



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

Tuesday, 26 July 2016 at 7.00pm

**Minutes**

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# Minutes of the Ordinary Meeting of Council

Tuesday, 26 July 2016 at 7.00pm  
held at the Moonee Valley Civic Centre

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## PRESENT :

**Members:** Cr Andrea Surace  
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 Anthony Smith Acting Chief Executive Officer  
Ms Natalie Reiter Director Planning & Development  
Mr Carey Patterson Acting Director Corporate & Community Services  
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 Council Meeting of Tuesday, 26 July 2016.

## 2. Apologies

Nil.

## 3. Confirmation of Minutes

### Council Resolution

Moved by Cr Marshall, seconded by Cr Sipek that the Minutes of the Ordinary Meeting of Council held on Tuesday, 28 June 2016 be confirmed.

**CARRIED**

**4. Declarations of Conflict of Interest**

- 4.1 Cr Nation declared an indirect conflict of interest in Item 9.8. A written disclosure was provided to the Acting Chief Executive Officer outlining the reasons for this conflict.
- 4.2 Cr Sharpe declared an indirect conflict of interest in Item 9.6 due to residential amenity. Cr Sharpe resides in the area subject to the report.
- 4.3 Cr Giuliano sought that the minutes reflect that although he resides in the area that is the subject of Item 9.8, he does not believe he has a Conflict of Interest in the matter.

**5. Presentations**

Nil.

**6. Petitions and Joint Letters**

Nil.

**7. Public Question Time**

Nil.

**8. Reports by Mayor and Councillors**

**File No.** FOL/14/1249

**Council Resolution**

Moved by Cr Cusack, seconded by Cr Nation that the reports by the Mayor and Councillors be received noting the following amendments to:

- 1. Cr Cusack's report:
  - a) Removal of items listed for:
    - i) 16 June 2016: on site meeting with residents, Waratah St, Ascot Vale.
    - ii) 3 July 2016: Winter Music in the Valley.
  - b) Inclusion of the following:
    - i) 17 June 2016: Attendance at the Essendon Hockey Field; and IFTAR Dinner, Farnham Street Neighbourhood House.
    - ii) 18 June 2016: Meeting with resident a Wiseman Court regarding a Planning matter; and The Avenue record launch.
    - iii) 20 June 2016: Wingate Avenue Committee of Management meeting.
    - iv) 23 June 2016: IFTAR Dinner, Flemington Community Centre.
    - v) 27 June 2016: Wingate Avenue Committee of Management meeting.

- vi) 28 June 2016: Rotary Club of Flemington; and Moonee Valley Interfaith Committee.
  - vii) 3 July 2016: DNA Winter Music
  - viii) 6 July 2016: Naidoc Flag Raising event.
2. Cr Marshall's report:
- a) Inclusion of the following:
    - i) 20 June 2016: Wingate Avenue Committee of Management meeting.
    - ii) 27 June 2016: Wingate Avenue Committee of Management meeting.

**CARRIED**

Leave of Absence

**Minute No.** 2016/97

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Sharpe that Council grant Cr Surace Leave of Absence for the period 21 August to 9 September 2016 inclusive.

**CARRIED**

**9. Reports**

Cr Sipek left the meeting at 7:38pm and returned at 7:40pm.

**9.1 40 Hall Street, Moonee Ponds (PC354406) Stage 2 - Construction of multi-storey buildings and associated works, use of the land for dwellings, reduction in the car parking requirements and waiver of the loading bay requirements**

**File No:** FOL/16/130

**Author:** Principal Planner/Appeals Advocate

**Directorate:** Planning & Development

**Ward:** Myrnong

**Minute No.** 2016/98

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Nation that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/491/2015 for (Stage 2) construction of multi-storey buildings and associated works, use of the land for dwellings and reduction in the car parking requirements at 40 Hall Street, Moonee Ponds (PC354406) on the following grounds:

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

#### **Division Called**

A division was called and voting was as follows:

**For:** Crs Marshall, Cusack, Cornish, Chantry, Surace and Nation.

**Against:** Crs Giuliano, Sharpe and Sipek.

**CARRIED**

#### **9.2                      87 Spencer Street, Essendon (Lot 22 on Plan of Subdivision 19621) - Construction of five dwellings**

**File No:** FOL/16/130

**Author:** Senior Statutory Planner

**Directorate:** Planning & Development

**Ward:** Buckley

**Minute No.** 2016/99

#### **Council Resolution**

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application MV/1019/2015 for the Construction of five dwellings at No. 87 Spencer Street, Essendon (Lot 22 on Plan of Subdivision 19621), on the following grounds:

1. The proposal fails to meet the strategies contained in Clause 55.02-1 (Neighbourhood Character and Infrastructure) and Clause 21.06 (Built Environment) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond to its location and

surrounding context.

