keilor Road.
 - e) Provision of natural daylight with some openable glazing for natural ventilation into internal corridors (i.e. separate the dwellings opposite the lift/stairwell on each level to provide some glazing into the interior). Alternatively, provide a photovoltaic system installed on the roof to offset the power consumed 24/7 by lighting and ventilating these circulation areas.
 - f) Improve access to daylight/sunlight and ventilation into the balconies and living areas of Dwellings 103, 203 and 204.
 - g) Provision of a fully compliant pedestrian visibility splay (2.0 x 2.5 metres) on the egress side of the crossover.

- h) Modifications to the vehicle passing area to ensure it meets the 5m and 7m length requirements of Clause 52.06-8 (Design Standards for Car Parking).
- i) Modifications to the basement access ramp to either accommodate two-way passing along the entire length of the accessway or provide a sufficient traffic management design solution to advise motorists of other vehicles on the ramp.
- j) The basement plan modified to include a wider ramp splay within the basement area, as per the swept path diagrams provided within the Traffic Assessment Report.
- k) Provision of a suitable clearance/reversing area to the southern end of the accessway/car parking area to provide suitable egress clear of other spaces (within car stackers) and allow vehicles to manoeuvre comfortably.
- l) Provision of a 0.3m setback/clearance area between visitor car space No.4 and the wall associated with the lift (as per Diagram 1 of Clause 52.06-8).
- m) The provision of a 300mm trench grate at the bottom of the basement ramp.
- n) Any changes as a result of Condition 3.
- o) 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.
 - iv) The details must be consistent with the information provided in the approved complying STORM Rating Report.
- p) 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.

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. An amended STORM Rating Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Rating Report must clearly distinguish between roof and balcony areas and obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. A minimum 30 days prior to any building or works commencing, all WSUD Design 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. 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.
9. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
10. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
11. 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.

12. Before the building approved by this permit is 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;
- d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
- e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground;

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:

- f) Be maintained and made available for such use; and
- g) Not be used for any other purpose;

to the satisfaction of the Responsible Authority.

13. Before the building approved by this permit is 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.

14. The loading and unloading of vehicles and the delivery of goods to and from the land must:

- a) Only be carried out on or adjacent to the boundaries of the land;
- b) Not be conducted before 7.00am on any day; and
- c) Not disrupt the circulation or parking of vehicles on the land;

to the satisfaction of the Responsible Authority.

15. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:

- a) Details as to how the car stackers are to be regularly maintained and serviced;

- b) Details of time frames and measures to be undertaken, to reinstate the car stackers back to working order, if the car stackers become non-operational;
- c) Details of measures to be undertaken if the car stackers are not operational, so not to provide any additional on-street parking demand.

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

- 16. Bicycle parking spaces, access, lockers and compounds must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
- 17. All structures within the pedestrian visibility splays at each vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
- 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 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.

- 20. Prior to the commencement of any buildings or works on site, all required electrical works with regard to the power line crossing over the subject site from the power pole located at the front of No.117 Keilor Road to the existing dwelling at No.115 Keilor Road to be completed to the satisfaction of the Responsible Authority.

VicRoads Conditions

21. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the works hereby approved.

End VicRoads Conditions

Public Transport Victoria Conditions

22. Traffic and construction management plans required

Detailed traffic and construction management plans are to be prepared and to be to the satisfaction of the Responsible Authority, with the concurrence of PTV, together with bus operators and Yarra Trams, prior to the commencement of buildings and works. These are to include the elements below relating to bus and tram services, together with any other elements specific to the site, the nature of works or which are required for safe conduct of works.

Service Protection for Public Transport

- a) Tram and Bus stops and associated infrastructure must not be altered or in any way rendered unable to be used without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the full cost of the permit holder.
- b) The permit holder must take all reasonable steps to ensure that disruption to bus operation along the frontage of the site is kept to a minimum during any and all demolition and construction of the use and development hereby approved. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior. Should a temporary stop in an alternative location be required during construction, the temporary bus stop must be provided in consultation with, and to the satisfaction of Public Transport Victoria. Once the new stop is deemed suitable for operation, the temporary stop must be removed in consultation with Public Transport Victoria. No such relocation and/or changes to bus stops is to occur until the written agreement of Public Transport Victoria is obtained. All and any activities required to satisfy this condition must be at the full cost of the permit holder.

