



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 12 September 2017 at 6.30pm

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 12 September 2017 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT:

Members: Cr Andrea Surace Mayor
Cr Cam Nation
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence
Cr Nicole Marshall
Cr Narelle Sharpe

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr David Benallack Chief Financial Officer
Mr Steven Lambert Director City Services
Ms Kendrea Pope Director Organisational Performance
Ms Natalie Reiter Director Planning & Development
Ms Nicole Battle Acting Manager Communications & Governance

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 12 September 2017.

The Mayor respectfully acknowledged the traditional custodians of this land - the Wurundjeri people of the Kulin Nation, their spirits, ancestors, elders and community members past and present. Council also extends this respect to the elders and descendants of other Aboriginal peoples here today.

The Mayor then recited the Councillor Creed:

“We commit to making positive strategic decisions for the future, remembering we are here to collectively deliver on the broader vision for Moonee Valley in a fair and equitable manner, always showing respect for one another.

Through strong leadership and maturity, we will engage in robust, intelligent debate before coming to informed, evidence-based decisions, being respectful of the outcome once the votes are cast. We will ensure we focus on policy, always mindful our role is to serve our local community.”

2. Apologies

Cr John Sipek has a leave of absence for this meeting.

3. Confirmation of Minutes

Minute No: 2017/244

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 22 August 2017 be confirmed with the following Amendment:

Moved by Cr Byrne, seconded by Cr Sharpe that the resolution for item 9.2 (83 Matthews Avenue Airport West Lot 1 PS72443M) be amended to read as follows: “Moved by Cr Byrne, seconded by Cr Sipek, that Council Grant a Planning Permit in relation to Planning Permit Application No. MV/953/2016...”

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Lawrence, Marshall, Sharpe, Sipek

Against: Nil

CARRIED

4. Declarations of Conflict of Interest

Nil

5. Presentations

Steve Lambert, Director of City Services, presented to Council a token of appreciation recently received from a delegation visiting from the Singapore Government. The Singapore Government is proposing to introduce the 3a Abecedarian Approach across their early childhood services and were keen to meet to hear about Moonee Valley’s experiences of implementation and our work towards roll-out and sustainability of 3a more broadly across services.

6. Petitions and Joint Letters

6.1 Recognise the importance of Strathaird Street Reserve, Strathmore

17/239889

Cr Rebecca Gauci Maurici presented a petition signed by 430 people, petitioning Council to recognise the importance of Strathaird Street Reserve in Strathmore, and to purchase the land from the State Government.

6.1 Traffic and safety concerns in Sapphire Street, Niddrie

17/222229

Cr Samantha Byrne presented a petition signed by 19 residents of Sapphire Street, Niddrie, citing traffic flow and safety concerns in that street.

7. Public Question Time

Question

Mr Ian Woods of Strathmore asked the following question in relation to Strathaird Reserve:

In relation to the former Strathaird Street Children's Park, Moonee Valley City Council has previously advised that it had written to the State Government and its relevant bodies regarding this issue. What was the date of that correspondence and to whom was it sent? Have responses been received to that correspondence, what was the nature of those responses, and if responses were not received, then when did Moonee Valley City Council follow-up the parties it had sent letters to?

Response:

The Chief Executive, Mr Bryan Lancaster, provided the following response:

On 8 August 2017, the Mayor sent a number of letters to State Government representatives requesting that Strathaird Reserve not be sold and to instead remain as open space. These State Government representatives included:

- The Premier;
- Minister for Roads and Road Safety;
- Minister for Local Government;
- Minister for Energy, Environment and Climate Change;
- Treasurer; and
- Danny Pearson, Member for Essendon.

Since that time, Council has received a letter from the Office of the Minister for Energy, Environment and Climate Change advising that Council's correspondence has been forwarded to the Office of the Hon. Robin Scott MP, Minister for Finance for consideration.

Council has also received letters from the Department of Premier and Cabinet and the Office of the Minister for Local Government advising that the matter has been referred to the Minister for Roads and Road Safety, the Hon Luke Donnellan MP for further consideration.

