



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 13 June 2017 at 6.30pm

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 13 June 2017 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT :

Members:	Cr Cam Nation	Acting Mayor
	Cr Samantha Byrne	
	Cr Jim Cusack	(entered the meeting at 6.32pm)
	Cr Rebecca Gauci Maurici	
	Cr Richard Lawrence	
	Cr Nicole Marshall	
	Cr Narelle Sharpe	
	Cr John Sipek	
Officers:	Mr David Benallack	Chief Financial Officer
	Ms Kendrea Pope	Director Organisational Performance
	Ms Kate McCaughey	A/Director City & Community Planning, Leisure
	Ms Natalie Reiter	A/Director City Services
	Mr Petrus Barry	A/Director Planning & Development
	Mr Lee McSweeney	Coordinator Governance

1. Opening

The Acting Mayor, Cr Nation, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 13 June 2017.

The Acting 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

Bryan Lancaster, Chief Executive Officer was an apology for this meeting.

Cr Surace has a leave of absence for this meeting.

Cr Nation noted a leave of absence request from Cr Marshall for all meetings for the period 3 to 14 July 2017 inclusive.

3. Confirmation of Minutes

Minute No: 2017/155

Council Resolution

Moved by Cr Sipek, seconded by Cr Lawrence that the Minutes of the Ordinary Meeting of Council held on Tuesday, 23 May 2017 be confirmed.

That the Minutes of the Special Committee Meeting of Council held on Tuesday, 6 June 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Cr Lawrence declared a conflict of interest in item 9.7, specifying the interest as indirect by personal association.

Cr Gauci Maurici declared a conflict of interest in item 9.5, specifying the interest as indirect by close association.

Cr Marshall did not declared a conflict of interest and elected to not participate in the debate or decision on item 9.4.

5. Presentations

Nil.

6. Petitions and Joint Letters

Nil.

7. Public Question Time

Question 1

Mr Henry Berry on behalf of the Valley Carers Committee has asked the following questions:

“1. When will Council receive reports at an Ordinary Council Meeting in response to the seven points raised in Notice of Motion 2016/19 passed 26 July 2016 and in another Notice of Minutes No. 2016/17. In practically will the reports address the active that have be taken to date by Council and what future action Council will take in actively progressing the affordable housing issues affecting disabled residents.

2. Why hasn't the Council given the petitioners any further responses except the letter acknowledging of receipt of the petition (FOL/16/42) dated 24 August 2016.”

The Acting Director City Services responded that Essential Economics have been engaged to undertake the development of the report on behalf of Council, outlining the following specifications:

Stage 1- Analysis (due on Friday the 26th of June): Research, benchmarking and analysis;

- Complete a supply and demand assessment for affordable housing for people with disability in Moonee Valley
- Gauge the number of people with disability in Moonee Valley experiencing housing stress
- Identify numbers of people with disability living in each suburb
- Explore the State and Federal political climate with a view to outlining strategic and legislative context relating to housing for people with disability.
- Benchmarking – explore how surrounding local government areas are addressing affordable housing for people with disability
- Analyse and report on current Council strategies and plans that relate to social housing.

Stage 2- Outlining opportunities for Council (Friday the 21st of July)

Outline a variety of opportunities (short, medium and long term) within the municipality for improving housing options with best practice examples (social housing and private) that Council can influence including:

- Possible partnerships
- Advocacy opportunities
- Explore opportunities to improve planning and development outcomes with a social housing focus
- Explore opportunities to partner with developers and social housing

The final report will be tabled at a Council Strategic Briefing on 22 August, 2017.

8. Reports by Mayor and Councillors

Nil.

9. Reports

9.1 36 Shaw Street, Niddrie (Lot 72 on LP 010094) - Construction of three dwellings

File No: FOL/17/11
Author: Alexia Paterson
Statutory Planner
Directorate: Planning & Development
Minute No: 2017/156

