



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

Tuesday, 28 June 2016

**Minutes**

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# Minutes of the Ordinary Meeting of Council

Tuesday, 28 June 2016 at 7.00pm  
held at the Moonee Valley Civic Centre

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## PRESENT :

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

**Officers:** Mr Bryan Lancaster Chief Executive Officer  
Mr Anthony Smith Director Corporate & Community Services  
Ms Natalie Reiter Director Planning & Development  
Mr Gil Richardson Acting Director City Services  
Mr Petrus Barry Manager Statutory Planning  
Ms Yvonne Hansen Manager Legislative Services & Support

## 1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 28 June 2016.

Cr Surace acknowledged the recent fire at the old Moonee Ponds Courthouse and thanked all those involved and their wonderful efforts in fighting the fire, managing traffic and public safety. They were firefighters from the local brigade and other nearby brigades; the Moonee Ponds Police; paramedics on standby and Council's very own Emergency Management Team.

## 2. Apologies

Nil.

**3. Confirmation of Minutes**

Moved by Cr Marshall, seconded by Cr Sipek that the Minutes of the Ordinary Meeting of Council held on Tuesday, 24 May 2016 and the Special Meeting of Council held on Tuesday, 14 June 2016 be confirmed.

**CARRIED**

**4. Declarations of Conflict of Interest**

4.1 Cr Nation declared an indirect conflict of interest in Item 9.7. A written disclosure was provided to the Chief Executive Officer outlining the reasons for this conflict.

4.2 Mr Lancaster declared an indirect conflict of interest in Item 9.1 due to residential amenity. Mr Lancaster owns property in close proximity to the subject site and the outcome of the decision may directly impact on his residential amenity.

**5. Presentations**

Suspension of Standing Orders

**Council Resolution**

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

**CARRIED**

The Mayor, Cr Surace presented an award Council received at the MobileMuster's 2016 Local Government Recycling Awards for being Victoria's top collector of mobile phones for recycling.

MobileMuster is the mobile telecommunications industry's official recycling scheme which partners with more than 360 local councils across Australia to collect mobile phones for recycling.

Council has been involved in the MobileMuster program since the scheme began in 2007 and this is the third time Council has won a MobileMuster award.

Resumption of Standing Orders

**Council Resolution**

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

**CARRIED**

**6. Petitions and Joint Letters**

**6.1 Monica Street Essendon - Streetscape**

File No. 63/013/027

Cr Giuliano tabled a petition signed by 21 residents of Monica Street, Essendon, requesting that Council undertakes a review of the existing streetscape of Monica Street with the intention of new trees being planted.

**6.2 Waratah Street, Ascot Vale - Streetscape**

File No. 63/023/005

Cr Marshall tabled a petition signed by 21 individuals requesting that Council undertake tree planting and streetscape works in Waratah Street, Ascot Vale.

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

**7. Public Question Time**

Nil.

**8. Reports by Mayor and Councillors**

**File No:** FOL/16/37

**Minute No:** 2016/85

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Chantry that the reports by the Mayor and Councillors be received.

**CARRIED**

## 9. Reports

Having declared an indirect interest in Item 9.1 Mr Lancaster left the meeting at 7.19pm.

**9.1 47-51 Rose Street, Essendon (Lot 1 TP378336R & Lot 1 TP378257M) - Construction of a five storey building, reduction in car parking requirements, waiver of loading bay requirements and reduction in bicycle requirements**

**File No:** FOL/16/130  
**Author:** Principal Statutory Planner  
**Directorate:** Planning & Development  
**Ward:** Buckley  
**Minute No:** 2016/86

### **Council Resolution**

Moved by Cr Chantry, seconded by Cr Sharpe that Council with respect to an Application for Review against Council's failure to decide the application within the prescribed time, resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Notice of Refusal to Grant a Permit in relation to Planning Permit Application No. MV/931/2014 for the construction of a five storey building, reduction in car parking requirements, waiver of loading bay requirements and reduction in bicycle requirements at No.47-51 Rose Street, Essendon (Lot 1 TP378336R & Lot 1 TP378257M), on the following grounds:

1. The extent of demolition proposed is contrary to the heritage values of the site as identified in Amendment C164 and Clause 21.06-2 of the Moonee Valley Planning Scheme.
2. The proposed works are contrary to the scale, form, height and siting of buildings along Rose Street as identified in Amendment C164, the heritage citation report and Clause 21.06-4 of the Moonee Valley Planning Scheme.
3. The introduction of a vehicle crossover and driveway in Rose Street is contrary to Amendment C164, the heritage citation report which identifies 'the absence of vehicle crossovers' as part of the Statement of Significance and the Essendon Junction Structure Plan.
4. The creation of a vehicle crossover and driveway in Rose Street will fragment the streetscape, create conflict between pedestrians and motorists, create an undesirable precedent and is contrary to the direction offered in the Essendon Junction Structure Plan.
5. There will be excessive visual bulk and massing to the residential properties to the west caused by the height and scale of the building, which is increased by the slope of the land and the absence of a laneway to the rear of the site, which is contrary to Clause 21.06-4 of the Moonee

Valley Planning Scheme and the Essendon Junction Structure Plan.

6. The height, scale and setbacks of the building will impact on the character of Rose Street and is contrary to Clause 21.06-4 of the Moonee Valley Planning Scheme and the Essendon Junction Structure Plan.
7. The development offers its future residents a poor level of internal amenity, failing to satisfy Clause 21.06-4 of the Moonee Valley Planning Scheme.

**CARRIED**

Mr Lancaster returned to the meeting at 7.28pm.

**9.2                      20 Argyle Street, Moonee Ponds (Lot 1 on TP 558913B) -  
Construction of three dwellings**

**File No:** FOL/16/130  
**Author:** Senior Statutory Planner  
**Directorate:** Planning & Development  
**Ward:** Myrnong  
**Minute No:** 2016/87

**Council Resolution**

Moved by Cr Nation, seconded by Cr Sharpe that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application MV/986/2015 for the construction of three dwellings at 20 Argyle Street, Moonee Ponds (Lot 1 on TP 558913B) on the following grounds:

1. The proposal fails to meet the strategies contained in Clause 55.02-1 (Neighbourhood Character and Infrastructure) 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 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 55.03-4 (Permeability)
  - b) Clause 55.03-8 (Landscaping)
  - c) Clause 55.04-4 (North facing windows)
  - d) 55.05-4 (Private Open Space)
3. The proposal will exacerbate existing parking and traffic issues in the area.

**CARRIED**

Cr Sipek left the meeting at 7.41pm and returned at 7.43pm.

**9.3 14 Banchory Street, Essendon (Lot 18 on PS005450) -  
Construction of three dwellings**

**File No:** FOL/16/130  
**Author:** Statutory Planner  
**Directorate:** Planning & Development  
**Ward:** Buckley  
**Minute No:** 2016/88

**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/454/2015 for the construction of three double storey dwellings at 14 Banchory Street, Essendon (Lot 18 on Plan of Subdivision 005450), 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 proposal fails to respect the existing and preferred future character of the area as identified under Neighbourhood Character Garden Suburban 3 Precinct Profile of the Moonee Valley Planning Scheme.
3. The proposal fails to satisfy the following standards contained within Clause 55 (Two or more dwellings on a lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
  - a) Clause 55.02-1 (Neighbourhood Character);
  - b) Clause 55.03-1 (Street Setback);
  - c) Clause 55.03-8 (Landscaping);
  - d) Clause 55.04-2 (Walls on Boundaries);
  - e) Clause 55.04-5 (Overshadowing);
  - f) Clause 55.04-6 (Overlooking); and
  - g) Clause 55.06-1 (Design Detail).

**CARRIED**



**9.4 81 Rose Street, Essendon (Lot 1 TP779252M) - Construction of a multi-storey building with a reduction in car parking requirements and a waiver of loading bay requirements**

**File No:** FOL/16/130  
**Author:** Principal Statutory Planner  
**Directorate:** Planning & Development  
**Ward:** Buckley  
**Minute No:** 2016/89

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Marshall that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/461/2015 for the construction of a multi-storey building with a reduction in car parking requirements and a waiver of loading bay requirements at No.81 Rose Street, Essendon (Lot 1 TP779252M), on the following grounds:

- a) The proposal fails to meet the objective and the strategies of Clause 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to contribute positively to the local character.
- b) The proposal fails to meet the objective and strategies of Clause 15.03-1 (Heritage Conservation) of the Moonee Valley Planning Scheme as the policy relates to the conservation of places of heritage significance.
- c) The proposal fails to meet the objectives and strategies contained within Clause 21.06-2 (Heritage) of the Moonee Valley Planning Scheme and would result in a development that fails to conserve the historic quality of heritage places, is not sympathetic and does not integrate with surrounding buildings.
- d) The proposal fails to meet the objectives and strategies contained within Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond to its location and the surrounding context.
- e) There will be excessive visual bulk and massing to the residential properties to the west along Flower Street caused by the height and scale of the building, which is contrary to Clause 21.06-4 of the Moonee Valley Planning Scheme and the Essendon Junction Structure Plan.
- f) The proposal would lead to increased traffic and parking issues in the right of way.