Council is yet to receive a response from either of these ministers.

Question

Judith Woods of Strathmore asked the following question regarding land in Mascoma Street, Strathmore:

What is the current situation regarding land opposite Boeing Reserve, in Mascoma Street Strathmore, owned by VicRoads? Does Moonee Valley City Council object to this land being subdivided and reclassified as residential allotments?

Response:

Director of Planning & Development, Natalie Reiter, provided the following response:

Our current understanding is that the land is owned by Vic Roads and although sold in May 2016, the sale was withdrawn. However, Council did advise against the sale of the land early in 2016. A subdivision application was lodged in December 2016 but was withdrawn on the same day. No further development or subdivision application has been submitted for assessment. Council would have concerns regarding the development of the strip of land for residential purposes.

Question

Anna Lanigan of Strathmore asked the following question in relation to residential building in a General Residential Zone which is also a '30 ANEF' zone :

An item under General Business in the Minutes of the Essendon Airport Community Aviation Consultation Group Meeting held Friday June 16, 2017 reads as follows.....

“Council declined to purchase land owned by VicRoads in Strathaird Street Strathmore, currently utilised as a park and playground. The lots are located within a General Residential Zone. (The lots are also located within a 30 ANEF zone and are unacceptable for residential use pursuant to Australian Standard AS2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction)”

Is Council aware that it is against Australian Standards for residential building to proceed in this 30 ANEF zone that includes Lots 1-15 Strathaird St currently owned by VicRoads? If Council has been aware, why did the CEO state in the recent public forum that the Strathaird Street Reserve was a different situation to the Mascoma Street vacant land on the Airport boundary because Mascoma Street was not zoned for residential development?

Response:

Director of Planning & Development, Natalie Reiter, provided the following response:

The quoted minutes of the Essendon Airport Community Aviation Consultation Group Meeting held Friday June 16, 2017 is not a Council forum and the minutes have not been verified for the purposes of this response.

Council is certainly aware of ANEFs, which identify areas that are or will be subject to moderate levels of aircraft noise based on noise exposure contours and to limit use and development to that which is appropriate to that level of exposure. ANEFs are prepared by airport owners.

The statement about the zoning for residential development of the Mascoma Street vs the Strathaird Street sites is unclear as both parcels of land are in the General Residential Zone. The differences highlighted in the CEOs previous response were in relation to other matters such as distance from the Victoria Police and Air Ambulance helicopter and aircraft take off area and not an evaluation of the sites in the context of the ANEF contours.

Question

Sharon Mumford of Strathmore asked the following question in relation to parcels of land within Moonee Valley, and which of these are categorised as parkland:

1. With reference to the recent Moonee Valley 'Leader' article, 30th August 'Developer Land Grab Fear', the Moonee Valley City Council disclosed that the Council's estimated value for 15 (Government Owned) blocks of land within the Municipality were valued at \$20 million. Reference was made to this land being a combination of vacant blocks and established playground reserves.

Which of these parcels of land are categorised in the 'Open Space Strategy' as parkland?

2. The Moonee Valley City Council have said that they have in excess of \$10 million to look to purchase green space for areas within the Municipality that are more in need. Which current sites within the municipality have Moonee Valley City Council identified as possibly purchasing?

Response

Chief Financial Officer David Benallack provided the following response:

1. Of the 15 parcels of land referenced in answer to the public forum question of 22 August 2017 and to which the Leader article of 30 August refers, four parcels are categorised in the Open Space Strategy as parkland. These are:
 - Birdwood Reserve (11 Grace Street & 20 Treadwell Street, Essendon North);
 - Kerferd Street Reserve (96 Kerferd Street, Essendon North);
 - Elm Grove Reserve (5-7 & 10-16 Elm Grove, Essendon North); and
 - Collier Park (421 Mascoma Street and 82-86 Collier Crescent, Strathmore Heights)
2. The following suburbs have been identified in the Open Space Strategy as requiring more open space:
 - Airport West;
 - Ascot Vale;

- Essendon;
- Essendon North;
- Flemington;
- Moonee Ponds;
- Newmarket; and
- Niddrie.