Council Resolution

Moved by Cr Cusack, seconded by Cr Sharpe that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/740/2016 for the construction of three dwellings at 36 Shaw Street, Niddrie (Lot 72 on LP 010094), 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) Accessway of Dwelling 1 to be 3 metres wide.
 - b) Accessway for Dwelling's 2 and 3 to be 3 metres wide, reconfigured to align with crossover, and run along the east boundary for the first 2 metres.
 - c) Relocate site services and mail boxes as a result of Condition 1 (b).
 - d) Location of the metre box with a maximum height of 1.5 metres.
 - e) Relocate Dwelling 3 garage eastern pedestrian door to south-east corner of garage.
 - f) Swap Dwelling 3 rainwater tank and bins location with each other.
 - g) Dwelling's 1 and 2 porch heights to comply with Clause 55-03-1 Street setback objective (Standard 6) of the Moonee Valley Planning Scheme.
 - h) A notation, on all relevant plans, in accordance with Condition 17.
 - i) A BESS report in accordance with Condition 6.
 - j) A prominent note on all floor and elevation plans stating: "Refer to endorsed Sustainable Design Assessment and BESS Report for all ESD commitments and requirements";
 - k) The location and details of all Water Sensitive Urban Design measures outlined within the approved STORM Rating Report shown on Ground Floor Plan.

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. 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.
4. 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.

5. 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.

6. Prior to or simultaneously with the submission of Condition 1 plans, submit a 'published' version of BESS Report # 5610 prepared by Eminent Designs dated 2 December 2016.
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) 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. 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. 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 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.

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

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and the relevant servicing authority/agency.

Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

14. Before the buildings approved by this permit are occupied, all fencing must be erected along the property boundaries in accordance with the endorsed plans and to the satisfaction of the Responsible Authority
15. 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 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 a digital copy must be provided. The landscape plan must 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;

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

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

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. The following street tree/nature strip protection measures must be undertaken;
 - a) the nature strip and street tree located within the Shaw Street frontage of the land must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder;
 - b) no pruning of the nature strip and street tree located within the Shaw Street frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and
 - c) no building materials are to be stacked and/or dumped on any nature strip during construction.
18. This permit will expire if:
 - a) The development does not start within two (2) years of the date of issue of this permit, or
 - b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may make a written request 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.
- 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 $C=0.80$.
- 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.

For: Crs Nation, Cusack, Gauci Maurici, Marshall, Sharpe

Against: Crs Byrne, Lawrence, Sipek

CARRIED

9.2 12 Michael Court, Niddrie (Lot 6 LP220559G) - Construction of three dwellings

File No: FOL/17/11

Author: William Wheeler
Principal Statutory Planner

Directorate: Planning & Development

Minute No: 2017/157

Council Resolution

Moved by Cr Sipek, seconded by Cr Byrne that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/749/2016 for the construction of three dwellings at No.12 Michael Court, Niddrie (Lot 6 LP220559G), in accordance with the following grounds of refusal:

1. The proposal fails to meet the overarching objective and strategies of Clause 15.01-5 (Cultural Identity and Neighbourhood Character) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond and contribute to neighbourhood character;
2. The proposal fails to meet the objectives and strategies of Clause 21.06-1

(Neighbourhood Character) and Clause 21.06-4 (Urban Design) as it does not respect or contribute to the preferred character of the 'Garden Court 3' precinct and fails to appropriately respond to its location and surrounding context;

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 Objectives);
 - b) Clause 55.02-2 (Residential Policy Objectives);
 - c) Clause 55.04-1 (Side and Rear Setbacks);
 - d) Clause 55.05-5 (Solar Access to Open Space); and
 - e) Clause 55.06-4 (Site Services).
4. The proposed development does not allow adequate kerbside space for the storage and collection of six bin/recycling receptacles in accordance with Council's 'Waste Management Plans – Guidelines for Applicants'.

For: Crs Nation, Byrne, Lawrence, Marshall, Sipek

Against: Crs Cusack, Gauci Maurici, Sharpe

CARRIED

Cr Byrne left the meeting at 6.55pm.

Cr Byrne returned to the meeting at 6.56pm.

