



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 24 May 2016 at 7.00pm

Minutes

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9. Reports

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Minutes of the Ordinary Meeting of Council

Tuesday, 24 May 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
Mr Petrus Barry Manager Statutory Planning
Ms Yvonne Hansen Manager Legislative Services & Support

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Ordinary Council Meeting of Tuesday, 24 May 2016.

2. Apologies

Nil.

Leave of Absence

Minute No. 2016/63

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council grant Cr Marshall Leave of Absence for the period 4 July to 15 July 2016 inclusive.

CARRIED

3. Confirmation of Minutes

Council Resolution

Moved by Cr Sipek, seconded by Cr Sharpe that the Minutes of the Ordinary Meeting of Ordinary held on Tuesday, 23 February 2016, Ordinary Meeting of Council held on Tuesday, 26 April 2016, Special Meeting of Council held on Tuesday, 10 May 2016 and the Special Meeting of Council held on Tuesday, 17 May 2016 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Cr Nation declared an indirect conflict of interest in Item 9.1 due to a conflicting duty. A written disclosure was provided to the Chief Executive Officer outlining the reasons for this conflict.

5. Presentations

Suspension of Standing Orders

Council Resolution

Moved by Cr Giuliano, seconded by Cr Marshall that Standing Orders be suspended to allow a presentation.

CARRIED

In the lead up to this year's Anzac Day, Council, in partnership with the Anzac Centenary Community Coordinating Committee and the Essendon Historical Society unveiled a series of Anzac heritage signs in 12 streets of the municipality.

On behalf of Council, the Mayor, Cr Surace together with the Chair of Council's Anzac Centenary Community Coordinating Committee, Cr Jan Chantry presented Anne Savige a replica commemorative sign which was installed in honour of her Great Uncle, Lieutenant General Sir Stanley George Savige, an Australian soldier and officer who served in both the First and Second World Wars.

Resumption of Standing Orders

Council Resolution

Moved by Cr Sipek, seconded by Cr Nation that Standing Orders be resumed.

CARRIED

6. Petitions and Joint Letters

6.1 Parking Restrictions, Glenbervie Road Strathmore

File No. FOL/16/42

Cr Chantry tabled a petition signed by 22 residents of Glenbervie Road, Strathmore requesting that no changes be made to the current parking restriction in Glenbervie Road and that the 150 millimetre kerb surrounding the median strip within the road be reduced to an appropriate form and size or be replaced with appropriate kerbing.

6.2 Alf Pearce Park

File No. FOL/10/1043

Cr Giuliano tabled a letter received from Strathmore Veterinary Clinic supporting the off lead dog park located at Alf Pearce Park.

6.3 Alf Pearce Park

File No. FOL/10/1043

Cr Sharpe tabled a petition signed by 564 individuals in favour of keeping open the off lead dog park located at Alf Pearce Park.

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

Ms Ann McKie of Strathmore asked the following questions with regard to the Alf Pearce Park Off Lead Dog Park:

1. Why is the Council not listening to the Residents?
2. Why were the options of people outside Moonee Valley included in the surveys and why are the ratepayers of Moonee Valley paying for facilities to be used by people outside the area?

The Chief Executive Officer advised that the report on the Alf Pearce Reserve Fenced Dog Park is listed as Item 9.8 on the agenda and Council will consider the outcomes of the survey and feedback received when making its decision.

A mail out was sent to 702 residents, an online survey and intercepts surveys conducted with park users with each of these various consultations included within the report and each individually assessed against feedback received.

Ratepayers of Moonee Valley contribute to many facilities such as roads, sports pavilions, libraries, leisure centres, swimming pools and streetscapes that are used by the wider Melbourne community and visitors. Council decisions aim to primarily benefit the citizens of the municipality, however, it is only natural that there are members of the public from outside the municipality that will utilise the facilities and infrastructure Council provides.

8. Reports by Mayor and Councillors

File No. FOL/14/1249

Minute No. 2016/64

Council Resolution

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

CARRIED

9. Reports

Having declared an indirect interest in Item 9.1 Cr Nation left the meeting at 7:21pm.