Appropriate sites are being investigated but it would be commercially inappropriate to signal our intentions in terms of specific sites.

Question

Eugene Sangiorgio of Strathmore asked the following question regarding parks used within Moonee Valley which are owned by other government agencies:

1. With reference to the recent Moonee Valley 'Leader' article, 6th September 'Conversation', it was stated by a Moonee Valley resident that there were 4 parks within the municipality that are used by Moonee Valley City Council as parkland but owned by other Government Agencies, and so may be at risk of sale in the future.

Which parks are these and what is the estimated value of these open spaces?

2. With reference to the recent Moonee Valley 'Leader' article, 30th August 'Developer Land Grab Fear', Danny Pearson stated that no other 'Open Spaces' within the municipality are to be sold for at least 18 months.

Assuming that this is true, in the meantime, are there any sale negotiations occurring between the Government Agencies who own the 'Parkland' that is used by Moonee Valley City Council ('Parkland', as defined in the 'Open Space Strategy') and Moonee Valley City Council?

Response

Chief Financial Officer David Benallack provided the following response:

1. The parks reference in the 6 September Leader "Conversation" article was to the same parks provided as the answer to question 1 raised by Sharon Mumford. The estimated value of these parcels of land is in excess of \$17m.
2. There are no sale negotiations occurring between the City of Moonee Valley and any Government agencies in respect of specific parcels of land. There has however been correspondence requesting clarification of Vic Roads intentions in relation to 15 parcels of land. We have not received a response at this stage.

Question

Alan Thomson of Niddrie asked the following question in relation to Council's current policy on card surcharge fees:

There have been compulsory changes to Card surcharge fees set by the RBA and ACCC.

Can you please explain the considerations by council to bring their surcharges into line with the guidelines set in the surcharge act (2016)?

Response:

Chief Financial Officer David Benallack provided the following response:

The City of Moonee Valley does not currently charge a surcharge for credit or debit card payments when it acts in the position of merchant. If a ratepayer seeks to pay their rates using the Formsport payment gateway, the payment is managed by our third party service provider, Forms Express, which acts in the position of merchant and in turn charges a surcharge, which is kept by Forms Express. The rate charged by Forms Express, has been 2% but in compliance with the framework that forms part of the Reserve Bank's surcharging standard, the rate is being reduced to 0.975%. We are advised that this will take effect before 15 September 2017. Given there are other payment options, where a surcharge is not charged, at this stage, there is no avenue for any surcharge rebate adjustments.

8. Reports by Mayor and Councillors

The reports by the Mayor and Councillors are presented at the second meeting of the month.

9. Reports

9.1 144 Holmes Road, Moonee Ponds (Lot 183 on PS002252) - Construction of three dwellings in a Special Building Overlay

File No: FOL/17/11

Author: Grant Michell
Senior Statutory Planner

Directorate: Planning & Development

Minute No. 2017/245

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/900/2016 for the construction of three dwellings in a Special Building Overlay at 144 Holmes Road, Moonee Ponds (Lot 183 on PS002252), in accordance with the following grounds of refusal:

1. The bulk, scale, form and layout of the proposal fails to meet the objectives and strategies contained within Clause 15.01-5 (Cultural Identity and Neighbourhood Character) and 21.06 of the Moonee Valley Planning Scheme, resulting in a development that does not appropriately respond to the opportunities and constraints of the site as well as the surrounding context and fails to appropriately respond and contribute to the character of the area.
2. The proposal fails to comply with the following Standards or Objectives of Clause 55 of the Moonee Valley Planning Scheme:
 - a) Clause 55.02-1 – Standard B1 (Neighbourhood Character);
 - b) Clause 55.03-1 – Standard B6 (Street Setback);
 - c) Clause 55.03-8 – Standard B13 (Landscaping);
 - d) Clause 55.04-1 – Standard B17 (Side and Rear Setbacks);
 - e) Clause 55.04-2 – Standard B18 (Walls on Boundary); and
 - f) Clause 55.04-3 – Standard B19 (Daylight to Existing Windows).
3. The location of the crossover for Dwelling 1 to Holmes Road will cause adverse traffic impacts on the surrounding area and will result in safety concerns, which will be substantial and unreasonable.
4. The proposal will exacerbate existing parking issues in the area.