2. The development is not site responsive and would represent an overdevelopment of the land.
3. The proposal fails to satisfy the following standards contained within Clause 55 (Two or More Dwellings on a Lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
  - a) Clause 55.03-1 (Street Setback)
  - b) Clause 55.05-4 (Private Open Space).

**CARRIED**

**9.3                            3 Riverside Avenue, Avondale Heights (Lot 326 on LP 11929) - Construction of five double storey dwellings**

**File No:** FOL/16/130  
**Author:** Senior Statutory Planner  
**Directorate:** Planning & Development  
**Ward:** Rosehill  
**Minute No.** 2016/100

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/493/2015 for the construction of five double storey dwellings at 3 Riverside Avenue, Avondale Heights (Lot 326 on LP 11929), 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) A 2 metre internal setback between the first floors of Dwellings 3 and 4, with no other changes to side or rear setbacks.
  - b) The porch of Dwelling 1 extended in width to the north-eastern edge of the ground floor walk-in-robe wall.
  - c) The ground floor layout of Dwelling 1 reconfigured so that the powder room no longer faces the street, replaced with a new habitable room window.
  - d) The provision of a 900mm high front fence constructed of brick or a similar masonry material.
  - e) The average height of all boundary walls noted in accordance with Clause 55.04-2 (Walls on Boundaries) of the Moonee Valley Planning



Scheme.

- f) The layout of Dwelling 5 modified to comply with Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme.
- g) The upper floor of Dwelling 1 reconfigured to comply with Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme, with no other changes to front or side setbacks.
- h) Pedestrian visibility splays shown alongside both accessways in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
- i) The existing crossover widened to 3 metres, with the shared accessway to have a minimum width of 3 metres.
- j) The crossover to Dwelling 1 clearly illustrated, having a width of 3 metres measured from the western property boundary and constructed as a double crossover with the neighbouring property.
- k) Subsequent modifications to landscaping as a result of Condition 1 g).
- l) A notation that the visitor car space will be clearly line marked and provided with directional signage.
- m) The word 'Unit' replaced with the word 'Dwelling'.
- n) Internal northern elevation of Dwelling 3 and internal southern elevation of Dwelling 4.
- o) Any changes as a result of Conditions 3, 4 and 7.

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. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessments 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 Water Sensitive Urban Design (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.

The WSUD Details should be appropriate to the proposed stormwater treatment measure (eg. further detail is required for raingarden systems but is not required for above ground stand alone rainwater tanks unless connected to toilets in which case notation to that effect is to be included on the drawings and in an Environmentally Sustainable Design (ESD)

report if applicable).

Where applicable, any stormwater treatment measures (eg. tanks, raingarden, etc.) contained within the endorsed plans must be included on the stormwater drainage plan, the roof plan and landscape plan as applicable.

5. A minimum 30 days prior to any building 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, 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 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 Guide or a Building Maintenance Guide.

7. Before the development commences, an amended Sustainable Design Assessment (SDA) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended SDA shall refer to the endorsed plans. Upon approval the SDA will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SDA

to the satisfaction of the Responsible Authority. The SDA must be generally in accordance with the SDA submitted with the application, but modified to include:

a) Any changes as a result of Condition 1.

The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
11. Before the buildings approved by this permit are occupied, the concrete vehicular crossing must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings 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.

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. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturer's specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
14. Prior to the issue of an Occupancy Permit, 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.
15. The development must be provided with external lighting capable of

illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.

16. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
- a) Any changes as a result of Condition 1;
  - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
  - c) The use of drought tolerant species;
  - d) The provision of at least two canopy trees within the front setback, as well as at least one within each secluded open space area, capable of achieving a minimum mature height of 4 metres; and
  - e) Features such as paths, paving and accessways.

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

17. 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.
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 in writing request the Responsible Authority to extend the expiry date.

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

#### Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.

- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- An Asset Protection Permit must be obtained from Council prior to commencement of works to ensure that Council assets in the vicinity of the works are not damaged during construction.
- No on street parking permits will be provided to occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation;  $C=0.4$ ,  $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or  $C=0.80$ .
- All 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 must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

**CARRIED**

**9.4                    165-169 Keilor Road, Essendon (Lot 1 LP7912, Lot 1 TP869564Q & Land in CP155101) - Construction of a seven storey building in a Design and Development Overlay (DDO7 & DDO9), use of the land for dwellings, a reduction in car parking requirements, a 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.** 2016/101

**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/693/2015 for the construction of a seven storey building in a Design and Development Overlay (DDO7 & DDO9), use of the land for dwellings, a reduction in car parking requirements, a waiver

of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 at No.165-169 Keilor Road, Essendon (Lot 1 LP7912, Lot 1 TP869564Q & Land in CP155101), subject to the following conditions:

1. Before the use and 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 ground floor interface along Keilor Road, modified internal courtyards, reconfigured apartments and balconies along the southern elevation and the provision of natural light to corridors/lobbies for Building A in accordance with Revision E plans, dated 1 April 2016.
  - b) Any changes as a result of Condition 10, with no changes to the front or side setbacks.
  - c) Deletion of dwellings on the sixth floor level, and the retention of communal roof terraces and provision of a recessed communal roof terrace for Building B that would be predominantly obscured from the view of direct adjoining properties.
  - d) Provision of a loading zone at the front of the site along Keilor Road, to the satisfaction of the Responsible Authority.
  - e) The shared vehicle accessway and crossover modified, including line marking and signage, to encourage right-hand turning movements for vehicles exiting the subject site onto Roberts Street.
  - f) The provision of 300mm trench grates at the bottom of each basement ramp.
  - g) The height of the over-bonnet storage cages clearly shown on the basement floor plans in accordance with the relevant Australian Standard requirements.
  - h) The balconies and habitable room windows for Dwellings B108, C107, A207, C207 and C305 treated/screened in accordance with the requirements of Clause 55.04-6 (Overlooking).
  - i) Specific details of all proposed balcony and window screening clearly shown on the elevation plans, in accordance with the requirements of Clause 55.04-6 (Overlooking).
  - j) Demonstration on the plans as to how the rainwater runoff is to be:
    - i) Collected from any nominated impervious surface area; and
    - ii) Distributed to the nominated sized and located rain garden/infiltration strip/buffer strip (i.e. is it gravity fed or pumped and show the grading of the paved area).
  - k) A roof plan which graphically shows:
    - i) The specific roof area in square metres of the rainwater catchment area discharging into the nominated stormwater treatment, with the Water Sensitive Urban Design (WSUD) treatment capacity clearly and correctly annotated; and

- ii) The details must be consistent with the information provided in the approved complying 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. The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.
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; and
  - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

7. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
  - a) A description of previous land uses and activities on the land.
  - b) An assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land.
  - c) Details of any provisions, recommendations and requirements (including but not limited to clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land.
  - d) Recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under Section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

If the assessment 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).

8. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. 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.

City West Water Condition

10. A 1.0 metre clearance from the edge of the City West Water sewer and any structure must be maintained, unless otherwise agreed upon with City West Water.

End City West Water Condition

11. 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.
12. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
13. 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.

14. 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.
15. 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.

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. Public Cycling parking "hoops" as per urban design guidelines must be installed within the nature strip close to the pedestrian entrances of the building to the satisfaction of the Responsible Authority.
18. 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.

#### VicRoads Conditions

19. Before the development starts, amended plans must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans date stamped by Moonee Valley City Council on 02/09/2015 and annotated as but modified to show:
  - a) All crossovers and driveways along Keilor Road to be reinstated to kerb and channel to the satisfaction of Responsible Authority and/or the Roads Corporation.
  - b) KEEP CLEAR pavement marking on Keilor Road outside Roberts Street.
20. Before the use approved by this permit commences or buildings occupied, the following road works on Keilor Road must be completed at no cost to and to the satisfaction of the Roads Corporation:
  - c) Install KEEP CLEAR pavement marking outside Roberts Street in accordance with AS1742.2 and VicRoads Supplements to AS1742.2:2009-Edition 1.
21. Prior to the commencement of the use or the occupation of the buildings hereby approved, all disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and/or the Roads Corporation and at no cost to the Roads Corporation.

#### End VicRoads Conditions

22. 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.
23. 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.

24. 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.

25. 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.
26. Goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
27. 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.

Essendon Airport Condition

28. The Applicant must obtain consent under the Airports (Protection of Airspace) Regulations 1996 for any activity in the prescribed airspace for Essendon Airport (i.e. buildings, antennas or cranes during construction).

End Essendon Airport Condition

29. 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.
30. 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 Standards Australia International Ltd.

31. 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).
32. 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. Acoustic attenuation is to be provided in accordance with the indoor design sound levels of AS 2021-2015 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction) to achieve the required aircraft noise reduction.

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.