End Public Transport Victoria Conditions

23. Before the building approved by this permit is 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.
24. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.

25. Any new building must be constructed so as to comply with any noise attenuation measures required by Section 3 of the Australian Standard AS 2021-2015, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Australia International Ltd.
26. Once construction commences, any structure or building activity (e.g. construction cranes) on the land, either permanent or temporary, must not penetrate prescribed airspace surfaces without approval of Essendon Airport.
27. The development must be provided with external lighting capable of illuminating access to the basement entrance, each car parking space and pedestrian walkways. All car parking facilities are to be well lit in accordance with AS1680.2.1:2008. 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.
28. 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 the noise attenuation measures required to all habitable rooms within each dwelling to ensure minimal impacts from noise sources external to that dwelling.

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.

29. Noise levels emanating from service equipment on the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).
30. 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.
31. Prior to the commencement of buildings and works, the Sustainable Management Plan (SMP) prepared by 'Green Rate' dated 23 June 2015 is to be resubmitted to the Responsible Authority for approval. Once approved, the SMP is to be implemented and appropriately managed during construction of the proposed buildings.
32. 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 1 of this permit.
- b) The pot size and total quantities of all proposed vegetation within the planting schedule.
- c) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems. Any proposed tree species are also required to have a maximum mature height of not more than 3.0 metres.
- d) All planting abutting the vehicle accessway and land frontage to have 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.
- e) 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.

33. 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.
34. The existing street tree at the front of the site along Keilor Road must not be removed or damaged as a result of the permitted development, except with the prior written consent of the Responsible Authority.
35. 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' and must:
 - a) Be generally in accordance with the Waste Management Plan prepared by 'Green Rate' dated 23 June 2015.

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.

36. 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 on street parking permits will be provided to the occupiers of the land.
- 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 drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line 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.
- Should any activity occur above 80m Australian Height Datum (e.g. cranes during construction) approval may be required from Essendon Airport.
- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- The applicant is reminded that the provisions of the Commonwealth Disability Discrimination Act 1992 must be satisfied.

CARRIED

Cr Sharpe and Cr Sipek voted against the motion.

9.4 1 Melfort Avenue, Essendon (Lot 9 PS012260) - Use and development of the land for the purpose of a childcare centre and display of business identification signage

File No: FOL/16/130

Author: Team Leader Statutory Planning

Directorate: Planning & Development

Ward: Buckley

Minute No. 2016/06

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council issue a Notice of Decision to Grant a Permit in relating 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 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 proposed carparking spaces within the road reserve at the front of the site to be available to the public and not to form part of this application.
 - b) The provision of 27 car spaces solely within the title boundaries of the subject site.
 - c) A notation on the plans that all acoustic measures as specified in the report prepared by Audiometric and Acoustic Services (Report Ref: 5064.2 – Revision 2) dated 24 August 2015.
 - d) The provision of 7 square metres of outdoor play area per child.
 - e) The location of all infrastructure within the road reserve at the front of the site, which is to be retained and/or removed.
 - f) All crossovers are to be sited a minimum of 1.0 metre from any infrastructure within the road reserve.
 - g) The tandem car spaces are to be increased by 0.5 metres in length.
 - h) An annotation that all requirements of the approved STEPS report is to be implemented into the development.
 - i) 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 approved STORM report;
 - iv) The roof catchment area collected to the rainwater tank, as

detailed on the approved STORM report.

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

2. Except for 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. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. A minimum of 30 days prior to any buildings and 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 works 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 works 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 buildings and 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. The report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

6. 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 building approved by this permit is 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;
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
 - e) Line marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground;

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

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

- f) Be maintained and made available for such use; and
 - g) Not be used for any other purpose;
- to the satisfaction of the Responsible Authority.

8. Before the use starts, a directional sign not exceeding 0.3m² in area must be provided directing drivers to the area(s) set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority.
9. Before the building approved by this permit is 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.

10. Prior to the commencement of buildings and works, detailed engineering drawings to show the construction of the on-street carpark are to be submitted to and approved by the Responsible Authority. The on-street carpark is to be surveyed and designed by a qualified surveyor/civil engineer respectfully. The plans are to indicate existing and proposed surface levels.

Construction of the on-street carpark as specified in this permit must be satisfactorily completed upon the issue of an occupancy permit for the approved development. The on-street carpark is to be constructed and properly drained to the satisfaction of the Responsible Authority.