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Lawrence, Marshall, Sharpe, Sipek
Against: Nil

CARRIED

7.02pm Cr Lawrence left the chamber.

7.03pm Cr Lawrence returned to the chamber.

9.2 **34 Robinson Street, Moonee Ponds (Lot 1 on TP538175A) - Construction of two double storey dwellings to the rear of an existing dwelling and a reduction to the car parking requirement**

File No: FOL/17/11

Author: Lachlan Orr
Senior Statutory Planner

Directorate: Planning & Development

Minute No: 2017/246

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/89/2017 for the construction of two double storey dwellings to the rear of an existing dwelling and a reduction to the car parking requirement at 34 Robinson

Street, Moonee Ponds (Lot 1 on TP538175A), subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The deletion of the car space and accessway associated with the existing dwelling, and retention of the existing picket fence, nature strip and on-street car parking in front of the site;
 - b) The true northern orientation shown on the floor plans;
 - c) Dwelling 2 modified to comply with Standard B21 of Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme;
 - d) Each window provided with annotations that screening and glazing treatments comply with Standard B22 of Clause 55.04-6 (Overlooking) and Standard B23 of Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme;
 - e) The rear open space area of each proposed dwelling increased to at least 40 square metres through the relocation of the dividing fence with the existing dwelling, to comply with Standard B28 of Clause 55.05-4 (Private Open Space) of the Moonee Valley Planning Scheme;
 - f) The provision of storage to the existing dwelling to comply with Standard B30 of Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme;
 - g) Alternate paving treatments to physically delineate the section of common property required for vehicles to enter and exit Dwellings 2 and 3 to comply with Clause 55.06-3 (Common Property) of the Moonee Valley Planning Scheme;
 - h) A landscape plan in accordance with Condition 15; and
 - i) Any changes as a result of Condition 3.

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

2. The development as shown on the endorsed plans must not be altered without the 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 assessment must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. A minimum 30 days prior to any building or works commencing, all 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. 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 CSMP must be in accordance with Moonee Valley City Council's CSMP's guideline and templates.

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 maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; 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. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
8. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
9. 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.

10. 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.

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

13. 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.
14. 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.
15. Before the development starts, or any trees or vegetation removed, a landscape plan (an electronic copy) 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 required by Condition 1 of this permit;
- 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; and
- d) The provision of at least two canopy trees within the secluded open space area of each dwelling, all able to achieve a minimum mature height of 4 metres.

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.

16. 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.
17. 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 Moonee Valley City Council on 9243 8888 regarding legal point of discharge, new crossings, building over easements, etc.
- No on-street parking permits will be provided to occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by Moonee Valley City Council.

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

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Lawrence, Marshall, Sharpe, Sipek
Against: Nil

CARRIED

9.3 10 Beryl Street, West Essendon (Lot 22 Section 5 on PS002314 and Lot 1 on TP644504Q) - Construction of four dwellings

File No: FOL/17/11
Author: Grant Michell
Senior Statutory Planner
Directorate: Planning & Development
Minute No: 2017/247

Council Resolution

Moved by Cr Marshall, seconded by Cr Sharpe that Council, with respect to an Application for Review against a refusal to grant a permit, resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application that the application be supported and the following draft conditions be provided to VCAT:

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 an electronic copy provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Details of all retaining walls;
 - b) The proposed crossovers must be no more than 3 metres wide and constructed to Council's standards;
 - c) All doors to the garages to open outwards;

- d) All BESS treatment measures and associated notations to be shown on the relevant plans in accordance with the endorsed BESS report;
- e) Internal fencing within the front setback to be no higher than 1.2 metres;
- f) A notation that all signage within the road reserve required to be relocated is to be to the satisfaction of the relevant authority;
- g) Services within the common property to be no higher than 1.2 metres; and
- h) Side boundary fencing to taper to 1.2 metres in height.

