



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

Tuesday, 22 August 2017 at 6.30pm

**Minutes**

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# Minutes of the Ordinary Meeting of Council

Tuesday, 22 August 2017 at 6.30pm  
held at the Moonee Valley Civic Centre

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## PRESENT:

**Members:** Cr Cam Nation                      Acting Mayor  
                 Cr Samantha Byrne  
                 Cr Richard Lawrence  
                 Cr Nicole Marshall  
                 Cr Narelle Sharpe  
                 Cr John Sipek

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

## 1. Opening

The Acting Mayor, Cr Nation, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 22 August 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 Acting Mayor paused to reflect on the life of one of Council's staff members, Hugh McCarry. Hugh passed away suddenly on 10 August 2017. Hugh was remembered as an outstanding individual who served Council and the local community with the highest distinction for over 23 years. The Acting Mayor extended his sincere condolences, on behalf of his fellow Councillors, to Carolyne, Kevin, Patrice and family.

A minute's silence was also observed to honour those who lost their lives in last week's terror attack in Spain.

The Acting 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**

An apology for non-attendance was received for Cr Cusack and Cr Gauci Maurici.

### **Leave of Absence**

**Minute No. 2017/228**

#### **Council Resolution**

Moved by Cr Byrne seconded by Cr Lawrence that Council grant Cr Andrea Surace a Leave of Absence for all formal meetings during the period 21 August 2017 to 12 noon on 24 August 2017 inclusive. It was also agreed that Cr Nation would assume the role of Acting Mayor during this period.

**CARRIED UNANIMOUSLY**

## **3. Confirmation of Minutes**

**Minute No. 2017/229**

#### **Council Resolution**

Moved by Cr Lawrence, seconded by Cr Sipek that the Minutes of the Ordinary Meeting held on Tuesday, 8 August 2017 be confirmed.

**CARRIED UNANIMOUSLY**

## **4. Declarations of Conflict of Interest**

Nil.

## **5. Presentations**

Nil.

## **6. Petitions and Joint Letters**

### **6.1 Signage in Woodlands Park, Essendon**

Cr Byrne presented a petition signed by 363 local primary school children in relation to a perceived lack of signage at Woodlands Park.

### **6.2 Parking in Scotia and Melrose Streets, Moonee Ponds**

Cr Marshall presented a petition signed by 42 residents in relation to proposed parking changes in Scotia and Melrose Streets, Moonee Ponds.

## **7. Public Question Time**

**Mr Eugene Sangiorgio of Strathmore has asked the following questions in relation to Strathaird Reserve:**

### **Question 1**

At the MVCC public forum Tuesday 18.8, Council stated that they had attempted to contact various agencies to advocate and maintain Strathaird Street Reserve as open green space for the community - MVCC were waiting on reply. What response has MVCC had and what other developments have there been in this advocacy process?

### **Response**

The Chief Executive, Mr Bryan Lancaster provided the following response: Since our last update at last Tuesday's Public Forum, Council has received no further response from the State Government in relation to any of our advocacy efforts.

### **Question 2**

At the MVCC public forum Tuesday 18.8, there appeared to be discrepancy about whether the Council could revisit the possible options for purchase of Strathaird Street Reserve. It is my understanding that there should be no procedural obstacle for the Council to amend its motion of 25 July 2017 under cl 13 of the Meeting Procedure rules. The motion of 25 July does not need to be revoked, it can be amended. Given that the advocacy has not changed VicRoads position to date, can Council confirm that it is possible to resolve to amend the motion of 25 July to reconsider this matter, including the possibility of MVCC purchasing the land?

### **Response**

The Chief Executive, Mr Bryan Lancaster provided the following response: Clause 13.3 of Moonee Valley's Meeting Procedure Protocol prohibits Council from revoking or rescinding a previous decision once it has been acted upon. In this instance, Council's initial decision cannot be revoked. However, there is nothing in either Moonee Valley's Meeting Procedure Protocol or the Local Government Act, to prevent Council from making a new decision in relation to this matter.

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

**Question**

At the 8 August 2017 MVCC Ordinary Meeting it was stated that details of the land within Moonee Valley owned by VicRoads could not be revealed to ratepayers by MVCC. It was claimed that this was on Privacy legislation grounds, which prohibited the revelation of this information. As MVCC would be fully aware the owners of all real property is on the public record. Accordingly, how could it be claimed that this public information cannot be released to interested parties? In line with its approach to the Strathaird Park issue is MVCC wanting to keep ratepayers in the dark regarding other potential sales of parkland and open spaces owned by VicRoads situated in the Moonee Valley area? Surely, this is not in accordance with MVCC's statements that it is transparent and wants to engage with the community.