**CARRIED**

- 9.5**                    **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:** 2016/90

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Cornish that Council defer this matter to the next meeting of Council to be held on 26 July 2016.

**CARRIED**

- 9.6**                    **4-6 Canning Street, Avondale Heights (Lots 1 and 2 on Title Plan 169447X) - Construction of eleven dwellings in a Design and Development Overlay (DDO1), reduction in car parking requirements and alteration of access to a Road Zone, Category 1**

**File No:** FOL/16/130  
**Author:** Principal Statutory Planner  
**Directorate:** Planning & Development  
**Ward:** Rosehill  
**Minute No:** 2016/91

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Sharpe that Council Issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/750/2015 for the construction of eleven dwellings in a Design and Development Overlay (DDO1), reduction in car parking requirements and alteration of access to a Road Zone, Category 1 at 4-6 Canning Street (Lots 1 and 2 on Title Plan 169447X), subject to the following conditions:

1. Before the development starts, amended plan 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) Incorporation of a 1.7 metre high screen on the eastern edge of the balcony to Dwelling 1 in accordance with Clause 55.04-6 (Standard B22 – Overlooking) of the Moonee Valley Planning Scheme.
- b) Incorporation of a dimensioned 1.7 metre sill height above floor level to the living room window on the east elevation of Dwelling 1.
- c) A section detail of the proposed 1.7 metre high external privacy screens to be applied to the selected habitable room windows, illustrating method of installation, materials, levels of transparency, etc. in accordance with Clause 55.04-6 (Standard B22 – Overlooking) of the Moonee Valley Planning Scheme.
- d) All water sensitive design treatment measures and associated notations shown on the relevant plans as a result of Condition 3 in accordance with Clause 22.03 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct STORM report.
- e) All STEPS treatment measures and associated notations shown on the relevant plans as a result of Condition 4 in accordance with Clause 21.04 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct STEPS report.
- f) Any modifications as a result of the recommendations on noise attenuation measures as required by Condition 18.
- g) Reduction to the garden bed area adjacent to the visitor car space (and adjacent to Dwelling 1's garage) and illustration of a swept path diagram demonstrating that a visitor vehicle can manoeuvre and egress in a forward direction.
- h) Modifications to the landscape plan (prepared by Habitat, dated November 2015) as a result of Condition 1g.
- i) Any modifications as a result of the recommendations on the Waste Management Plan as required by Condition 25.
- j) Notation to state the proposed crossover to be constructed according to the relevant Council standard.
- k) Notation to state the reinstatement of the redundant crossover on Canning Street.
- l) Notation to state the provision of 300mm trench gates at the bottom of each garage.
- m) Notation to state that existing levels within the road reserve will not be modified and any change in levels along the property boundary line must be made within the property boundary.
- n) Notation to state either a 1 metre clearance distance between the proposed crossover and the existing power pole; or a relocation of the existing power pole by at least 1 metre from the proposed crossover.

- o) Notated dimensions, including heights, for the proposed storage sheds of Dwellings 9 to 11.
- p) Provision of a storage area for Dwelling 8 to comply with Clause 55.05-6 (Standard B30 – Storage).

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

2. Except with the prior written consent of the Responsible Authority, the layout of the land and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified.
3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. An amended STEPS assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STEPS assessment must comply with Clause 21.04 (Sustainable Environment) of the Moonee Valley Planning Scheme.
5. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
6. 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 of 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 completed with to the satisfaction of the Responsible Authority.

7. 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 treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

8. Before the buildings approved by this permit are occupied, all retaining walls and 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 with an interest in the easement) to the satisfaction of the Responsible Authority.

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

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

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

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

The area set aside for the parking of vehicles, together with the associated driveways and access 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.

13. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

15. Before the buildings approved by the permit are occupied, boundary fencing is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

16. Provision must be made for the drainage of the land including landscaped and pavement areas. This 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 that is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
17. 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.

18. A Council drain (minimum 300mm dia uPVC or FRC or RCP RRJ) must be constructed to reach the approved point of discharge. Before the development commences, Engineering Design Plans and a Drainage Layout Plan (with computations) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The Engineering Design Plans and Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must accord with Council's Drainage Design Guidelines.