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 STEP report must be submitted simultaneously with the submission of amended plans and achieve a minimum score of 250/500.
 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. 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.
- 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 maximum 30 days following completion of the development, 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's Guide or a Building Maintenance Guide.

- 7. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority, if the owner of the adjoining land allows access for the purpose.
- 8. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 9. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

- 10. Before the buildings approved by this permit are occupied, concrete vehicular crossings must be constructed to suit the proposed driveways 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.
- 11. 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. The existing street tree or vegetation must not be removed or damaged as a result of the permitted development.
- 13. Before the buildings approved by this permit are occupied, concrete vehicular crossings must be constructed to suit the proposed driveways 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.

14. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
15. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
16. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.
17. 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.

18. The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.
19. Before the buildings approved by this permit are occupied, a timber paling fence of a minimum 1.8 metres in height must be erected along the west boundary to the satisfaction of the Responsible Authority.
20. 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.
21. 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 an electronic copy 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;
- a) 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;
- b) The use of drought tolerant species;
- c) The provision of one canopy tree within the front and rear setback of each dwelling which are able to achieve a minimum mature height of 4 metres;
- d) Features such as paths, paving and accessways;
- e) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
- f) All planting abutting the accessway(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
- g) An appropriate irrigation system.

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

- 22. Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.
- 23. 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.
- 24. 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 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 Moonee Valley City Council 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.

For: Crs Nation, Cusack, Gauci Maurici, Marshall, Sharpe, Sipek
Against: Crs Surace, Byrne, Lawrence

CARRIED

Suspension of Standing Orders

Minute No: 2017/248

Council Resolution

Moved by Cr Marshall seconded by Cr Gauci Maurici that standing orders be suspended.

CARRIED UNANIMOUSLY

9.10 Marriage Equality Statement

File No: FOL/17/11

Author: Sally Abbott
Community Planning Officer

Directorate: Planning & Development

Minute No. 2017/249

Council Resolution

Moved by Cr Nation, seconded by Cr Gauci Maurici that Council:

1. Adopt the Marriage Equality Statement (**Appendix A**).
2. Write to local State and Federal Members of Parliament, www.australianmarriageequality.org, and the Commonwealth Human Rights and Equal Opportunity Commission advising them of Council's support for marriage equality.
3. Note the proposed activities to promote Council's Marriage Equality Statement during the Australian Marriage Law Postal Survey between 12 September and 7 November, 2017 as outlined in **Table 2**.
4. Note the LGBTIQ Action Plan 2015-17 Year 2 Progress Report (**Appendix B**).

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Marshall, Sharpe, Sipek

Abstained: Cr Lawrence

CARRIED

Resumption of Standing Orders

Minute No: 2017/50

Council Resolution

Moved by Cr Marshall seconded by Cr Gauci Maurici that standing orders be resumed.

CARRIED UNANIMOUSLY

9.4 34 Wilson Street, Moonee Ponds - Proposed Sale of Land

File No: FOL/17/11

Author: Gary Mills
Coordinator Property Management

Directorate: Financial Services

Minute No: 2017/251

Council Resolution

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

1. Having completed all necessary statutory procedures under sections 189 and 223 of the Local Government Act 1989 and not having received any written submissions to the proposal, resolve to sell the property known as 34 Wilson Street, Moonee Ponds described as Lot 71 on Plan of Subdivision 2241 and contained on Certificate of Title Volume 6222 Folio 299 as shown in **Appendix A** by either private sale or public auction.
2. Authorise the Chief Executive Officer to prepare the subject property for sale and execute all relevant contract and transfer documents on behalf of the Council.
3. Ensure that the proceeds of the sale from the property are used to meet the future needs of the Moonee Valley community (including young people) within the southern parts of the municipality, which may be proposed as part of the annual budget process and in line with Council Plan priorities.