11. The street tree (to facilitate 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/replanting 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 (to make way for the new crossover) is removed to facilitate the new crossover, 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. Before the development (including the construction of crossovers) starts, a Tree Management Plan for the subject site and adjoining VicTrack land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by an arborist with suitable qualifications to the satisfaction of the Responsible Authority and must provide recommendations and set out actions required to minimise damage to the health of the remaining street tree as a consequence of the proposed development.

When approved, the Tree Management Plan will be endorsed under the planning permit.

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

All works in the endorsed Tree Management plan to, or affecting, street trees must be supervised by an arborist with qualifications to the satisfaction of the Responsible Authority.

14. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
15. An on-site stormwater detention drainage system must be installed on the 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.

16. To the satisfaction of the Responsible Authority, all external lights must be of a limited intensity to ensure nuisance is not cause to any adjoining or nearby residents and must be provided with approved baffles, so that no direct light is emitted outside of the land.
17. Noise emitted from the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1).
18. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
19. Before the development starts and before any trees or vegetation removed, a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule 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.

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

Buildings or works must not be started (and trees or vegetation must not be removed) until the landscape plan and schedule has been submitted to and approved by the Responsible Authority.

Landscaping in accordance with the endorsed landscape plan and schedule must be completed before the buildings approved by this permit are occupied.

At all times the landscaping must be maintained in good order in accordance with the endorsed landscape plan and schedule and to the satisfaction of the Responsible Authority.

Use Conditions

20. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of:
 - a) Monday to Friday (other than public holidays): 6.30am to 6.30pm.
21. Except with the prior written consent of the Responsible Authority, no more than 25 staff may be present on the land at any time.
22. Except with the prior written consent of the Responsible Authority, no more than 121 children may be present on the land at any time.

End Use Conditions

Signage Conditions

23. The location and details of the signage and any supporting structure shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
24. The advertising signage and any related panel and any supporting structure must be maintained and constructed to the satisfaction of the Responsible Authority.
25. The signage authorised by this permit must not be illuminated or floodlit by internal or external light.
26. Flashing, intermittent or moving light must not be displayed.
27. The signage must not be animated in part or whole.
28. Bunting, streamers and festooning must not be displayed.
29. The signage as approved by this permit will expire fifteen (15) years after the date it is issued.

End Signage Conditions

Victrack Conditions

30. No entry onto railway land is permitted without the written consent of the Rail Operator and is subject to the Rail Operators Site Access Procedures and Conditions.
31. Prior to the commencement of works, the Rail Operator must be contacted

through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's agreement conditions and safety requirements for works on, over or adjacent to railway land.

32. Prior to commencement of works, all necessary construction control and indemnity agreements as required by the Rail Operator must also be in place.
33. All railway infrastructure (including overhead power and supporting infrastructure for trains) must not be interfered with or damaged during the construction period. Any damage to railway infrastructure or disruption to the rail operation, as a consequence of the construction period must be rectified to the satisfaction of VicTrack and the Rail Operator at the full cost of the permit holder.
34. The permit holder must make all reasonable steps to ensure that the disruption to train operations are kept to a minimum during the construction of the development and in compliance with the Rail Operators Safety and Environmental requirements within the Rail Operators construction control and indemnity agreement.
35. The common boundary with VicTrack land must be fenced at the owner's expense to prohibit access to the rail corridor.
36. No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.
37. No excavation, filling or construction must take place on the common boundary between the subject land and VicTrack land without the prior approval of VicTrack and the Rail Operator.
38. All works, including hoardings, must be undertaken within the subject land must not encroach onto VicTrack land.
39. Prior to building approval detailed construction/engineering plans and computations for any construction works likely to have an impact on railway operations, railway infrastructure assets or railway land are to be submitted and approved by VicTrack and the Rail Operator. The plans must detail all excavation of the site adjacent to the railway corridor having any impact on the railway land.
40. The development, including construction works regarding building clearances to overhead rail power lines, must comply with the Electrical Safety Act 2009, the Electrical Safety Regulations 2009 or any updated regulations.

End Victrack Conditions

41. 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 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.
- Before the development starts, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal and/or replacement of the nominated street tree(s). Please contact Council on 9243 8888 to speak with Council's Arborist.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Department and to the satisfaction of the Responsible Authority.
- 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.