When approved, the Engineering Design Plans and Drainage Layout Plan will be endorsed and will form part of this permit.

The drainage must be constructed in accordance with the endorsed Engineering Design Plans and Drainage Layout Plan and the provisions, recommendations and requirements of the endorsed Engineering Design Plans and Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

After the drainage works have been constructed and before the buildings approved by this permit are occupied, constructed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

All costs associated with the preparation of the plans and installation and construction of the required drainage works must be borne by the permit holder.

19. Before the development starts, an acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the

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

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

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

19. Before the development starts, and before any trees or vegetation are removed a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and three copies must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:

a) In accordance with the modification required in Condition 1g.

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

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

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

20. Before the buildings approved by this permit are occupied, all landscaping (including trees, shrubs and lawn) must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
21. All existing street trees to be retained must be protected and retained including by means of suitable management and protection of retained vegetation during any construction stage to the satisfaction of the Responsible Authority.
22. Immediately upon the discovery of any Aboriginal cultural material, works must cease and Aboriginal Affairs Victoria must be notified of the discovery.
23. If anything suspected of being human remains is found, work in the area must cease. Victoria Police and the State Coroner's office (telephone 03 9684 4444) must be informed of the discovery without delay. If there are reasonable grounds to suspect that the remains are Aboriginal, the discovery must also be reported to the Department of Environment, Land,



Water and Planning.

24. Officers of Aboriginal Affairs Victoria must be permitted access to the land at any reasonable time, for the purpose of monitoring adherence to conditions above.
25. 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) demonstrate that bin storage areas are sufficient to cater for the amount of waste that will be produced;
  - b) specify the type of bins to be used;
  - c) show where bins will be stored;
  - d) provide details of screening and ventilation of bin storage areas;
  - e) identify responsibility for taking bins and out for collection and returning them to the bin storage area;
  - f) identify collection points;
  - g) specify how recycling materials will be managed and collected;
  - h) specify bin collections times; and
  - i) if private waste collection is utilised, show access routes for private waste collection vehicles that do not rely on reversing movements.

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

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

#### 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.
- No on-street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- 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  $C=0.80$ .
- Prior to, during and at completion of the engineering works, staged inspections must be arranged with Moonee Valley City Council's Engineering Services Unit.

#### **Division Called**

A division was called and voting was as follows:

**For:** Crs Marshall, Cusack, Cornish, Giuliano, Nation and Sharpe.

**Against:** Crs Chantry, Sipek and Surace.

**CARRIED**

Having declared an indirect interest in Item 9.7, Cr Nation left the meeting at 8.13pm.

Cr Giuliano left the meeting at 8.13pm.

#### **9.7 Kent Street Traffic Management Study**

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

**Author:** Senior Traffic & Transport Engineer

**Directorate:** Planning & Development

**Ward:** Myrnong

**Minute No:** 2016/92

#### **Council Resolution**

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

1. Endorse the Draft Traffic Management Plan for the Kent Street Traffic

Management Study (as shown in Appendix B) for community consultation.

2. Write to VicRoads to ascertain the status of the OD Route review and request feedback on the Draft Traffic Management Plan (draft letter is shown in Appendix C).
3. Receive a further report at the conclusion of the consultation.

**CARRIED**

Cr Nation and Cr Giuliano returned to the meeting at 8.22pm.

Cr Sharpe left the meeting at 8.36pm.

**9.8 Infrastructure Victoria's 'All Things Considered' options paper**

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

**Author:** Coordinator Development & Major Projects

**Directorate:** Planning & Development

**Ward:** Municipal

**Minute No:** 2016/93

**Council Resolution**

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

1. Receive and endorse Moonee Valley City Council's submission outlined in Appendix A regarding Infrastructure Victoria's *All Things Considered* options paper.
2. Forward Appendix A to Infrastructure Victoria.
3. Continue to liaise with Infrastructure Victoria regarding provision of additional time and engagement opportunities for local government to respond when future iterations are released.

**CARRIED**

Cr Sharpe returned to the meeting at 8.39pm.

**9.9 Mayoral Charity Community Race Day - Recommendation of Community Beneficiaries**

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

**Author:** Coordinator, Community Partnerships & Sponsorship

**Directorate:** Planning & Development

**Ward:** Municipal.

**Minute No:** 2016/94

### **Council Resolution**

Moved by Cr Chantry, seconded by Cr Nation that Council support the allocation of funds raised from the 2016 Mayoral Charity Community Race Day, to The Moonee Valley Prostate Cancer Awareness Group, Rotary Ovarian Cancer Research and Cancer Support (RoCan) and Moonee Valley's "Friendship City" relationship with Liquiçá in Timor Leste as presented at Appendix A.