- 9.1** **275 Buckley Street, Aberfeldie (Lot 4 PS 145986D and Lot 5, Block E PS 002016) - Use and development of the land for multi-level mixed use buildings comprising of a Restricted Recreational Facility (gym) and dwellings along with a reduction in car parking requirements**

File No: FOL/16/130

Author: Senior Statutory Planner

Directorate: Planning & Development

Ward: Buckley

Minute No. 2016/65

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council resolves, with respect to an Application for Review against Council's failure to decide the application within the prescribed time, to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/487/2015 for the use and development of the land for multi-level mixed use buildings comprising of a Restricted Recreational Facility (gym) and dwellings along with a reduction in car parking requirements at No. 275 Buckley Street, Essendon (Lot 4 PS154986D and Lot 5, Block E PS 002016) on the following grounds:

1. The proposal fails to meet the strategies contained within Clause 21.06-4 (Objectives & Strategies – Urban Design) and Clause 55.02-1 (Neighbourhood Character) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond to its location and the surrounding context in the following way:
 - a) Visual bulk; and
 - b) Poor interface with Beaver Street.

2. 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.
3. The proposal fails to meet the following design standards contained within Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme:
 - a) Design Standard 1 – Accessways (Visibility Splays)
4. The proposed development does not meet the requirements of the following standards under Clause 55 of the Moonee Valley Planning Scheme:
 - a) Clause 55.03-1 (Street Setback);
 - b) Clause 55.03-2 (Building Height);
 - c) Clause 55.03-3 (Site Coverage);
 - d) Clause 55.03-4 (Permeability);
 - e) Clause 55.04-1 (Side and Rear Setbacks);
 - f) Clause 55.04-2 (Walls on Boundaries);
 - g) Clause 55.04-6 (Overlooking);
 - h) Clause 55.04-7 (Internal Views);
 - i) Clause 55.04-8 (Noise);
 - j) Clause 55.05-1 (Accessibility);
 - k) Clause 55.05-3 (Daylight to New Windows);
 - l) Clause 55.05-5 (Solar Access to Open Space); and
 - m) Clause 55.05-6 (Storage).

CARRIED

Cr Nation returned to the meeting at 7.34pm.

9.2 436-442 Mt Alexander Rd, Ascot Vale (Lots 22,23 & 24 LP4866 and Lot 1 TP893954P) - Construction of an eight storey mixed use development in a Design and Development Overlay (DDO3), a reduction in car parking requirements and waiver of loading bay requirements

File No: FOL/16/130
Author: Principal Planner/Appeals Advocate
Directorate: Planning & Development
Ward: Myrnong
Minute No. 2016/66

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council with respect to an Application for Review against Council's failure to decide the application within the prescribed time, resolves to advise the Victorian Civil and Administrative

Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Notice of Refusal to Grant a Permit in relation to Planning Permit Application No. MV/846/2015 for the construction of an eight storey building in a Design and Development Overlay (DDO3), use of the land for dwellings, a reduction in car parking requirements and a waiver of loading bay requirements at No. 436-442 Mt Alexander Road, Ascot Vale (Lots 22, 23 and 24 LP4866 and Lot 1 TP893954P), on the following grounds:

1. The proposal fails to meet the 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 contribute positively to the local character.
2. The proposal fails to meet the objective and strategies of Clause 15.03-1 (Heritage Conservation) of the Moonee Valley Planning Scheme as the policy relates to the conservation of places of heritage significance. The proposed development does not adequately respect heritage properties along Baroda Street and is not considered appropriate as a result.
3. 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.
4. The proposed development does not meet the decision guidelines set out under Clause 43.02-5 (Design and Development Overlay) of the Moonee Valley Planning Scheme as well as the design objectives of Schedule 3 to the Overlay, resulting in an urban design outcome which fails to positively contribute to the appearance of the Mt Alexander Road corridor.
5. The proposed development exceeds the preferred maximum height of 12 metres (3 storeys) within Precinct H of Schedule 3 to the Design and Development Overlay, as well as the front and rear setback requirements, resulting in an urban design outcome which fails to appropriately respond to its location and the surrounding context.
6. The proposal will have an adverse effect on the residential amenity of neighbouring land.
7. 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.
8. The proposal will cause adverse traffic impacts on the surrounding area which will be substantial and unreasonable.
9. The proposal fails to meet the purpose of Clause 52.07 (Loading and Unloading of Vehicles) and does not provide for the adequate loading and unloading for vehicles.