9.3 27 Russell Street, Essendon (Lots 1 & 2 PS7523) - Construction of a multi-level building, use of the land for the purpose of a food and drink premises and dwellings, reduction in the car parking requirements, waiver of the loading and unloading bay requirements and alteration of access to a Road Zone, Category 1

File No: FOL/17/11

Author: Matt Spozio

Team Leader, Statutory Planning

Directorate: Planning & Development

Minute No: 2017/158

Council Resolution

Moved by Cr Sipek, seconded by Cr Byrne that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/433/2016 for the construction of a multi-level building, use of the land for the purpose of a food and drink premises and dwellings, reduction in the standard car parking requirements, waiver of loading and unloading bay requirements and alteration of access to a Road Zone, Category 1 at No.27 Russell Street, Essendon (Lots 1 and 2 on Plan of Subdivision PS7523) 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 an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The deletion of the entire third floor so that the building has a maximum of eight (8) storeys;
 - b) The additional car parking within the basement as a consequence of Condition 1a) to be re-allocated so as to provide a minimum of one car space associated with the café;
 - c) The provision of an at-grade disabled car space;
 - d) A notation indicating the re-construction of the Right of Way for the full length of the property abutting the Right of Way (approximately 23m) in accordance with Condition 17.
 - e) The existing line marking and signage along Buckley Street to reflect the location of the proposed crossover;
 - f) With the exception of the two uppermost levels, the north facing balconies to be applied with screening measures to a minimum height of 1.7 metres above the finished floor level for 50% of the length of each balcony;
 - g) With the exception of the two uppermost levels provision for screening measures to be applied the north facing bedroom windows in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme.
 - h) The provision of 300mm wide trench grates at the bottom of the garage;
 - i) Any modifications as required by Conditions 4, 5, 13, 15 and 16.

When approved, these plans will be endorsed and will form part 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. Before the building approved by this permit is 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.
4. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
5. Prior to the commencement of building and works, the Sustainable Design Plan prepared by 'GIW Environmental Solutions Pty Ltd' dated 9 June 2016, including BESS Report, is to be modified in accordance with

Condition 1 and submitted to the Responsible Authority as a 'published' version for approval. Once approved, the amended Sustainable Design Assessment is to be implemented and appropriately managed during construction of the proposed development.

6. A minimum 30 days prior to any building or works commencing, all WSUD Design 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.
7. 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 initiatives by the author of the WSUD Response and STORM 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 model have been completed and implemented in accordance with the approved report.
8. 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.
9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
10. 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.
11. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and 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.
12. All external lights must be of a limited intensity to ensure nuisance is not caused to any adjoining or nearby residents and must be provided with approved baffles, so that no direct light is emitted outside the land.
13. Before the development starts, an acoustic report to the satisfaction of the

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

When approved, the acoustic report will be endorsed and will form part of the permit. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

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; 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:

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

to the satisfaction of the Responsible Authority.

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 existing line marking and signage along Buckley Street to be modified to reflect the modified crossover arrangements.
17. Before the development starts, detailed engineering drawings to show the

construction of the right of way are to be submitted to and approved by the Responsible Authority. The right of way is to be surveyed by a licensed surveyor and designed by a civil engineer with suitable qualifications to the satisfaction of the Responsible Authority. The plans are to indicate existing surface levels, proposed surface levels and construction of the right of way in accordance with Moonee Valley City Council Drawing No. 34.

18. Before the development approved by this permit is occupied, the Right of Way (approx. 23m) is to be constructed in accordance with the Moonee Valley City Council Drawing No.34 (Standard Reinforced Concrete Paving). All costs associated with the survey, design and construction of the right of way must be borne by the permit holder.

The construction of the right of way as specified in this permit must be completed and properly drained to the satisfaction of the Responsible Authority.

19. Following the completion of the Right of Way, and before the building approved by this permit is occupied, as constructed plans must be submitted to and approved by the Responsible Authority.
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.

22. A Council drain (minimum 300mm dia RCP RRJ) must be constructed within the Right of Way (R.O.W). 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 building approved by this permit is occupied, as constructed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

23. At least 30 days before any buildings or works commence, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan must include details of the construction activity proposed and must be in accordance with Moonee Valley City Council's CMP's guideline and templates.

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

The development must be carried out in accordance with the endorsed Construction Management Plan and the provisions, requirements and recommendations of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

24. The existing street trees along Buckley Street to be removed must be replaced with an advanced tree(s) which are at least 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 replacement trees including:
- a) method of mulching and mounding;
 - b) the species of the replacement planting;
 - c) the size of planting and its maturity; and
 - d) the location of the replacement planting.

All costs associated with the removal and replacement of the street trees must be borne by the permit applicant.