**Response**

The Chief Financial Officer, Mr David Benallack provided the following response:

Following several letters to the State Government, the City of Moonee Valley is aware that the State Government may potentially be looking to sell the following areas of open space within the City of Moonee Valley, at some future time:

- 421 Mascoma Street, Strathmore Heights
- Lots 82, 83, 84, 85 and 86 Collier Crescent, Strathmore
- 424 Mascoma Street, Strathmore Heights
- 445 Pascoe Vale Road, Strathmore
- 5-7 & 10-16 Elm Grove, Essendon North
- 91 – 93 Kerferd Street, Essendon North
- 11 Grace Street, North Essendon 3041
- 20 Treadwell Road, Essendon North
- 41A & 41B Canning Street, Avondale Heights

**8. Reports by Mayor and Councillors**

**Minute No.** 2017/230

**Council Resolution**

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

**CARRIED UNANIMOUSLY**

## 9. Reports

### 9.1 14 Thomas Street Airport West (Lot 239 on PS 042270) - Construction of a dwelling and additions to the existing commercial building including a reduction to the car parking requirement

**File No:** FOL/17/11  
**Author:** Vi Tran  
Senior Statutory Planner  
**Directorate:** Planning & Development  
**Minute No.** 2017/231

#### **Council Resolution**

Moved by Cr Byrne, seconded by Cr Sipek that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/536/2016 for the construction of a dwelling on a lot less than 300 square metres and alterations and additions to the existing building at 14 Thomas Street, Airport West (Lot 239 on PS 042270), 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 driveway located to the rear of the garages along the eastern boundary, adjoining the ROW annotated as 'R1' with a notation that this land is to be vested to Council.
  - b) The provision of an additional on-site car parking space for the proposed shop in accordance with Clause 52.06, Car parking of the Moonee Valley Planning Scheme with no modifications to the side and rear setbacks.
  - c) The Ground Floor Level boundary walls to be set back 2.5 metres from the eastern boundary;
  - d) All west facing habitable room windows at 40 Bedford Street illustrated on the Plans and the development accordingly setback in accordance with Standard A12 of Clause 54.04-3 (Daylight to existing windows) of the Moonee Valley Planning Scheme.
  - e) The clothesline to be deleted from the balcony area.
  - f) All STORM initiatives and associated notations to be shown on the relevant plans in accordance with the approved STORM report.Once 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 WSUD Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
4. 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.

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. 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.
7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
8. Service units, including air conditioning units, must not be located on any



of the balconies unless appropriately visually and acoustically screened to the satisfaction 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 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.

11. 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),
  - e) line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,

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

The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:

- f) Be maintained and made available for such use; and
    - g) Not be used for any other purpose,
- to the satisfaction of the Responsible Authority.
12. 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.

13. 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.
14. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
15. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

The amenity of the area must not be detrimentally affected by the use of land, through:

- a) Transportation of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil; and
  - d) Presence of vermin,
- or in any other way, to the satisfaction of the Responsible Authority.

#### **AusNet Services Gas Pipeline Conditions**

16. Any underground services connections across Thomas Street will require Downer's permit and pipeline inspector on site.
17. The associated development and construction activities in the vicinity of the gas transmission pipeline shall adhere to the requirements of the Victorian Pipeline Act 2005 an AusNet Gas Services 'Conditions of Works' TS 2607.2.

#### **End of AusNet Services Gas Pipeline Conditions.**

18. This permit will expire if:
  - a) The development does not start within two (2) years of the date of issue of this permit, or
  - b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date

within twelve (12) months of the lapse date.

### **Permit Notes**

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on-street parking permits will be provided to occupiers of the subject site.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- The remaining area behind the garage (2.5 metres) to be vested to Council at Subdivision Stage.

**CARRIED UNANIMOUSLY**

**9.2                      83 Matthews Avenue, Airport West (Lot 1 PS724413M) -  
Construction of a multi-storey building, use of the land  
for accommodation (dwellings and serviced apartments)  
and a variation of loading bay requirements**

**File No:** FOL/17/11  
**Author:** William Wheeler  
Principal Statutory Planner  
**Directorate:** Planning & Development  
**Minute No.** 2017/232

### **Council Resolution**

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 the construction of a multi-storey building, use of the land for accommodation (dwellings and serviced apartments) and a variation of loading bay requirements at No.83 Matthews Avenue, Airport West (Lot 1 PS724413M), subject to the following conditions:

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and 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) Deletion of two floor levels between Levels 6 and 10 (inclusive);