CARRIED

9.3 229 Mascoma Street, Strathmore (Lot 37 on Plan of Subdivision 57622) - Construction of a double storey dwelling to the rear of an existing dwelling

File No: FOL/16/130
Author: Senior Statutory Planner
Directorate: Planning & Development
Ward: Buckley
Minute No. 2016/67

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application MV/422/2014 for the Construction of a dwelling to the rear of an existing dwelling at No.229 Mascoma Street, Strathmore (Lot 37 on Plan of Subdivision 57622), 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) The first floor master bedroom wall associated with Dwelling 2 to be setback 4.2 metres at the most north-western point and 5.2 metres at the most south-western point.
 - b) Balconies 1 and 3 associated with Dwelling 2 revised to show:
 - i) External connection between each balcony with a minimum 1 metre depth; and
 - ii) The western alignment to sit flush with a minimum 2 metre setback from the western boundary.
 - c) Alterations to the access doors as a result of Condition 1b)i) and 1b)ii) changes;
 - d) Any internal modifications as a result of Condition 1a) and 1b).
 - e) Introduce natural timber finishes to the south-western elevation of Dwelling 2, including the first floor façade, balcony screening and garage door in accordance with a revised Colour and Material Schedule.
 - f) Demonstrate all grades associated with the new driveway to be in accordance with the Australian Standards.
 - g) Pedestrian Visibility Splays along each side of the common driveway in accordance with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.

- h) All water sensitive design treatment measures and associated notations shown on the relevant plans as a result of Condition 3 in accordance with Clause 22.03 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct 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. An amended STORM assessment for Dwelling 2 must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessment must 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 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 movements 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; 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 initiative 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 buildings approved by this permit area occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent 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. 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 lands as shown on the endorsed plans must:

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

to the satisfaction of the Responsible Authority.

Parking areas must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.

11. 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 1.0 metres 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.

12. 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.
13. Before the buildings approved by the permit are occupied, boundary fencing and lattice extension is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
14. Before the development starts, and before any trees or vegetation are removed a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to an 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 and 3 copies must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but

modified to show:

- a) In accordance with Condition 1;
- b) Planting on the land comprising trees and shrubs capable of:
 - i) Providing a complete garden scheme;
 - ii) Softening the building bulk;
 - iii) Providing some canopy capable of reaching a mature minimum height of 4 metres;
 - iv) Providing higher density planting within the front setback of Dwelling 2; and
 - v) Minimising the potential of any overlooking between habitable room windows of adjacent dwellings;
- c) The proposed design features such as paths, paving, lawn and mulch;
- d) 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;
- e) The provision of lighting along the common driveway; and
- f) The use of drought tolerant species.

When approved the amended 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.

15. The garden areas shown on the endorsed plans and schedule must only be used as garden and must be constructed, completed and maintained in a property, 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.
16. 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, vehicle crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the land.
- 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.

CARRIED

9.4 40 Forrester Street, Essendon (Lot 4 on PS 015829 and Lot 1 on Title Plan 8189954) - Construction of two dwellings

File No: FOL/16/130
Author: Principal Statutory Planner
Directorate: Planning & Development
Ward: Buckley
Minute No. 2016/68

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/843/2015 for the construction of two dwellings at 40 Forrester Street, Essendon (Lot 4 on PS 015829 and Lot 1 on Title Plan 8189954), 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) Reduction to the extent of first floor in each dwelling by redesigning / relocating Bed 4 into the retreat area, with side boundary setbacks matching the staircase wall/window.
 - (b) Any internal modifications as a consequence of Condition 1a).

- (c) Any privacy treatment measures and associated notations arising from the modifications required in Condition 1a) and to accord with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- (d) Incorporation of clear roof sheeting into each proposed alfresco to enable improved levels of sunlight access into the respective open-planned living areas.
- (e) Notated height dimensions of each proposed storage shed to accord with Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme.
- (f) Pedestrian visibility splays abutting both sides of each accessway in accordance with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.
- (g) Replacement of the infiltration sand pit treatment with the buffer strip treatment, with details on extent, size and grading of the impervious surfaces draining to it. This must be consistent with a correct STORM report.
- (h) Any stormwater measures and notations to accord with Condition 3.
- (i) Crossover of Dwelling 2 constructed as a double crossover with No. 38a Forrester Street with associated modifications to the tapering of the respective accessway and landscaping.
- (j) Notation to state the bluestone kerb and channel abutting the front (southern) boundary of the site to be reconstructed between each vehicle crossover with all cost of works to be borne by the owner/applicant and to the satisfaction of the Responsible Authority.
- (k) Notation to state the existing footpath and vehicle crossing abutting the front (southern) boundary of the site to be reconstructed with all cost of works to be borne by the owner/applicant and to the satisfaction of the Responsible Authority.
- (l) Notation to state the Telstra pit to be upgraded or relocated away from the proposed crossover with all cost of works to be borne by the owner/application and to the satisfaction of the Responsible Authority.
- (m) Retention of the existing fence line on the western boundary, with an associated modification of Dwelling 1's garage and accessway to align with the existing fence line.
- (n) All side boundary fences within the front setback to be tapered down to 1.2 metres.