33. 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.
34. The amenity of the area must not be detrimentally affected by the use of land, through:
  - d) Transportation of materials, goods or commodities to or from the land;
  - e) Appearance of any building, works or materials;
  - f) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
  - g) Presence of vermin; or
  - h) In any other way,to the satisfaction of the Responsible Authority.
35. Prior to the commencement of building and works, the Sustainable Management Plan (SMP) prepared by 'F2 Design' dated November 2015 is to be modified in accordance with Condition 1 and submitted to the Responsible Authority for approval. The SDS and STEPS reports are to show the correct number of toilets connected to the rainwater tank in accordance with the STORM Rating Report. Once approved, the SMP is to be implemented and appropriately managed during construction of the proposed building.

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 27 November 2015; and
  - b) Be modified 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. All wastes must be disposed of to the satisfaction of the Responsible Authority. Liquid waste or polluted waters must not be discharged into a sewer or stormwater drainage system.
38. 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 plans submitted with the application but modified to show:
- a) Plans to accord with Condition 1 of this permit;
  - b) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
  - c) All planting abutting the access way(s) 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; and
  - d) Correct rain garden details in accordance with Melbourne Water design guidelines for rain gardens.

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.

39. 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.

40. The existing street trees at the front of the site along Keilor Road must not be damaged or removed as a result of the permitted development, except with the prior written consent of the Responsible Authority.
41. The proposed street trees must be advanced trees which are at least two (2) metres high at the time of planting and of a species and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the proposed street trees including:
- a) Method of mulching and mounding;
  - b) The species of the proposed street trees;
  - c) The size of planting and its maturity; and
  - d) The location of the proposed street trees.

All costs associated with the planting of the street trees must be borne by the permit/applicant.

42. 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.
- 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.

- Before the development starts, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed planting of street trees. 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 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.
- The proposed development requires reinstatement of disused crossover(s) to kerb and channel. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- An application to 'Build or retain a structure over works and/or easements' for City West Water's approval will need to be lodged by the permit applicant.

Should any activity occur above 87.40m Australian Height Datum (e.g. cranes during construction) approval will be required from Essendon Airport).

#### **Division Called**

A division was called and voting was as follows:

**For:** Crs Sipek, Sharpe, Giuliano, Surace, Cornish and Cusack.

**Against:** Crs Nation, Marshall and Chantry.

**CARRIED**

**9.5**                      **113 Keilor Road, Essendon (Lot 18 LP7912) - Construction of a five storey building in a Design and Development Overlay (DDO7 & DDO9), reduction in car parking requirements, 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.** 2016/102

#### **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/500/2015 for the construction of a five storey building in a Design and Development Overlay (DDO7 & DDO9), reduction in car parking requirements, waiver of loading bay requirements and alteration of access to a road in a Road Zone, Category 1 at No.113 Keilor Road, Essendon (Lot 18 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 a floor level.
  - b) Relocation of the six basement level storage pods to the ground level storage area next to the bicycle racks and reduction of those thirty storage areas to a minimum of 5m<sup>3</sup>.
  - c) Provision of an additional car parking space for the proposed shop in place of the basement level storage pods and associated changes to the disabled car parking space.
  - d) The dimensions of the storage areas annotated on the floor plan in accordance with Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme.
  - e) Four of the bicycle spaces allocated to visitors with associated signage and design detail of all bicycle spaces in accordance with Clause 52.34 (Bicycle Facilities) of the Moonee Valley Planning Scheme.
  - f) Landscaping detail in splay area near basement vehicle entry including size and species of plants.
  - g) Details of proposed surface treatments for the courtyards of all ground level dwellings including the rear easement.
  - h) Annotation for a dividing fence between the courtyard for Dwellings G.01 and G.02 to at least 1.8 metres high.
  - i) The location of a roller door/security gate and intercom system associated with the basement garage.
  - j) The provision of a 300mm trench grate at the bottom of the basement ramp.
  - k) Details of bicycle racks and storage pods clearly shown.
  - l) A notation that noise attenuation measures to dwellings to be in accordance with Condition 33.
  - m) The crossover designed in accordance with Conditions 15 and 23.
  - n) Any changes as a result of Conditions 3 and 5.
  - 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; and
  - 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; and
  - 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, clarify catchment areas pertaining to each water tank 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 Water Sensitive Urban Design (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. Before the development commences, a revised Sustainability Management Plan (SMP) including all information and documentation to support SDAPP best practice levels of daylight using the BESS tool must be submitted to and approved by the Responsible Authority. The SMP shall refer to the endorsed plans. Upon approval the SMP will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority.

6. 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).

7. 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.

8. 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.

9. 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.
10. 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.
11. 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.
12. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
13. 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.

14. 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:

- 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.

15. 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.

16. 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.
17. 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; and
  - d) That a 173 Agreement be placed on car spaces, storage cages etc to the satisfaction of the Responsible Authority.