CARRIED

Having declared an interest in Item 9.5, Cr Sharpe and Cr Giuliano left the meeting before any discussion or voting had taken place on the item.

9.5 Buckley Park Local Area Traffic Management Study

File No: FOL/16/130

Author: Traffic & Transport Engineer

Directorate: Planning & Development

Ward: Myrnong

Minute No. 2016/07

Council Resolution

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

1. Endorse the Draft Traffic Management Plan and Draft Parking Management Plan for the Buckley Park Local Area Traffic Management Study, (as shown in Appendix A and Appendix B respectively), for community consultation.
2. Receive a further report at the conclusion of the consultation.

CARRIED

Cr Sharpe and Cr Giuliano returned to the meeting.

9.6 Essendon School Precinct Localised Traffic Study

File No: FOL/16/130
Author: Traffic & Transport Engineer
Directorate: Planning & Development
Ward: Myrnong
Minute No. 2016/08

Council Resolution

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

1. Note the outcomes of the 'Essendon School Area Local Area Traffic Management Review' prepared by O'Brien Traffic and circulated separately as Appendix A.
2. Adopt the Final Traffic Management Study as presented in Appendix C with the following inclusions:
 - a) To proceed with the proposal to install three (3) road humps in Lorraine Street.
 - b) To proceed with the proposal to realign the entrance of the laneway between Riverview Road and Levien Street, at Levien Street.
 - c) To proceed with the proposal to install two (2) additional road humps within the laneway between Riverview Road and Levien Street.
3. Note that further consultation is required with the:
 - a) Immediate property owners when detailed design is developed for the intersection of Leslie Road and Stanley Street to ensure property vehicle access is maintained.
 - b) Residents and stakeholders of Stanley Street regarding the exact location of road hump between Levien Street and Leslie Road.
 - c) Community regarding the installation of proposed raised pedestrian pavement at the intersection of Stanley Street and Sherbourne Street and the exact location of the road hump on Stanley Street between Leslie Road and Sherbourne Street.
 - d) Residents and stakeholders of Lorraine Street regarding the exact location of three (3) road humps.
4. Incorporate the Final Traffic Management Study into the adopted Traffic Management Plan for the Holmes Local Area Traffic Management Study and refer proposed works to future Capital Works Budget for funding consideration.
5. Advocate to Victoria Police and Council's Local Laws unit for an enforcement blitz for the school area, after the implementation of signage and line marking works from the Final Traffic Management Study.
6. Refer the following outcomes for further investigation as part of Council's Better Moves Around Schools program:
 - a) Further investigate widening footpaths in areas where there are high pedestrian demands in front of schools.

- b) Work with St Columba's College in the development of 'Drop Off and Pick Up' zones on Buckley Street, subject to VicRoads approval.
- c) Advocate for staggered start and finish times for local schools and to further encourage and promote active travel options for schools.

CARRIED

9.7 Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan

File No: FOL/16/130

Author: Coordinator Open Space & Urban Design

Directorate: Planning & Development

Ward: Myrnong

Minute No. 2016/09

Council Resolution

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

1. Adopt the Racecourse Road and Pin Oak Crescent Streetscape and Activation Plan.
2. Commit to funding Action 4.9 (being the closure of Pin Oak Crescent for a day annually to create a pop up park) in the amount of \$15,000 for the 2016/2017 financial year and work with traders and the community to source internal and external funding opportunities for subsequent financial years, subject to Council's annual budgetary process.

CARRIED

9.8 Submission to Flemington Hill and Epsom Road Advisory Committee

File No: FOL/16/130

Author: Senior Strategic Planner

Directorate: Planning & Development

Ward: Myrnong

Minute No. 2016/10

Council Resolution

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

1. Endorse the submission to the Flemington Hill and Epsom Road Advisory Committee as detailed at Appendix A (separately circulated).
2. Forward the submission to Chair of the Flemington Hill and Epsom Road Advisory Committee.

3. Write to the Minister for Planning requesting that he provide Moonee Valley City Council, the City of Melbourne and the Victoria Racing Club with a copy of the Advisory Committee's report upon its release, and that he agree to meet and discuss the report with Council prior to the Minister making any decision.
4. Write to the Minister for Planning and the Chief Executive of the City of Melbourne advising of Council's view that the whole of the Flemington Green Precinct site should be included within MVCC boundaries.
5. Write to the Chief Executive of the City of Melbourne, expressing Council's disappointment that the request from Moonee Valley City Council to discuss a potential municipal boundary realignment was not responded to or undertaken in advance of the Advisory Committee Public Hearings.