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 assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
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 of 30 days prior to any building or works, a WSUD 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 systems.

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 WSUD Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

6. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - (a) Inspection frequency;
 - (b) Cleanout procedures;
 - (c) As installed design details/diagrams including a sketch of how the system operates; and
 - (d) A report confirming completion & 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 initiative 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 buildings approved by this permit area occupied, all 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 Authorities.
9. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
10. 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 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.
12. 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 lands 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.
Parking areas must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.

13. Before the building/s approved by this permit is/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.
14. The existing street tree must not be removed or damaged as a result of the permitted development.
15. Before the buildings approved by the permit are occupied, boundary fencing is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
16. Before the development starts, and before any trees or vegetation are 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 and 3 copies must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - (a) In accordance with Condition 1;
 - (b) Planting on the land comprising trees and shrubs capable of:
 - Providing a complete garden scheme;
 - Softening the building bulk;
 - Providing some canopy capable of reaching a mature minimum height of 4 metres; and
 - Minimising the potential of any overlooking between habitable room windows of adjacent dwellings;
 - (c) The proposed design features such as paths, paving, lawn and mulch.
 - (d) 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;
 - (e) The provision of a canopied tree to reach 3-6 metres at maturity in each front setback area and private open space of Dwellings 1 and 2;
 - (f) The use of drought tolerant species; and
 - (h) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems.

When approved the amended 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.

17. The garden areas shown on the endorsed plans and schedule must only be used as garden and must be constructed, completed and maintained in a property, 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.
18. 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 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.
- 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.
- The realignment of the western boundary to accommodate the placement of the garage associated with Dwelling 1 is to be dealt with through any future subdivision of the land.

CARRIED

**9.5 6 Ridley Avenue, Avondale Heights (Lot 16 on LP43010)
- Construction of a double storey dwelling to the rear of
an existing dwelling**

File No: FOL/16/130
Author: Senior Statutory Planner
Directorate: Planning & Development
Ward: Rosehill
Minute No. 2016/69

Council Resolution

Moved by Cr Sharpe, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application MV/812/2015 for the Construction of a dwelling to the rear of an existing dwelling at No.6 Ridley Avenue, Avondale Heights (Lot 16 on LP43010), 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) Changes to the plans as stipulated on the plans submitted 4 April 2016 but also include the following changes:
 - i) The carport associated with Dwelling 1 to be set off the western boundary by 1.15 metres and provide a solid wall on its western alignment.
 - ii) Bedroom 2 associated with Dwelling 2 to be setback 2.5 metres from the western boundary.
 - iii) The Master Bedroom associated with Dwelling 2 to be set 2.18 metres from the eastern boundary.
 - b) The provision of a west facing window associated with Bedroom 3 and an east facing window to the master bedroom of Dwelling 2 in accordance with Clause 55.03-5 (Energy Efficiency) of the Moonee Valley Planning Scheme.
 - c) The secluded private open space area associated with Dwelling 1 provided with a setback from the northern wall (carport) to the southern boundary (dwelling) to have compliance with the standard requirement of Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme.
 - d) Any modifications to Dwelling 2 and the carport associated with Dwelling 1 as a result of Condition 1 c).
 - e) The turning Circles associated with each dwelling to be in accordance with the Australian Standards as a result of Condition 1a)i) and c).

- f) All relevant windows to be noted to be 'fixed or openable to a maximum 150mm to a height of 1700mm above Finished Floor Level in accordance with Clause 55.04-6 (Overlooking) and Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme.
- g) The provision of planter boxes within the secluded private open space area of Dwelling 1.
- h) The provision of a bin enclosure associated with Dwelling 1 in accordance with Clause 55.06-4 (Site Services) of the Moonee Valley Planning Scheme.
- i) The provision of a 300mm wide garden bed and lighting along the common driveway.
- j) Pedestrian Visibility Splays along each side of the common driveway in accordance with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.
- k) The deletion of all roofing to the Alfresco associated with Dwelling 1.
- l) The provision of a 1.8 metre high separation fence between the carport of Dwelling 1 and the private open space of Dwelling 2.
- m) All water sensitive design treatment measures and associated notations shown on the relevant plans as a result of Condition 3 in accordance with Clause 22.03 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct STORM report.
- n) The size and location of any infiltration sand pits and the extent, size and grading of the impervious surfaces draining to it. This must be consistent with the information provided in the approved STORM report.
- o) The following notations on the Ground Floor Plan:
 - 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; and
 - iv) The roof catchment area collected to the rainwater tank; and information to be consistent with a correct STORM 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 assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessment must 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 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 build or works commencing, a WSUD 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 systems.