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

- 18. 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.
- 19. 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.
- 20. 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.
- 21. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

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

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

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

VicRoads Conditions

22. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use hereby approved.
23. 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.
24. The Driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).

End VicRoads Conditions

Public Transport Victoria Conditions

25. The modified crossover must be located a minimum of 1 metre clear of any structures, including tram stop poles and any other road assets.
26. The permit holder must take all reasonable steps to ensure that disruption to the tram operation along Keilor Road is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

End Public Transport Victoria Conditions

Essendon Airport Conditions

27. The Applicant must obtain consent under the Airports (Protection of Airspace) Regulations 1996 for any activity in the prescribed airspace for Essendon Airport (i.e. buildings, antennas or cranes during construction).

End Essendon Airport Conditions

28. 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.
29. 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.
30. 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.

31. 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.
32. 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.
33. 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. Acoustic attenuation is to be provided in accordance with the indoor design sound levels of AS 2021-2015 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction) to achieve the required aircraft noise reduction.

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.

34. 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).
35. 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.
36. The intercom system at the entry to the basement car park must include a link to the shop to enable access to the disabled car space to the satisfaction of the Responsible Authority.
37. 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 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 within an easement are also required to have a maximum mature height of not more than 3.0 metres; and
- c) 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.

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.

38. 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.
39. 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 'SALT<sup>3</sup>' dated 2 March 2016; and
  - b) Accord 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.

40. 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.
- Prior to, during and at completion of the drainage and infrastructure works outlined in the permit conditions, staged inspections must be arranged with Moonee Valley City Council's Engineering Services Unit.
- Should any activity occur above 89.0m Australian Height Datum (e.g. cranes during construction) approval will be required from Essendon Airport. At this height the *Airports (Protection of Airspace) Regulations 1996* takes effect.
- The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the *Road Management Act* for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- 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**

Having declared an indirect interest in Item 9.6 Cr Sharpe left the meeting at 8.20pm.

**9.6 Buckley Park LATM Study**

**File No:** FOL/16/130

**Author:** Traffic & Transport Engineer

**Directorate:** Planning & Development

**Ward:** Buckley

**Minute No.** 2016/103

**Council Resolution**

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

1. Adopt the Buckley Park Traffic Management Plan as presented in Appendix B (circulated separately).
2. Adopt for implementation the Final Buckley Park Parking Management Plan as presented in Appendix C (circulated separately).
3. Note the additional traffic issues raised by the local community as identified in Appendix D.
4. Proceed with implementation of the 40km speed zone in Forrester Street, noting this has been identified as a preferred cycling route.
5. Do not implement the blanket 40km zone without further review of the effectiveness of other treatments identified in the final traffic management plan, following their implementation.
6. Receive a further report on the effectiveness of the traffic management treatments and the requirement for the 40km zone.
7. Refer the works within the final Traffic Management Plan and Parking Management Plan to future Capital Works Budget for funding consideration.
8. Advise residents and traders within the Buckley Park study area of the outcome of this report.

**CARRIED**

Cr Sharpe returned to the meeting at 8.37pm.

**9.7 Cross Keys Reserve Draft Master Plan**

**File No:** FOL/16/130

**Author:** Coordinator Open Space & Urban Design

**Directorate:** Planning & Development

**Ward:** Buckley

**Minute No.** 2016/104

**Council Resolution**

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

1. Endorse the Cross Keys Reserve Draft Master Plan 2016 (provided as Appendix A) for the purpose of community consultation subject to the deletion of the walk way traversing the park between the two ovals.
2. Receive a further report following the completion of the community consultation.

**CARRIED**

Having declared an indirect interest in Item 9.8 Cr Nation left the meeting at 8.48pm.

Cr Giuliano left the meeting at 8.48pm and returned to the meeting at 8.54pm.

**9.8 Amendment C159 – Implementation of Essendon Junction Structure Plan**

**File No:** FOL/16/130

**Author:** Senior Strategic Planner

**Directorate:** Planning & Development

**Ward:** Buckley

**Minute No.** 2016/105

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Sharpe 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 C159 – Implementation of Essendon Junction Structure Plan (Appendix A – separately circulated).
2. Subject to obtaining authorisation from the Minister for Planning, exhibit Planning Scheme Amendment C159 in accordance with Section 19 of the *Planning and Environment Act 1987*.
3. Refer submissions which request changes to the amendment, and are not able to be resolved, to an independent Planning Panel in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*.

**CARRIED**

Cr Nation returned to the meeting at 8.55pm.

Cr Cusack left the meeting at 8.55pm and returned to the meeting at 8.57pm.