25. Before the development starts, an amended 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'.

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

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 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 Moonee Valley City Council 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.
- 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.
- 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 $C=0.80$.
- 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 Right of Way works, staged inspections must be arranged with Moonee Valley City Council's Engineering Services Unit.
- Before the development starts, separate approval must be obtained from 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.
- In the event that car parking spaces or storage cages are separately titled,

a condition will be imposed on any future subdivision permit requiring the permit holder to enter into a Section 173 Agreement to ensure 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 the development.

- The permit holder should contact the Level Crossing Removal Authority to discuss the overall implication of the Essendon level crossing removal project on the proposed development.

For: Crs Nation, Byrne, Sipek

Against: Crs Cusack, Gauci Maurici, Lawrence, Marshall, Sharpe

LOST

Adjournment of Meeting

Minute No: 2017/159

Council Resolution

Cr Lawrence moved that the meeting be adjourn for 5 minutes to prepare a Proposed Motion for item 9.3. The Acting Chair put the motion to the vote.

CARRIED UNANIMOUSLY

Minute No: 2017/160

Council Resolution

Cr Lawrence moved that the meeting be resumed. The Acting Chair put the motion to the vote.

CARRIED UNANIMOUSLY

Minute No: 2017/161

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/433/2016 for the construction of a multi-level building, use of the land for the purpose of a food and drink premises and dwellings, reduction in the standard car parking requirements, waiver of loading and unloading bay requirements and alteration of access to a Road Zone, Category 1 at No.27 Russell Street, Essendon (Lots 1 and 2 on Plan of Subdivision PS7523) on the following grounds;

5. The proposal fails to meet the overarching 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 positively contribute to the local character and enhance the public realm.
6. The bulk, scale, form and layout of the proposal fails to meet the

objectives and strategies contained within Clause 21.06 (Built Environment) 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.

7. The proposal fails to provide sufficient retail and visitor car parking as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and would exacerbate parking problems in the surrounding area.
8. The proposal represents an overdevelopment of the land.

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

**The Casting Vote by the Acting Mayor, Cr Nation
was put and LOST**

Adjournment of Meeting

Minute No: 2017/162

Council Resolution

Cr Marshall moved that the meeting be adjourn for 5 minutes to prepare a Proposed Motion for item 9.3. Motion was seconded by Cr Byrne. The Acting Chair put the motion to the vote.

CARRIED UNANIMOUSLY

Minute No: 2017/163

Council Resolution

Cr Marshall moved that the meeting be resumed. The Acting Chair put the motion to the vote.

CARRIED UNANIMOUSLY

Cr Byrne returned to the meeting at 7.29pm.

Minute No: 2017/164

Council Resolution

Moved by Cr Sipek, seconded by Cr Sharpe, that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/433/2016 for the construction of a multi-level building, use of the land for the purpose of a food and drink premises and dwellings, reduction in the standard car parking requirements, waiver of loading and unloading bay requirements and alteration of access to a Road Zone, Category 1 at No.27 Russell Street, Essendon (Lots 1 and 2 on Plan of Subdivision PS7523) 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 an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

- b) The retail space on the ground floor to be increased to at least 250 square metres;
- c) The deletion of the entire third floor so that the building has a maximum of eight (8) storeys;
- d) The additional car parking within the basement as a consequence of Condition 1b) to be re-allocated so as to provide a minimum of one car space associated with the café;
- e) The provision of an at-grade disabled car space;
- f) A notation indicating the re-construction of the Right of Way for the full length of the property abutting the Right of Way (approximately 23m) in accordance with Condition 17;
- g) The existing line marking and signage along Buckley Street to reflect the location of the proposed crossover;
- h) With the exception of the two uppermost levels, the north facing balconies to be applied with screening measures to a minimum height of 1.7 metres above the finished floor level for 50% of the length of each balcony;
- i) With the exception of the two uppermost levels provision for screening measures to be applied the north facing bedroom windows in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme;
- j) The provision of 300mm wide trench grates at the bottom of the garage;
- k) Any modifications as required by Conditions 4, 5, 13, 15 and 16.

When approved, these plans will be endorsed and will form part 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. Before the building approved by this permit is 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.
- 4. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
- 5. Prior to the commencement of building and works, the Sustainable Design

Plan prepared by 'GIW Environmental Solutions Pty Ltd' dated 9 June 2016, including BESS Report, is to be modified in accordance with Condition 1 and submitted to the Responsible Authority as a 'published' version for approval. Once approved, the amended Sustainable Design Assessment is to be implemented and appropriately managed during construction of the proposed development.