- b) Deletion of the 36 tandem podium car parking spaces along Webb Road, with the conversion of this area to 556m<sup>2</sup> of additional first and second floor office space fronting Webb Road;
- c) Provision of an extended third basement level with car parking on site allocated as follows:
  - i. Not less than one car parking space for each dwelling with one or two bedrooms;
  - ii. Not less than two car parking spaces for each dwelling with three or more bedrooms;
  - iii. Not less than one residential visitor car parking space for every five dwellings;
  - iv. Not less than four retail car parking spaces for every 100m<sup>2</sup> of retail floor area;
  - v. Not less than 3.5 office car parking spaces for every 100m<sup>2</sup> of office floor area; and
  - vi. Not less than 0.5 car parking spaces for every serviced apartment.
- d) Deletion of the on-street parking bay along Matthews Avenue, with provision for additional nature strip and planting areas;
- e) A minimum ground floor setback of 1.44 metres from the southern property boundary along Webb Road, with provision for additional landscaping adjoining the retail frontages;
- f) Public footpaths at the front of the site along Matthews Avenue and Webb Road to have a minimum width of 1.80 metres and clear of obstructions, without reducing the width of existing nature strips. Any additional width required is to be from within the subject site's own property boundaries;
- g) Undergrounding of the overhead power lines along the northern side of Webb Road, from Matthews Avenue to Walton Street;
- h) Details regarding access and maintenance of the north-western drainage and sewerage easement area;
- i) All 1700mm high privacy screens and obscure glazing annotated as being 'fixed' with a 'maximum 25% transparency', and such screening designed to maximise the dwellings' outlook;
- j) The allocation of all retail, office, resident, serviced apartment and visitor car parking spaces on the podium and basement floor plans;
- k) All visitor car parking spaces located closest to the entry of the basement car park from Webb Road;
- l) All column locations within car parking areas modified to accord with the relevant Australian Standards;
- m) The provision of pedestrian visibility splays in accordance with the requirements of Clause 52.06-8 (Design Standards for Car Parking)

of the Moonee Valley Planning Scheme;

- n) All bicycle parking designed in accordance with the relevant Australian Standards;
- o) Proposed vehicle crossovers, including splays, designed and shown on the plans in accordance with Council's 'Vehicle Crossings Policy';
- p) Residential storage doors and storage areas designed to prevent intrusion into car parking spaces and vehicle accessways;
- q) The provision of 300mm (minimum) wide trench grates at the bottom of basement ramps;
- r) Any changes as a result of the amended Environmental Wind Assessment report required under Condition 7 of this permit;
- s) Any changes as a result of the amended Waste Management Plan required under Condition 41 of this permit;
- t) A notation stating all noise attenuation measures are to be implemented as required by the endorsed acoustic report under Condition 37 of this permit;
- u) A prominent note on all floor and elevation plans stating: "Refer to endorsed ESD, BESS and STORM Reports for detailed ESD and WSUD requirements and commitments including minimum insulation and glazing, lighting specifications and selection of building materials, fittings and fixtures";
- v) A prominent note on all floor and elevation plans stating: "In accordance with the endorsed ESD and BESS Reports both Class 2 and 3 dwellings shall achieve a minimum average six star energy rating across all dwellings";
- w) Surface treatment details for all existing and proposed footpath areas; and
- x) A detailed schedule of all external materials and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roofing, fascias, window frames, fences and paving.

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. 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 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 Guidelines and Template.

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.

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 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 Guide or a Building Maintenance Guide.

6. Before the construction of the development authorised by this permit commences, an Environmental Auditor must be appointed under Section 53S of the *Environment Protection Act 1970* (EP Act) and must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
  - A Certificate of Environmental Audit for the land in accordance with Section 53Y of the EP Act (Certificate); or
  - A Statement of Environmental Audit for the land in accordance with Section 53Z of the EP Act (Statement),

and the Certificate or Statement must be provided to the Responsible Authority.

If a Statement is issued:

- The development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed; and

- The development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions).

Before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under Section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the Responsible Authority.

If any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:

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

The owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Should the Responsible Authority conclude it necessary it may at the cost of the owner or permit holder obtain a peer review of the Certificate or Statement of Environmental Audit.

7. Concurrent with the submission of Condition 1 plans, an amended Environmental Wind Assessment report must be submitted to and approved by the Responsible Authority. The amended Environmental Wind Assessment report must include the following:
  - a) A regional wind climate analysis relevant to the criteria (i.e. 80<sup>th</sup> percentile mean wind speeds and 0.1% probability 3 second gust wind speeds) using Tullamarine Airport data as it is only 6km north-west of the site;
  - b) An estimate of the Bare-Site pedestrian level wind speeds, i.e. the estimated wind speeds at the site of the proposed development without the influence of the proposed development. This can be done by converting the regional wind climate wind speeds from  $V_{10m \text{ Cat } 2}$  to  $V_{2m \text{ Cat } 3}$  (for example);
  - c) Provide estimates of the speed-up effects of the proposed built form on the Bare-Site wind speeds. This may be done using experience and/or empirical aerodynamics data; and
  - d) Combine the above to estimate the pedestrian level wind speeds;

**or**

  - e) Provide a wind tunnel based assessment to the satisfaction of the

Responsible Authority.