**9.9 Planning Scheme Amendment C167 - Extension of expiry date of Schedule 2 to the Design and Development Overlay (Maribyrnong River Protection)**

**File No:** FOL/16/130  
**Author:** Strategic Planner  
**Directorate:** Planning & Development  
**Ward:** Myrnong  
**Minute No.** 2016/106

**Council Resolution**

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

1. Requests the Minister for Planning to execute his powers pursuant to Section 20(4) of the *Planning and Environment Act 1987* to prepare and approve an amendment (C167) to the Moonee Valley Planning Scheme by amending Schedule 2 to the Design and Development Overlay to extend the expiry date by 2 years.
2. Note that the Minister for Planning has established a Ministerial Advisory Committee to provide advice on the need and type of protection required long term for the Yarra River. The Committee's Terms of Reference require them to consider advice and findings that would benefit the Maribyrnong River and community.

**CARRIED**

**9.10 Planning Scheme Amendment C163 - New heritage policy to introduce updated heritage guidelines**

**File No:** FOL/16/130  
**Author:** Strategic Planner  
**Directorate:** Planning & Development  
**Ward:** Municipal  
**Minute No.** 2016/107

**Council Resolution**

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

1. Endorse the draft City of Moonee Valley Heritage Guidelines (CMVHG) for consultation purposes (refer to Appendix A – separately circulated).
2. Seek authorisation from the Minister for Planning to prepare and exhibit Moonee Valley Planning Scheme Amendment C163 to give statutory effect to the draft CMVHG via the introduction of a local policy into the Moonee Valley Planning Scheme.

3. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C163 in accordance with Section 19 of the Planning and Environment Act 1987.
4. 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**

**9.11 Review of Council's Meeting Procedures Protocol**

**File No:** FOL/16/130  
**Author:** Manager Legislative Services & Support  
**Directorate:** Corporate & Community Services  
**Ward:** Municipal  
**Minute No.** 2016/108

**Council Resolution**

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

1. Adopt its new Meeting Procedures Protocol (provided as Appendix A) with the following amendments:
  - a) Clause 6.1 a) to read “Councillors who by a majority vote, vote in favour of a matter being dealt with as urgent business”.
  - b) Clause 17.2 to be replaced with “Minutes of meetings to record such votes.
  - c) Clause 17.3 to be replaced with “The Chairperson must announce the result of the vote immediately after the vote is taken”.
2. Publish a notice in the Victorian Government Gazette pursuant to Section 112 of the Local Government Act 1989.

**CARRIED**

**9.12 Right of Way Access for Abutting Development Proposals**

**File No:** FOL/16/130  
**Author:** Senior External Projects Manager  
**Directorate:** Planning & Development  
**Ward:** Municipal  
**Minute No.** 2016/109

**Council Resolution**

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

1. Adopt the Right of Way Access for Abutting Development Proposals policy as presented in Appendix A.

2. Review this policy after 12 months of implementation.
3. Receive a further report regarding incorporating the Right of Way Access for Abutting Development Proposals policy into the Moonee Valley Planning Scheme after the 12 month review period.

**CARRIED**

**9.13 Construction Management Plans**

**File No:** FOL/16/130  
**Author:** Planning Intervention Officer  
**Directorate:** Planning & Development  
**Ward:** Municipal  
**Minute No.** 2016/110

**Council Resolution**

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

1. Note the Construction Management Plan Guidelines and Templates in Appendix A and Appendix B respectively, subject to the amendments and Recommendations 3 and 4.
2. Support the application of a \$250.00 fee for the resubmission of CMPs where further review and assessment is required and information provided is inadequate.
3. Support the Statutory Planning Department's approach in considering proposals on a site by site basis in making determinations and extending Saturday working hours provided that any determination must consider the effect on residential amenity.
4. Support the replacement of 'Number of storeys is four (4) or more' with 'Number of storeys is three (3) or more' as a trigger for a CMP. See amendment at page five (5) of Appendix A.

**CARRIED**

**Reports Considered En Bloc**

**Minute No.** 2016/111

**Council Resolution**

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

- 9.14 Jemena Electrical Substation - Corner Holmes Road and Waverley Street, Moonee Ponds - Proposed New Lease
- 9.15 Health and Wellbeing Plan 2015/16 Progress
- 9.16 LGBTIQ Action Plan 2015 -17 Year 1 Report
- 9.17 Report on Assemblies of Council



9.18 Report on Advisory Committees  
be adopted by Council.

**CARRIED**

**9.14 Jemena Electrical Substation - Corner Holmes Road and Waverley Street, Moonee Ponds - Proposed New Lease**

**File No:** FOL/16/130  
**Author:** Coordinator Property Management  
**Directorate:** City Services  
**Ward:** Myrnong  
**Minute No.** 2016/111

**Council Resolution**

Moved by Cr Nation, seconded by Cr Giuliano that:

1. Council enter into a new lease with Jemena Electricity Network (Vic) Ltd for its electrical substation situated at Maribyrnong Park, corner of Holmes Road and Waverley Street, Moonee Ponds for a term of nine years commencing 3 March 2016 at an annual rental of \$175.00.
2. The deed of lease be executed by the Chief Executive Officer.