**CARRIED**

### **9.10 Tobacco Act Legislation - Waterpipes Exemption**

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

**Author:** Manager Building, Health & Property Services

**Directorate:** City Services

**Ward:** Municipal

**Minute No:** 2016/95

### **Council Resolution**

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

1. Write to the Mayor of Greater Dandenong to advise that this Council does not support their recommendation to ban shisha smoking from indoor, public places and business.
2. Does not support any amendment to the current legislation to include shisha smoking and ingredients under the Tobacco Act 1987.

### **Division Called**

A division was called and voting was as follows:

**For:** Crs Cornish, Chantry, Nation, Sharpe and Surace.

**Against:** Crs Sipek, Giuliano, Marshall and Cusack.

**CARRIED**

### **Reports Considered En Bloc**

**Minute No.** 2016/96

### **Council Resolution**

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

9.11 Return of the 2016 General Revaluation

9.12 Procurement Policy 2016

9.13 LeadWest Constitutional Amendments

9.14 Report on Assemblies of Council

be adopted by Council.

**CARRIED**

**9.11 Return of the 2016 General Revaluation**

**File No:** FOL/16/130  
**Author:** Coordinator Revenue  
**Directorate:** Corporate & Community Services  
**Ward:** Municipal  
**Minute No:** 2016/96

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Sipek that Council receive and adopt the return of the 2016 General Revaluation of all properties within the municipality.

**CARRIED**

**9.12 Procurement Policy 2016**

**File No:** FOL/16/130  
**Author:** Coordinator Procurement & Contracts  
**Directorate:** Corporate & Community Services  
**Ward:** Municipal  
**Minute No:** 2016/96

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Sipek that Council adopt the Procurement Policy 2016.

**CARRIED**

**9.13 LeadWest Constitutional Amendments**

**File No:** FOL/16/130  
**Author:** Manager Legislative Services & Support  
**Directorate:** Corporate & Community Services  
**Ward:** Municipal  
**Minute No:** 2016/96

**Council Resolution**

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

1. Receive and note the report on Leadwest Constitution Amendments.
2. Note the amendment permitting appointed members to now act as a representative at the AGM and other Special meetings, therefore revoking the previous appointments of Councillor Jan Chantry and Mr Anthony Smith, Director Corporate & Community Services for voting purposes at any Special General Meeting or Annual General Meeting of Leadwest Ltd.
3. Note that the Chief Executive Officer now assumes the role of Director in accordance with the Leadwest Constitution.

**CARRIED**

**9.14 Report on Assemblies of Council**

**File No:** FOL/16/130  
**Author:** Coordinator Legislative Services  
**Directorate:** Corporate & Community Services  
**Ward:** Municipal  
**Minute No.** 2016/96

**Council Resolution**

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

**CARRIED**

**10. Notice of Motions**

Nil.

**11. Urgent Business**

The Chairperson sought a vote to accept an item of urgent business relating to providing support to the Essendon Historical Society and the Moonee Ponds Courthouse.

**CARRIED UNANIMOUSLY**

**11.1 Essendon Historical Society & Moonee Ponds Courthouse**

**File No:** FOL/11/421  
**Minute No:** 2016/96

**Council Resolution**

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

1. Acknowledges the importance of the work done by the Essendon

Historical Society and the historical significance to the people of Moonee Valley of the Moonee Ponds Courthouse and the records and documents it contains.

2. Offer advice and assistance as appropriate to the Essendon Historical Society in relation to the following:
  - a) The relocation of records and documents.
  - b) The securing of the courthouse.
  - c) The provision of alternative meeting places for the Essendon Historical Society until the Courthouse is able to be used for that purpose.
3. After consultation with the Essendon Historical Society:
  - d) Write to the Minister for Planning, the Hon Richard Wynne, Heritage Victoria and State member for Essendon, Danny Pearson seeking urgent funding for the restoration and reconstruction of the Courthouse.
  - e) Consider what other fundraising options may be available, including potential community events and investigate the possibility that a foundation be established for the restoration of the old Essendon Court House.
4. Receive a report at its August meeting on the progress of actions as listed in points 2 and 3 above and to be incorporated in the Leader report by the Mayor.

**CARRIED**

## **12. Confidential Reports**

Nil.

## **13. Close of Meeting**

The meeting concluded at 9.10pm.

**CR ANDREA SURACE  
CHAIRPERSON**