6. A minimum 30 days prior to any building or works commencing, all WSUD Design 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.
7. 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 initiatives by the author of the WSUD Response and STORM 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 model have been completed and implemented in accordance with the approved report.
8. 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.
9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
10. 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.

11. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and 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.
12. All external lights must be of a limited intensity to ensure nuisance is not

caused to any adjoining or nearby residents and must be provided with approved baffles, so that no direct light is emitted outside the land.

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

When approved, the acoustic report will be endorsed and will form part of the permit. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

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; 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:

- e) be maintained and made available for such use; and
 - f) not be used for any other purpose, to the satisfaction of the Responsible Authority.
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 existing line marking and signage along Buckley Street to be modified to reflect the modified crossover arrangements.
17. Before the development starts, detailed engineering drawings to show the construction of the right of way are to be submitted to and approved by the Responsible Authority. The right of way is to be surveyed by a licensed surveyor and designed by a civil engineer with suitable qualifications to the satisfaction of the Responsible Authority. The plans are to indicate existing surface levels, proposed surface levels and construction of the right of way in accordance with Moonee Valley City Council Drawing No. 34.
18. Before the development approved by this permit is occupied, the Right of Way (approx. 23m) is to be constructed in accordance with the Moonee Valley City Council Drawing No.34 (Standard Reinforced Concrete Paving). All costs associated with the survey, design and construction of the right of way must be borne by the permit holder.

The construction of the right of way as specified in this permit must be completed and properly drained to the satisfaction of the Responsible Authority.

19. Following the completion of the Right of Way, and before the building approved by this permit is occupied, as constructed plans must be submitted to and approved by the Responsible Authority.
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.

22. A Council drain (minimum 300mm dia RCP RRJ) must be constructed within the Right of Way (R.O.W). 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 building approved by this permit is occupied, as constructed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

23. At least 30 days before any buildings or works commence, a Construction Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Construction Management Plan must include details of the construction activity proposed and must be in accordance with Moonee Valley City Council's CMP's guideline and templates.

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

The development must be carried out in accordance with the endorsed Construction Management Plan and the provisions, requirements and recommendations of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

24. The existing street trees along Buckley Street to be removed must be replaced with an advanced tree(s) which are at least 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 replacement trees including:
- a) method of mulching and mounding;
 - b) the species of the replacement planting;
 - c) the size of planting and its maturity; and
 - d) the location of the replacement planting.

All costs associated with the removal and replacement of the street trees must be borne by the permit applicant.

25. Before the development starts, an amended 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'.

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

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 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 Moonee Valley City Council 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.
- 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.
- 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; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- 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 Right of Way works, staged

inspections must be arranged with Moonee Valley City Council's Engineering Services Unit.

- Before the development starts, separate approval must be obtained from 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.
- In the event that car parking spaces or storage cages are separately titled, a condition will be imposed on any future subdivision permit requiring the permit holder to enter into a Section 173 Agreement to ensure 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 the development.
- The permit holder should contact the Level Crossing Removal Authority to discuss the overall implication of the Essendon level crossing removal project on the proposed development.

For: Crs Nation, Byrne, Sharpe, Sipek

Against: Crs Cusack, Gauci Maurici, Lawrence, Marshall

**The Casting Vote by the Acting Mayor, Cr Nation
was put and CARRIED**

Cr Marshall elected to not participate in the decision on item 9.4 and sought the consent of the meeting to be exempted from voting on this item. The Acting Mayor granted the request and Cr Marshall left the meeting at 7.34pm.

9.4 Buckley Street Level Crossing Removal - Next Steps

File No: FOL/17/11

Author: Natalie Reiter

A/Director City Services

Directorate: Planning & Development

Minute No: 2017/165

Council Resolution

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

That Council adopt the officer's recommendation with amendments to:

1. Recommendation Point 2: Appendix A 1C to read:
In the event that Minister for Planning prepares to proceed with an Amendment to the Moonee Valley Planning Scheme without all key matters being fully and independently considered, authorise Officers to immediately pursue legal recourse if considered appropriate.
2. Recommendation Point 3 to read: To receive and send the draft letter to The Hon Richard Wynne Minister for Planning Re Buckley Street

Crossing Removal 2017 (**Appendix B**).