CARRIED

Cr Giuliano left the meeting at 9.17pm.

9.9 Submission to the Managing Residential Development Advisory Committee (MRDAC)

File No: FOL/16/130
Author: Senior Strategic Planner
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/11

Council Resolution

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

1. Endorse the draft submission to the Managing Residential Development Advisory Committee (MRDAC), as detailed in Appendix B (separately circulated).
2. Forward the submission to Planning Panels Victoria (PPV).

CARRIED

9.10 Planning Scheme Amendment C151 - Updating local flood controls

File No: FOL/16/130
Author: Strategic Planner
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/12

Council Resolution

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

1. Having complied with Part 3, Division 1 and 2 of the Planning and Environmental Act 1987, and in accordance with Section 29(1), formally adopt Moonee Valley Planning Scheme Amendment C151 which will incorporate all changes recommended by the Panel as per Page 1 of 9 of the Panel Report included in Appendix B (separately circulated) and in accordance with the revised maps included in Appendix C.
2. Pursuant to Section 31(1) of the Planning and Environmental Act 1987, submit Moonee Valley Planning Scheme Amendment C151 to the Minister for Planning for approval.

CARRIED

Cr Giuliano returned to the meeting at 9.25pm.

9.11 Planning Scheme Amendment C162 - Heritage Overlay 41, 43 and 45 Regent Street, Ascot Vale

File No: FOL/16/130
Author: Strategic Planner
Directorate: Planning & Development
Ward: Myrnong
Minute No. **2016/13**

Council Resolution

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

1. In accordance with Section 8A(3) of the Planning and Environment Act 1987, seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C162 – Permanent Heritage controls for numbers 41, 43 and 45 Regent Street, Ascot Vale.
2. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C162 in accordance with Section 19 of the Planning and Environment Act 1987.
3. Refer submissions which request changes to the amendment, and are not resolved, to an independent Planning Panel in accordance with Section 23(1)(b) of the Planning and Environment Act 1987.

CARRIED

9.12 Draft Rosehill Park Master Plan

File No: FOL/16/130

Author: Coordinator Open Space & Urban Design

Directorate: Planning & Development

Ward: Rosehill

Minute No. 2016/14

Council Resolution

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

1. Endorse the Draft Rosehill Park Master Plan 2016 (Appendix A – separately circulated) for the purpose of community consultation.
2. Receive a further report following the completion of community consultation.

CARRIED

9.13 Kindergarten in Moonee Ponds

File No: FOL/16/130

Author: FC&S Strategic Planning Advisor

Directorate: Corporate & Community Services

Ward: Myrnong

Minute No. 2016/15

Council Resolution

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

1. Receive and note the response regarding the provision of a Kindergarten in Moonee Ponds.
2. Receive a further report when the draft recommendations for Council's long term community facility plan are finalised.
3. Without limiting point 2, continue to receive further reports no less frequently than every 6 months updating Council on this issue, until such time as an appropriate kindergarten site within Moonee Ponds is identified.

CARRIED

9.14 Council Property Leasing Policy

File No: FOL/16/130

Author: Coordinator Property Management

Directorate: City Services

Ward: Municipal

Minute No. 2016/16

Council Resolution

Moved by Cr Nation, seconded by Cr Cornish that Council approve the Council Property Leasing Policy (Appendix A – separately circulated).

CARRIED

Reports Considered En Bloc

Minute No. 2016/17

Council Resolution

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

- 9.15 Maribyrnong River Cruises Mooring Site
 - 9.17 Endorsement of Interstate Travel for Council Representative to Attend a Conference
 - 9.18 Endorsement of Interstate Travel for Council Representative for the LeadWest Delegation
 - 9.19 Appointment of Chief Executive Officer as a Representative to LeadWest
 - 9.21 Report on Advisory Committees
 - 9.22 Report on Audit Committee
 - 9.23 Report on Tenders and Contracts Awarded
- be adopted by Council.

CARRIED

9.15 Maribyrnong River Cruises Mooring Site

File No: FOL/16/130

Author: Acting Coordinator Parks & Gardens

Directorate: City Services

Ward: Municipal

Minute No. 2016/16

Council Resolution

Moved by Cr Cornish, seconded by Cr Nation that Council receive and note the report.