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

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

6. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; 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 initiative 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 buildings approved by this permit area occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent 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. 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 lands 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.

Parking areas must be kept available for these purposes at all times 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 the permit are occupied, boundary fencing is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
13. Before the development starts, and before any trees or vegetation are removed a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to an 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 and 3 copies must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:

- a) In accordance with Condition 1;
- b) Planting on the land comprising trees and shrubs capable of:
 - i) Providing a complete garden scheme;
 - ii) Softening the building bulk;
 - iii) Providing some canopy capable of reaching a mature minimum height of 4 metres; and
 - iv) Minimising the potential of any overlooking between habitable room windows of adjacent dwellings;
- c) The proposed design features such as paths, paving, lawn and mulch;
- d) 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;
- e) The provision of lighting along the common driveway;
- f) The provision of drought tolerant species within the planter boxes within the secluded private open space area of Dwelling 1;
- g) The use of drought tolerant species;
- h) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems.

When approved the amended 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.

14. The garden areas shown on the endorsed plans and schedule must only be used as garden and must be constructed, completed and maintained in a property, 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.
15. The existing street trees or vegetation must not be removed or damaged as a result of the permitted development.
16. 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, vehicle crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the land.
- 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.

CARRIED

Crs Sipek and Surace voted against the motion.

9.6 12 Howes Street, Airport West (Lot 2 PS328594N) - Construction of a five storey building with a reduction in car parking requirements, use of the land for dwellings, a waiver of loading bay requirements and a reduction in bicycle spaces

File No: FOL/16/130
Author: Principal Statutory Planner
Directorate: Planning & Development
Ward: Rosehill
Minute No. 2016/70

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sipek that Council issue a Planning Permit in relation to Planning Permit Application No. MV/391/2015 for the construction of a five storey building with a reduction in car parking requirements, use of the land for dwellings, a waiver of loading bay requirements and a reduction in bicycle spaces at No.12 Howes Street, Airport West (Lot 2 PS328594N), 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) Changes as per Revision 2 plans TP04 to TP15 (inclusive) dated 2 February 2016.
 - b) All windows associated with internal pedestrian circulation areas enlarged to maximise access to natural daylight (i.e. floor-to-ceiling height and wall-to-wall width).
 - c) Provision of six residential visitor car spaces on site within car spaces No.1 to No.6 (inclusive), with these six resident car spaces relocated and accommodated within the existing car spaces to the south-east of the site through additional and/or modified car stackers.
 - d) The vehicle crossover increased to 5.5 metres in width, while maintaining a 5.5 metre distance between the existing crossover for No.16 Howes Street and the proposed crossover for this development.
 - e) Details of the front gate and fence clearly shown within the colour/finishes schedule, with the 'Howes Street Elevation' plan to correctly correlate with the 'front gate and fence detail' diagram on plan TP10.
 - f) Provision of at least 4m³ of externally accessible and secure storage space for each dwelling.
 - g) The internal layout of the communal ground floor storage area redesigned more efficiently to accommodate all residential storage cages.

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, and must be generally in accordance with the approved STORM Rating Report, dated 2 February 2016. The STORM assessment must 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 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 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. 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.

15. 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.
16. 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.

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

19. Before the development starts, a Drainage Layout Plan, 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 include computations and location of stormwater outlets and legal points of discharge.

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

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

City West Water Conditions

20. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
21. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.

End City West Water Conditions

Melbourne Water Conditions

22. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses.

End Melbourne Water Conditions

23. 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 description of previous land uses and activities on the land;
 - An assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - 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
 - 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 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.

If the assessment 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 EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:

- A Certificate of Environmental Audit for the land in accordance with Section 53Y of the EP Act (Certificate); or
- 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.

If a Statement is issued:

- 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; and
- 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).

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.

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:

- Provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
- Be executed before the sensitive use for which the land is being developed commences.

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).