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

CARRIED

Cr Marshall returned to the meeting at 7.52pm.

Having declared a conflict of interest, Cr Gauci Maurici left the meeting at 7.52pm.

Cr Byrne left the meeting at 7.54pm.

Cr Byrne returned to the meeting at 7.57pm.

9.5 Moonee Ponds Activity Centre (MPAC) Pilot Project

File No: FOL/17/11

Author: Edward Crossland
Senior Strategic Planner

Directorate: Planning & Development

Minute No: 2017/166

Council Resolution

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

1. Acknowledge the contents of this report.
2. Confirms its support for the MPAC Pilot Project.
3. Acknowledge that the Pilot Project is:
 - An opportunity to review building heights, and implement a range of building form controls such as floor ratios and building setbacks, and explore the appropriateness of a public benefit mechanism.
 - An opportunity to convert existing discretionary height controls to mandatory controls for 12 months while the review is underway.
 - Not a mechanism to reduce existing discretionary height controls as stipulated in Schedule 1 to the ACZ for the Moonee Ponds Activity Centre.
4. Write to the Minister for Planning to:
 - Confirm Council's participation in the Pilot Project in partnership with DELWP, and advise Council will commit to undertaking relevant tasks in alignment with the Program of Work.
 - Formally request that the Minister for Planning prepare, adopt and approve an amendment under Section 20(4) of the Planning and Environment Act 1987 to the Moonee Valley Planning Scheme to introduce interim mandatory built form controls for the Moonee Ponds Activity Centre while new permanent built form controls are established, and that they be approved with no transitional provisions.

5. Endorse Council officers to undertake relevant tasks in partnership with DELWP, in alignment with the Program of Work.

CARRIED UNANIMOUSLY

Cr Gauci Maurici returned to the meeting at 8.01pm.

9.6 Municipal Parking Strategy Update

File No: FOL/17/11

Author: James Kempen

Traffic and Transport Engineer

Directorate: Planning & Development

Minute No: 2017/167

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council: adopt the Officer's recommendation with amendments as follows:

1. Recommendation 1 to read:
Note the progress of the implementation plan for the Municipal Parking Strategy, as provided in Appendix A and report back to Council on Item 23, Review the Parking on Narrow Streets Management Framework, including if the Framework is appropriate in the light of ongoing and increasing parking demand in Moonee Valley.
2. Delete Recommendations 2d) and 2e)
3. Recommendation 4f) to read:
Amend the property classification definitions in the Municipal Parking Strategy and Parking Permit Policy, adopt the amended table of parking permit entitlements provided in Appendix C, with the additional wording for the multi-dwelling definition, "or any dwelling on the same lot as a shop or commercial premises, if there is more than one dwelling on that lot", and notify properties impacted by the changes prior to the start of the 2017/18 permit year.

CARRIED UNANIMOUSLY

Having declared a conflict of interest, Cr Lawrence left the meeting at 8.13pm.

Cr Gauci Maurici left the meeting at 8.22pm.

Cr Gauci Maurici returned to the meeting at 8.24pm.

9.7 2017 Heritage Study - Stage 2

File No: FOL/17/11
Author: Justin Scriha
Senior Statutory Planner
Directorate: Planning & Development
Minute No: 2017/168

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council resolves to undertake the following Stage 2 heritage studies identified in the Moonee Valley Gap Study in the 2017/18 financial year:

1. Interwar residential buildings and precincts (high priority);
2. Victorian residential buildings and precincts (medium priority);
3. Edwardian residential buildings and precincts (medium priority); and
4. Extensions to existing Heritage Overlay precincts (low priority).

CARRIED UNANIMOUSLY

Cr Lawrence returned to the meeting at 8.25pm.