CARRIED

9.17 Endorsement of Interstate Travel for Council Representative to Attend a Conference

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

Council Resolution

Moved by Cr Cornish, seconded by Cr Nation that Council endorse the attendance of the Mayor, Cr Surace and Deputy Mayor, Cr Giuliano at the Australian Smart Cities and Infrastructure Conference in Sydney, on 4-5 April 2016.

CARRIED

9.18 Endorsement of Interstate Travel for Council Representative for the LeadWest Delegation

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

Council Resolution

Moved by Cr Cornish, seconded by Cr Nation that Council endorse the attendance of the Mayor, Cr Surace as part of the LeadWest delegation in Canberra on 16 and 17 March 2016.

CARRIED

9.19 Appointment of Chief Executive Officer as a Representative to LeadWest

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

Council Resolution

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

1. Appoint the Chief Executive Officer as the second representative to LeadWest for the remainder of the current term.
2. Confirm the appointment of the Director Corporate & Community Services as Council's second representative to the LeadWest Annual General Meeting.
3. Write to LeadWest advising of the above appointments.

CARRIED

9.21 Report on Advisory Committees

File No: FOL/16/130

Author: Team Leader Council Business

Directorate: Corporate & Community Services

Ward: Municipal

Minute No. 2016/16

Council Resolution

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

- a) Disability Reference Group held 31 August 2015 (Appendix A);
- b) Disability Reference Group held 9 October 2015 (Appendix B);
- c) Integrated Transport Committee held 9 November 2015 (Appendix C);
- d) ANZAC Centenary Advisory Committee held 9 November 2015 (Appendix D); and
- e) Strategic Planning Advisory Committee held 12 November 2015 (Appendix E);

CARRIED

9.22 Report on Audit Committee

File No: FOL/16/130

Author: Team Leader Council Business

Directorate: Corporate & Community Services

Ward: Municipal

Minute No. 2016/16

Council Resolution

Moved by Cr Cornish, seconded by Cr Nation that Council receive the unconfirmed Minutes of the Audit Committee Meeting held 7 December 2015.

CARRIED

9.23 Report on Tenders and Contracts Awarded

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

Council Resolution

Moved by Cr Cornish, seconded by Cr Nation that Council receive and note the report of Council's Tenders Committee and tenders awarded at its meeting held 9 February 2016.

CARRIED

Cr Marshall, Cornish and Cusack left the meeting at 10.17pm.

Cr Chantry left the meeting at 10.20pm.

9.16 Financial Performance Report December 2015

File No: FOL/16/130
Author: Manager, Finance
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/17

Council Resolution

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

1. Receive and note the Financial Performance Report for the period 1 July 2015 to 31 December 2015.
2. Receive and note the Grants Status Report for December 2015.

CARRIED

The Mayor, Cr Surace voted against the motion.

Cr Chantry returned to the meeting at 10.21pm.

9.20 Report on Assemblies of Council

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/18

Council Resolution

Moved by Cr Nation, seconded by Cr Giuliano that Council receive and note the written records of Assembly of Councillors with an amendment to the Record of Assembly of Councillors held Tuesday, 15 December 2015 removing Cr Nation's name as he did not attend this assembly.

CARRIED

10. Notices of Motion

10.1 Management of Essendon Airport

File No: FOL/16/130

From: Councillor Jan Chantry

Ward: Buckley

Minute No. 2016/19

Council Resolution

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

1. Write to the Essendon Airport Management, Department of Infrastructure and Regional Development and Federal and Local politicians advising that the residents of Lebanon Street, Jones Street and Woolart Street Strathmore would like to further action in regard to:
 - a) Air Pollution
 - i) It is noted that new air monitoring devices have been erected on airport land, however one (1) additional air monitoring device needs to be added opposite 151 Lebanon Street to gauge the actual pollution along this strip of homes in Lebanon Street.
 - ii) Measures to ensure any exposure to dust for residents is reduced to a minimum.
 - iii) The inspection of the houses along Lebanon Street with a view to rectifying damages in regard to cleanliness of homes, damage to vehicles, and possible new filter replacements in air conditioning units where these impacts are related to airport operations.
 - b) Noise Pollution
 - i) A review of the hours of work on site, both during weekdays and on the weekend.
 - ii) The monitoring of trucks on the site and potential review of hours of operation.
 - iii) Asbestos-Contaminated Soil Stockpile Removal
 - iv) Details of when all existing piles of contaminated asbestos will be removed, and that this removal is undertaken by a qualified asbestos removalist.