**CARRIED**

**9.15 Health and Wellbeing Plan 2015/16 Progress**

**File No:** FOL/16/130  
**Author:** Health Planner  
**Directorate:** Planning & Development  
**Ward:** Municipal  
**Minute No.** 2016/111

**Council Resolution**

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

1. Note the Health Plan Progress Report July 2016 Appendix A (separately circulated) and supporting documents.
2. Adopt the Health and Wellbeing Action Plan 2016/17 Appendix B (separately circulated).

**CARRIED**

**9.16                    LGBTIQ Action Plan 2015 -17 Year 1 Report**

**File No:**            FOL/16/130  
**Author:**            Community Planning Officer  
**Directorate:**        Planning & Development  
**Ward:**                Municipal  
**Minute No.**        2016/111

**Council Resolution**

Moved by Cr Nation, seconded by Cr Giuliano that Council note the LGBTIQ Action Plan Progress Report, July 2016 as presented at Appendix A.

**CARRIED**

**9.17                    Report on Assemblies of Council**

**File No:**            FOL/16/130  
**Author:**            Business Support Officer  
**Directorate:**        Corporate & Community Services  
**Ward:**                Municipal  
**Minute No.**        2016/111

**Council Resolution**

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

**CARRIED**

**9.18                    Report on Advisory Committees**

**File No:**            FOL/16/130  
**Author:**            Business Support Officer  
**Directorate:**        Corporate & Community Services  
**Ward:**                Municipal  
**Minute No.**        2016/111

**Council Resolution**

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

- a) Young Peoples Coalition Meeting held 25 February 2016 (Appendix A);
- b) ANZAC Centenary Community Coordinating Committee held on 21 March 2016 (Appendix B);
- c) Moonee Valley City Council Disability Reference Group Meeting held on 4 April 2016 (Appendix C); and

- d) Moonee Valley Integrated Waterways Advisory Committee held on 29 April 2016 (Appendix D).

**CARRIED**

## **10. Notices of Motion**

### **10.1 Notice of Motion No. 2016/15 - Sporting club or community organisation leases**

**File No:** FOL/16/130  
**From:** Councillor Nicole Marshall  
**Ward:** Municipal  
**Minute No.** 2016/112

#### **Council Resolution**

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

1. The CEO prepare a report to Council setting out:
  - a) a summary of the material terms of each land lease of a Council owned facility (each a “Facility”) with a sporting club or community organisation to which Council is a party;
  - b) where available, a condition report for each Facility;
  - c) an analysis of the likely capacity of each lessee to be able to undertake the maintenance and capital work obligations under the relevant lease together with a consideration of alternative arrangements in relation to capital works where that capacity is limited; and
2. In relation to each Facility where the majority of members of the relevant lessee are elderly and/or disabled, undertake an accessibility audit of the Facility.

**CARRIED**

### **10.2 Notice of Motion No. 2016/16 - Master Plans**

**File No:** FOL/16/130  
**From:** Councillor Jan Chantry  
**Ward:** Municipal  
**Minute No.** 2016/113

#### **Council Resolution**

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

1. Ascertain the status of the Master Plans for Montgomery Park, Bradshaw Street Reserve and Boeing Reserve and report back to the 23 August 2016 meeting;

2. Consider possible maintenance/reinstatement program for minor works which can be carried out immediately, such as upgrading existing pathways, installation of park benches/seats, planting and mulching;
3. Consider allocation of funds within the capital program to update the tennis courts at Bradshaw Street Reserve; and upgrading of lighting to existing pathways, possibly including some exercise stations around the pathways to encourage healthy walking and fitness regimes, in Boeing Reserve. The timing of the works could correspond with the delivery of the new Boeing Reserve Baseball Pavilion.
4. As a priority, work through the status of Master Plans for all Reserves, and the proposed scheduling of capital works and other key strategies (Open Space, Walking and Cycling) as part of ongoing budget cycle.

**CARRIED**

The Mayor, Cr Surace vacated the Chair to move the following item. The Deputy Mayor, Cr Giuliano assumed the Chair.