9.8 Airservices Australia Noise and Flight Monitoring System (NFPMS) - Proposed Licence to Use Part of Prospect Drive Reserve, 67 Prospect Drive Keilor East

File No: FOL/17/11
Author: Gary Mills
Coordinator Property Management
Directorate: City Services
Minute No: 2017/169

Council Resolution

Moved by Cr Sipek, seconded by Cr Byrne that Council enter into a licence with Airservices Australia for the installation of an Aircraft and Flight Path Monitoring System (NFPMS) on part of Council's land at Prospect Drive Reserve, 67 Prospect Drive, Keilor East for a term of 5 years with an option for a further 5 years at an annual license fee of \$800 plus GST with an annual fixed increase of 4 per cent commencing 1 July 2017.

CARRIED UNANIMOUSLY

9.9 Mobile Food Van - Policy

File No: FOL/17/11

Author: Carey Patterson
Manager Building, Health & Property Services

Directorate: City Services

Minute No: 2017/170

Council Resolution

Moved by Cr Sharpe, seconded by Cr Gauci Maurici that Council: defers its decision on the Mobile Food Van Policy to a future meeting of the Council.

CARRIED UNANIMOUSLY

Cr Sipek left the meeting at 8.27pm.
Cr Sipek entered the meeting at 8.33pm.

10. Notices of Motion

10.1 Notice Of Motion No. 2017/15 - Exploring possible funding for Avondale Heights Men's Shed

File No: FOL/17/11

From: Councillor Samantha Byrne

Minute No: 2017/171

Council Resolution

Moved by Cr Byrne, seconded by Cr Gauci Maurici take notice that at the Ordinary Meeting of Council to be held on 13 June 2017 it is my intention to move that advocacy occurs for the consideration of a shed in the Avondale Heights area which could include:

1. Partnering with Doutta Galla Aged Care Facility in Avondale Heights who operate a Men's Shed style program on site for facility residents – there is potential of working together to provide an integrated community program
2. The potential for a shed as part of the Avondale Heights Master Planning
3. Surveying the community to gain further insight into whether participating in a men's shed program is of interest and encourage community leaders to become trained volunteers to support such an establishment.

CARRIED UNANIMOUSLY

10.2 Notice Of Motion No. 2017/16 - Developments in Moonee Ponds

File No: FOL/17/11

From: Councillor Nicole Marshall

Minute No: 2017/172

Council Resolution

Moved by Cr Marshall, seconded by Cr Sipek take notice that at the Ordinary Meeting of Council to be held on 13 June 2017 it is my intention to move that in light of the significant development occurring in Moonee Ponds, the CEO prepare a report for Council clearly identifying:

1. The infrastructure needs of the Moonee Ponds' community given the expected population increase, including without limitation, parking, traffic and transport (including public transport, pedestrian and cyclist access), open space, streetscape works, kindergartens, schools, childcare services, youth services, aged care services, waste management, sporting facilities, community centres and library services; and
2. What Council's plan is to address these infrastructure needs, including, without limitation, the priority of works, timeframes for any works, estimate of costs of any works, indication of how those works will be funded and, for infrastructure matters in relation to which Council is not the decision maker, Council's plan for advocacy in relation to those needs.

CARRIED UNANIMOUSLY

11. Urgent Business

Minute No. 2017/173

Council Resolution

Moved by Cr Sipek, seconded by Cr Marshall that the item from Cr Sharpe regarding Strathnaver Reserve be considered as Urgent Business.

CARRIED UNANIMOUSLY

11.1 Strathnaver Reserve

Minute No: 2017/174

Council Resolution

Moved by Cr Sharpe, seconded by Cr Sipek take notice that at the Ordinary Meeting of Council to be held on 13 June 2017 it is my intention to move that Council:

1. Ensure the Strathnaver Reserve and Strathnaver Pavilion remain as multi-use facilities as per Council policy.
2. Ensure the seasonal allocation of cricket in Summer and soccer in Winter

continues at Strathnaver Reserve and Strathnaver Pavilion.

3. Urgently explore the possibility of using the great awarded to Strathnaver Cricket Club on the upgrade of an existing pitch within the municipality.

CARRIED UNANIMOUSLY

12. Confidential Reports

Minute No: 2017/175

Council Resolution

Moved by Cr Sipek , seconded by Cr Lawrence that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss the following matters:

12.1 Modular Design, Prefabrication and Site Installation of the new Cross Keys Reserve Pavilion

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

CARRIED UNANIMOUSLY

Minute No: 2017/177

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Cusack that Council resume in open Council.

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 8.57pm.

**CR CAM NATION
CHAIRPERSON**