24. 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.
25. 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.
26. The plant and equipment on the roof of the building must be screened in a manner to complement the appearance of the building and be to the satisfaction of the Responsible Authority.
27. 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.
28. The development must be provided with external lighting capable of illuminating access to the car park 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.
29. 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.
30. 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).

31. 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.

32. 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.
33. Prior to the commencement of building and works, the Ecologically Sustainable Development Statement prepared by 'Sokolski Consulting Group' Revision 3, dated 2 February 2016 is to be re-submitted to the Responsible Authority for approval. Once approved, the Statement is to be implemented and appropriately managed during construction of the proposed building.
34. 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.

When approved, the 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.

35. 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.

36. 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 'Leigh Design Pty Ltd' dated 14 October 2015.
 - b) Be in accordance with Condition 1 of this permit.

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.

37. 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.
- According to Council records there is a Council barrel drain and drainage pits located to the front of the property (south-west boundary). The proposed location of the building is located on top of or near these Council assets. It is the responsibility of the developer to verify the exact location and condition of the Council barrel drain prior to the commencement of any works. Alterations will need to be made if Council's assets are located within/abutting the building plans.
- All works are to be undertaken giving due care to Council's assets and the owner/developer shall be responsible for any damage to the existing drain and if any damage has been done this shall be rectified by the owner/developer at their expense.
- 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.
- 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 271262.

CARRIED

9.7 Combined Planning Permit Application MV/900/2015 and Amendment C148 to the Moonee Valley Planning Scheme (9 Newsom Street, Ascot Vale)

File No: FOL/16/130
Author: Strategic Planner
Directorate: Planning & Development
Ward: Myrnong
Minute No. 2016/71

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that consideration of this report be deferred to the June Ordinary Meeting of Council.

CARRIED

9.8 Alf Pearce Reserve Fenced Dog Park
File No: FOL/16/130
Author: Coordinator Open Space & Urban Design
Directorate: Planning & Development
Ward: Buckley
Minute No. 2016/72

Council Resolution

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

1. Note the Community survey results.
2. Approve a permanent fenced dog park in Alf Pearce Reserve.
3. Retain existing temporary fencing whilst community consultation on the permanent fenced dog park design is undertaken.
4. Receive a further report on the design including size and location of the fenced dog park at Alf Pearce Reserve. The design is to consider the outcomes of the survey and feedback received and potential ways to protect the amenity of surrounding residents and ensure the size and location of the fenced area will meet the functions of a dog park and ensure Alf Pearce Reserve remains an open space asset for the whole community to enjoy.

Division Called

A division was called and voting was as follows:

For: Crs Sipek, Sharpe, Nation, Giuliano, Surace, Cornish, Cusack and Marshall

Against: Cr Chantry

CARRIED

9.9 Grade Separation Principles for Essendon Junction
File No: FOL/16/130
Author: Senior Strategic Planner
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/73

Council Resolution

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

1. Adopt the Grade Separation Principles for Essendon Junction as per Appendix A with the following amendments:
 - a) Delete dot points 1, 5 and 7 under the principle currently titled; "Optimise and future proof development potential principle" and change the title of this principle to "Appropriate development potential principle".

- b) Amend dot point 2 under the principle titled; “Encourage urban efficiency in the design and construction of infrastructure and buildings and through facilitating a critical mass of population and employment” by deleting the words “additional development”.
 - c) Amend dot point 3 under the principle titled; “Encourage urban efficiency in the design and construction of infrastructure and buildings and through facilitating a critical mass of population and employment” by deleting the words “To provide appropriate densities”.
2. Provide the Level Crossing Removal Authority with a copy of Council’s Grade Separation Principles for Essendon Junction to inform any future decision making.
 3. Establish an advocacy plan specifically aimed at engaging with VicRoads and Public Transport Victoria.
 4. Engage with Local Members of Parliament in relation to the Grade Separation Principles.

CARRIED

9.10 2016/17 Review of the 2013-17 Council Plan

File No: FOL/16/130
Author: Coordinator Corporate Planning
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/74

Council Resolution

Moved by Cr Cusack, seconded by Cr Sipek that Council endorse the proposed update to the Council Plan 2013-17, consisting of a revised Strategic Resource Plan in line with Council’s Annual Budget 2016/17.

CARRIED

Cr Chantry left the meeting at 8.47pm and returned at 8.48pm.