- v) Details of the progressive removal of all piles of soil on the site, including timing.
 - vi) Assurance that any contaminated soil will be removed to an off-site location.
 - vii) Details of the removal of all shipping containers from the Hart Precinct.
 - viii) Assurance that a hygienist and environmental auditor will be engaged to monitor issues.
- c) Black Helicopter
- i) Assurance that the black helicopter being used as a training vehicle will operate under the Fly Neighbourly agreement – avoiding circling or descending over Lebanon Street homes.
 - ii) Details of how many movements are permitted for this helicopter under the current Master Plan.
 - iii) Assurance that no repairs or maintenance will be carried out on runway strips, eliminating the noise of running engines.
- d) Landscaping and General Tidiness of Site
- i) Assurance that any shade cloth is suitably maintained, and that landscaping is installed along the fence line of the homes in Lebanon Street to improve this interface.
 - ii) Assurance that rubbish along the fence line will be removed on a regular basis.
- e) Proposed Development in the Harts Precinct
- i) Details of what is proposed for the portion of land behind the water tanks and any future consultation processes, as it is understood the City West Water have an agreement with Essendon Airport regarding this land.
- f) Communication
- i) Assurance that Essendon Airport will nominate a dedicated officer as the primary contact for resident's complaints, including the establishment of a dedicated hotline.
2. Liaise with Essendon Airport management via the Essendon Consultative Committee and provide feedback from both Council and the Airport to surrounding residents.

CARRIED

Cr Sipek left the meeting at 10.25pm.

10.2 Community Safety Concerns Ascot Vale Housing Estate

File No: FOL/16/130
From: Councillor Jim Cusack
Ward: Myrnong
Minute No. 2016/18

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council maintain ongoing commitment to support action that addresses community safety concerns across both the Ascot Vale and Flemington Housing Estate's, in collaboration with partners, through:

- a) Council's continued facilitation of the Flemington Community Safety Project Group, inclusive of involvement by community stakeholders, to collaborate in the development of approaches and opportunities to improve local community safety outcomes.
- b) Council initiating a workshop of community stakeholders, Victoria Police (Flemington Station), Department of Health and Human Services, Department of Justice and Regulation, Wingate Avenue Community Centre Management, Moonee Valley Legal Service, and Member for Essendon Mr Danny Pearson, to scope issues and develop collaborative opportunities to prevent crime and build community resilience on the Ascot Vale Estate.
- c) Following the delivery of b), Council support the agreed merge of the Flemington Community Safety Project Group with Ascot Vale stakeholders to support shared investment and greater efficiency and effectiveness of local community safety stakeholder resources.
- d) Facilitation of the production of a report that provides an evidence base of local safety issues (common and specific to each estate) and commitment of associated partnership responses. This should identify both intervention and crime prevention actions, advocacy responses and the identification of need for ongoing planning and partner facilitation to support general community wellbeing (specifically vulnerable residents and new and emerging community members) and improvement in local perceptions of safety.
- e) Subsequent to the delivery of a) through d), consider revision of Council's Advocacy Agenda Tier One Priority of "Improve liveability of Flemington Public Housing" to "Improve liveability of Ascot Vale and Flemington Public Housing".
- f) Make provision in the 2016/17 budget of up to \$50,000 for future advocacy initiatives and funding submissions for immediate pilot partnership project(s) and or the enhancement of existing activities for sustained improvement of community safety and crime prevention.

Division Called

A division was called and voting was as follows:

For: Crs Chantry and Giuliano.

Against: Crs Surace and Sharpe.

Abstain: Cr Nation.

LOST

11. Urgent Business

Nil.

12. Confidential Reports

Council Resolution

Moved by Cr Giuliano, seconded by Cr Nation 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.

CARRIED

Cr Sipek returned to the meeting at 10.28pm.

Consideration of Confidential Reports

12.1 Property Acquisitions and Dispositions

Council Resolution

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

CARRIED

13. Close of Meeting

The meeting concluded at 10.30pm.

**CR ANDREA SURACE
CHAIRPERSON**