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Lawrence, Sharpe, Sipek

Against: Cr Marshall

CARRIED

9.5 **2016/17 Annual Financial Report**

File No: FOL/17/11

Author: Damian Hogan
 Manager Finance Operations

Directorate: Financial Services

Minute No: 2017/252

Council Resolution

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

1. Notes the recommendation of the Audit Committee.
2. Adopts in principle the 2016/17 Annual Financial report.
3. Nominate and authorise Councillor Andrea Surace and Councillor Cam Nation to certify, on behalf of Council, the Annual Financial Report, in the final form.

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Lawrence,
 Marshall, Sharpe, Sipek

Against: Nil

CARRIED

9.6 **2016/17 Performance Statement and Governance and
Management Checklist**

File No: FOL/17/11

Author: Marianne McArthur
 Corporate Planning Officer

Directorate: Organisational Performance

Minute No: 2017/253

Council Resolution

Moved by Cr Cusack, seconded by Cr Gauci Maurici that Council:

1. Approves in principle the 2016/17 Performance Statement for certification and forwarding to the Victorian Auditor-General's Office (VAGO) for final audit approval;
2. Approves the Governance and Management checklist to be certified by the Mayor and Chief Executive Officer and included in the annual report of operations.

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Lawrence,
 Marshall, Sharpe, Sipek

Against: Nil

CARRIED

9.7 Planning Scheme Amendment C179 - Significant Tree Review 2017

File No: FOL/17/11
Author: David Kilroe
Senior Strategic Planner
Directorate: Planning & Development
Minute No: 2017/254

Council Resolution

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

1. Endorse the draft Significant Tree Register 2017 (**Appendix A** - separately circulated) for the purposes of consultation.
2. In accordance with Section 8A(3) of the *Planning and Environmental Act 1987*, seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C179 (**Appendix B** - separately circulated), which includes the following:
 - a) Update to the current Moonee Valley Significant Tree Register to reflect additional inclusions recommended in the draft Significant Tree Register 2017.
 - b) Apply the Environmental Significance Overlay to the additional trees identified in the draft Significant Tree Register 2017.
 - c) Delete the Environmental Significance Overlay from areas where significant trees have been removed.
3. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C179 in accordance with Section 19 of the *Planning and Environment Act 1987*.
4. In accordance with Section 20(4) of the *Planning and Environment Act 1987* formally request that the Minister apply interim controls to identified trees within the draft Significant Tree Register 2017.

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Lawrence, Marshall, Sharpe, Sipek

Against: Nil

CARRIED

**9.8 Moonee Valley Early Years Plan:
Progress Report 2016-17 and Action Plan 2017-18**

File No: FOL/17/11

Author: Karina Viksne

Family and Children's Services, Strategic Planning Adviser

Directorate: City Services

Minute No: 2017/255

Council Resolution

Moved by Cr Sharpe, seconded by Cr Marshall that Council receive and note the MVEYP Progress Report on the implementation of the Action Plan 2016-17 and the Action Plan for 2017-18.

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Lawrence, Marshall, Sharpe, Sipek

Against: Nil

CARRIED

**9.9 Adoption of the Domestic Animal Management Plan 2017
- 2021**

File No: FOL/17/11

Author: Carey Patterson

Manager Building, Health & Property Services

Directorate: City Services

Minute No: 2017/256

Council Resolution

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

1. Adopt its Domestic Animal Management Plan 2017-2021, provided as **Appendix A** (separately circulated);
2. Receive an annual progress report in August of each year on progress of the initiatives identified in the DAM Plan 2017-2021;
3. Notes that any initiatives identified in the adopted DAM Plan which require Council funding, shall be submitted as part of Council's annual budget deliberations; and
4. Forward a copy of the Moonee Valley Council Domestic Animal Management Plan 2017-21 to the Department of Economic Development, Jobs, Transport and Resources by 3 November 2017.

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Lawrence, Marshall, Sharpe, Sipek

Against: Nil

CARRIED

10. Urgent Business

Nil

11. Confidential Reports

Nil

12. Close of Meeting

The meeting concluded at 8.23pm.

**CR ANDREA SURACE
CHAIRPERSON**