9.11 Budget 2016/17
File No: FOL/16/130
Author: Acting Manager Finance
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/75

Council Resolution

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

1. Adopt the Annual Budget 2016/17 (provided as Appendix A separately circulated), with the following:
 - 1.1 Amend the Capital Works Program, 6.1 New Works (Page 37):
 - a) Pavilion Development and Design - \$150,000 for Cross Keys Reserve Sports Pavilion documentation, Maribyrnong Park Football/Cricket Pavilion additional change room amenities documentation and Boeing Reserve Football/Cricket Pavilion and Community Hall documentation.
 - b) Include the following new items for the design, documentation and construction of:
 - i) Overland Reserve Pavilion, Keilor East \$1.9 million
 - ii) Ormond Park Cricket and Football Pavilion, Moonee Ponds \$2.0 million
 - iii) Boeing Reserve Baseball Pavilion, Strathmore Heights \$2.0 million
 - iv) Doutta Stars Pavilion, Essendon additional change room amenities \$600,000
 - c) Borrow \$6.5 million for the projects outlined in b) i), ii), iii) and iv) above.
 - 1.2 Include \$10,000 for the Vietnamese Community TET Festival.
2. Authorise the Chief Executive Officer to give public notice of this decision in accordance with Section 129 of the Local Government Act 1989.
3. Respond to those who lodged a submission on the Proposed Budget 2016/17 in writing advising of Council's decision and the reason for the decision in accordance with Section 223(1) (d) of the Local Government Act 1989.
4. Grant a rebate in relation to rates and charges to all Moonee Valley residents eligible within the meaning of the State Concessions Act 1986. The maximum rebate is \$20.
5. Declare the Rates, Levies and Annual Service Charges for the 2016/17 financial year (provided as Appendix B).
6. Adopt the Strategic Resource Plan 2017-2020 (provided as Appendix C).
7. Adopt the 2016/17 Rating Strategy (provided as Appendix D separately circulated).

CARRIED

Cr Giuliano left the meeting at 9.18pm.

9.12 Biannual Grants Program 2015/16 - Round 2

File No: FOL/16/130
Author: Community Grant Officer
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/76

Council Resolution

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

1. Endorse the recommendation of the Grants Advisory Panel for allocation of Round 2 of Biannual Grants as presented in Appendix A; and
2. Notes that all applicants will be advised of the outcome of Round 2.
3. Make available for the public record a list of applicants that were unsuccessful in obtaining a grant in Round 2 of the 2015/16 Biannual Grants program.

CARRIED

Reports Considered En Bloc

Minute No. 2016/78

Council Resolution

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

- 9.13 Moonee Valley Grants 2016/17 - Caretaker arrangements
- 9.14 Submission to the Victorian Government on the draft - Protecting Victoria's Environment - Biodiversity 2036
- 9.16 Financial Performance Report March 2016
- 9.17 Report on Assemblies of Council
- 9.18 Report on Advisory Committees
- 9.19 Report on Tenders and Contracts Awarded
- 9.20 Report on Audit Committee

be adopted by Council.

CARRIED

9.13 Moonee Valley Grants 2016/17 - Caretaker arrangements

File No: FOL/16/130
Author: Community Grant Officer
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/77

Council Resolution

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

1. Endorse officer delegation for assessments of the September and October 2016 rounds of the Responsive Grants program; and
2. Endorse officer delegation for assessments of Round 1 of the 2016/17 Biannual Grants program, which opens to applications from 12 July 2016.

CARRIED

9.14 Submission to the Victorian Government on the draft - Protecting Victoria's Environment - Biodiversity 2036

File No: FOL/16/130
Author: Senior Sustainability Officer
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/78

Council Resolution

Moved by Cr Cornish, seconded by Cr Sipek that Council endorse the submission to the Victorian Government on the draft Biodiversity Plan: 'Protecting Victoria's Environment – Biodiversity 2036'.

CARRIED

9.16 Financial Performance Report March 2016

File No: FOL/16/130
Author: Coordinator Management Accountant
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/78

Council Resolution

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

1. Receive and note the Financial Performance Report for the period 1 July 2015 to 31 March 2016.
2. Receive and note the Grants Status Report for March 2016.

CARRIED

9.17 Report on Assemblies of Council

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/78

Council Resolution

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

CARRIED

9.18 Report on Advisory Committees

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/78

Council Resolution

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

- a) Integrated Transport Committee held 1 February 2016 (Appendix A);
- b) Municipal Emergency Management Planning Committee held 11 February 2016 (Appendix B);
- c) Arts and Culture Advisory Committee held 22 February 2016 (Appendix C);
- d) Integrated Waterways Advisory Committee held 26 February 2016 (Appendix D); and
- e) Strategic Planning Advisory Committee held 24 March 2016 (Appendix E).