**10.3 Notice of Motion No. 2016/17 - Aggravated Burglary and Home Invasions**

**File No:** FOL/16/130  
**From:** Councillor Andrea Surace  
**Ward:** Municipal  
**Minute No.** 2016/114

**Council Resolution**

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

1. Request Officers to promote neighbourhood safety and build resilience in our community against aggravated burglary and home Invasions by embarking on a 'getting to know your neighbour' program.
2. Note, while the City of Moonee Valley's crime statistics aggravated burglary and home invasions are not high, Council can assist in promoting neighbourhood safety by working to promote neighbourly connections.
3. Have Officers report back on the progress of the initiative in four-months.
4. Post on its website information for people affected by violent crime the Victims of Crime Helpline number 1800 819 817 and a link to their website [www.victimsofcrime.vic.gov.au/](http://www.victimsofcrime.vic.gov.au/).
5. Liaise with Moonee Ponds Police and Local Neighbourhood Watch Group PSA (4) to work with the community via neighbourhood watch newsletters and crime prevention officers.

**CARRIED**

Cr Surace resumed the Chair.

Cr Nation and Cr Cornish left the meeting at 9.56pm.

**10.4 Notice of Motion No. 2016/18 - Treaty with Indigenous People Australia and Victoria**

**File No:** FOL/16/130  
**From:** Councillor Jim Cusack  
**Ward:** Municipal  
**Minute No.** 2016/115

**Council Resolution**

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

1. Write to the Prime Minister of Australia calling for preparation and implementation of a treaty between the Australian government and Australia's Indigenous people, in addition to constitutional recognition which:
  - a) recognises Indigenous people's history prior occupation of this land, as well as the injustices many have endured.
  - b) request this treaty serve as a platform for addressing those injustices and help to establish a path forward based upon mutual goals.
2. Write to the Premier of Victoria, Mr Daniel Andrews and the State Minister for Aboriginal Affairs, Ms Natalie Hutchins affirming this Council's support for the development of a treaty in Victoria between Victoria's Indigenous Communities and the Victorian State Government and noting the progress to date as reported during Reconciliation Week 2016.
3. Write to the President and Chief Executive of the MAV calling on the association to publicly support the Victorian Government initiative to develop a treaty between the Indigenous Community of Victoria and the State government at its next State Council.
4. Write to Reconciliation Victoria advising them of this resolution.
5. Copy this resolution to the State Members of Parliament for Essendon and Niddrie.

**CARRIED**

**10.5 Notice Of Motion No. 2016/19 - Increasing Affordable Housing in the City of Moonee Valley**

**File No:** FOL/16/130  
**From:** Councillor Jim Cusack  
**Ward:** Municipal  
**Minute No.** 2016/116

**Council Resolution**

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

1. Advocate to the State Government via the Premier and the Minister for Planning for the introduction of inclusionary zoning so that new development in areas identified as suitable for affordable housing can be required to contribute to affordable housing outcomes through the planning scheme. (Reference Draft Moonee Valley Housing Strategy).
2. Examine opportunities to partner with the Department of Health & Human Services, other local Councils, disability service providers and affordable housing providers to develop a strategy for the timely delivery of affordable and accessible accommodation options.
3. Request Officers attending relevant state-wide and regional advocacy, health, planning and community safety committees ensure affordable housing is raised as an item for discussion and action.
4. Write to the Ministers for Health and Human Services and Justice informing them of this resolution and this Council's interest in working collaboratively with all stakeholders to improve housing affordability locally and in the Western Region.
5. Copy this resolution to the State Members of Parliament for Essendon and Niddrie.
6. Refer the relevant components of this Notice of Motion at the next MAV State Conference.
7. As part of its advocacy, Council raise with appropriate authorities, potential for financial support for first home buyers.

**CARRIED**

**10.6 Notice of Motion No. 2016/20 - Response to Moonee Valley Carer's submission to the 2016 Council Budget relating to provision of Social Housing for Disabled People in Moonee Valley**

**File No:** FOL/16/130  
**From:** Councillor Jim Cusack  
**Ward:** Municipal  
**Minute No.** 2016/117

**Council Resolution**

Moved by Cr Cusack, seconded by Cr Marshall that Council request Officers develop a report for consideration by Council by April 2017, which examines options for individual and collaborative actions that Moonee Valley Council can undertake in the short, medium and long term to improve the availability, safety and security of housing for people with a disability who live in Moonee Valley. The report should reference, but is not limited to, current and planned Federal and State Government policy, the NDIS, examples of best practice in private and social housing, and consultation with relevant health and disability advocacy groups including Valley Carers.

**CARRIED**

**11. Urgent Business**

Nil.

**12. Confidential Reports**

Nil.

**13. Close of Meeting**

The meeting concluded at 10.16pm.

**CR ANDREA SURACE  
CHAIRPERSON**