CARRIED

9.19 Report on Tenders and Contracts Awarded

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/78

Council Resolution

Moved by Cr Cornish, seconded by Cr Sipek that Council receive and note the report of Council's Tenders Committee and tenders' extensions approved at its meeting held 10 May 2016.

CARRIED

9.20 Report on Audit Committee

File No: FOL/16/130
Author: Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal
Minute No. 2016/78

Council Resolution

Moved by Cr Cornish, seconded by Cr Sipek that Council receive the unconfirmed Minutes of the Audit Committee Meeting held 18 April 2016.

CARRIED

9.15 Community Chef Restructure

File No: FOL/16/130
Author: Manager, Aged & Disability Services
Directorate: Corporate & Community Services
Ward: Municipal
Minute No: 2016/78

Council Resolution

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

1. Support the proposal for the consolidation of Regional Food Kitchen Pty Ltd and Community Chef Pty Ltd, into one proposed model which would be titled Regional Kitchen Pty Ltd.
2. Accepts one share valued at \$18,000 in Regional Kitchen Pty Ltd for the transfer of 12,351 Moonee Valley City Council shares in Community Chef Pty Ltd valued at \$102.00

3. Sign and seal the application for shares for the Regional Kitchen Pty Ltd, attached to this report as Appendix A.
4. Endorse the Chief Executive Officer to sign the standard transfer form, attached to this report as Appendix B.

CARRIED

Cr Sipek left the meeting at 9.22pm.

10. Notices of Motion

10.1 Notice of Motion No. 2016/11 - Single Use Plastic Bags And Items At Events On Council Managed Land

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal
Minute No. 2016/79

Council Resolution

Moved by Cr Marshall, seconded by Cr Chantry that Council request the Chief Executive Officer to:

1. Prepare a policy on reducing or eliminating the use of single use plastic bags at events on Council owned or managed land; and
2. Prepare a report for Council in relation to the potential reduction or elimination of all other single use plastic items at events on Council owned or managed land, such report to detail the advantages and disadvantages of such a proposal.

CARRIED

Cr Sipek returned to the meeting at 9.28pm.

10.2 Notice of Motion No. 2016/12 - Councillor-Community Dispute Policy

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal
Minute No: 2016/80

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council requests the Chief Executive Officer to prepare a policy setting out a process for dealing with disputes between Councillors and members of the public.

CARRIED

Cr Giuliano returned to the meeting at 9.30pm.

10.3 Notice Of Motion No. 2016/13 - Meeting Procedure Protocol Review

File No: FOL/16/130
From: Councillor Narelle Sharpe
Ward: Municipal
Minute No. 2016/81

Council Resolution

Moved by Cr Sharpe, seconded by Cr Marshall that Council requests the Chief Executive Officer to undertake a review of Council's Meetings Procedure Protocol and present revised protocols to the Ordinary Meeting of Council in July 2016.

CARRIED

10.4 Notice of Motion No. 2016/14 - Bluestone Laneways

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Municipal
Minute No. 2016/82

Council Resolution

Moved by Cr Marshall, seconded by Cr Cornish that the Chief Executive Officer prepare a report which explores options for protecting and conserving the City of Moonee Valley's bluestone laneways, kerbs and channels (together Laneways). The report should address, without limitation, the following matters:

1. The most appropriate mechanisms to achieve the ongoing protection and conservation of Laneways, including where appropriate, amendment to the Moonee Valley Planning Scheme; and
2. How to ensure that any development that seeks to utilise a Laneway does not damage or compromise the Laneway and is otherwise appropriate in light of the constraints associated with Laneways.
3. The viability of reinstating bluestone laneways that have been concreted or asphalted over.

CARRIED

11. Urgent Business

Nil.

12. Confidential Reports

Council Resolution

Moved by Cr Sharpe, seconded by Cr Sipek 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 relating to legal advice.

CARRIED

Consideration of Confidential Reports

12.1 East West Link and CityLink Tullamarine Freeway Widening – Return of Acquired Lands and Provision of Other Lands – Memorandum of Understanding

Council Resolution

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

CARRIED

13. Close of Meeting

The meeting concluded at 9.40pm.

**CR ANDREA SURACE
CHAIRPERSON**