The amended Environmental Wind Assessment report must clearly reference all relevant development plans and be prepared by a suitably qualified expert to the satisfaction of the Responsible Authority.

8. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
9. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
10. 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.
11. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
12. 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 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.
13. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater downpipes 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.
14. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
  - a) Constructed;
  - b) Available for use in accordance with the endorsed plans;
  - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
  - e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,  
in accordance with the endorsed plans to the satisfaction of the Responsible Authority.  
The area set aside for the parking of vehicles, together with the associated



driveways and access lanes as shown on the endorsed plans must:

- f) Be maintained and made available for such use; and
  - g) Not be used for any other purpose, to the satisfaction of the Responsible Authority.
15. Before the building approved by this permit is occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

16. The loading and unloading of vehicles (including waste collection) and the delivery of goods to and from the land must:
- a) Only be carried out within the designated loading bay on the land; and
  - b) Must not disrupt the circulation and parking of vehicles, pedestrian circulation or access,

to the satisfaction of the Responsible Authority.

17. Any security boom, barrier or similar device controlling vehicular access to the land must be located a minimum of six metres inside the land to allow vehicles to store clear of the Webb Road pavement and footpath.
18. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- a) Details as to how the car lifts are to be regularly maintained and serviced;
  - b) Details of timeframes and measures to be undertaken, to reinstate the car lifts back to working order, if the car lifts become non-operational; and
  - c) Details of measures to be undertaken if the car lifts are not operational, so not to provide any additional on-street parking demand.

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

The provisions, recommendations and requirements of the endorsed Car

Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

19. Bicycle parking spaces, access, lockers and compounds must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
20. All structures within the pedestrian visibility splays at each vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
21. All public streetscape works, including verge planting, footpath construction and bicycle hoops, within the nature strip/road reserve areas directly adjoining the subject site to be undertaken and completed to the satisfaction of the Responsible Authority.
22. Before the existing street trees along Webb Road are removed to facilitate the new crossover, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the trees must be undertaken to the requirements and satisfaction of the Responsible Authority.
23. The proposed street trees along Matthews Avenue and Webb Road must be advanced trees which are at least 2.0 metres high at the time of planting and of a species and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the proposed street trees including:
  - a) Method of mulching and mounding;
  - b) The proposed species for planting;
  - c) The size of planting and its maturity; and
  - d) The location of the proposed planting.

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

24. 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.
25. 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.

26. Before the building approved by this permit is occupied, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
27. Goods must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
28. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
29. The development must be provided with external lighting capable of illuminating access to each vehicle accessway, 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 land.

**Public Transport Victoria Conditions**

30. The permit holder must take all reasonable steps to ensure that disruption to tram operation is kept to a minimum during the construction of the development. Foreseen disruptions to tram operations during construction and mitigation measures must be communicated to Yarra Trams and Public Transport Victoria fourteen days (14) prior.
31. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Matthews Avenue is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.
32. The permit holder must ensure that public transport infrastructure is not damaged during the construction phase of the development. Any damage to public transport infrastructure must be rectified to the satisfaction of Public Transport Victoria at the full cost of the permit holder.

**End Public Transport Victoria Conditions**

**Essendon Airport Conditions**

33. Prior to construction commencing, the Applicant must obtain confirmation from Airservices Australia that there are no aviation impacts associated with the proposed building or its construction (contact Airservices Airport Developments [airport.developments@airservicesaustralia.com](mailto:airport.developments@airservicesaustralia.com)).
34. Prior to construction commencing, the Applicant must obtain consent under the *Airports (Protection of Airspace) Regulations 1996* for any activity in the prescribed airspace for Essendon Airport (i.e. buildings,

antennas or cranes during construction)

**End Essendon Airport Conditions**

35. The proposed building must be constructed so as to comply with any noise attenuation measures required by Section 3 of *Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*, issued by Standards Australia Limited.
36. Noise levels emanating from service equipment on the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).
37. Before the development starts, the acoustic report must be modified in accordance with Condition 1 of this permit, submitted to and approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail noise attenuation measures required to all habitable rooms within each dwelling and serviced apartment to ensure minimal impacts from external noise sources. With regard to aircraft noise intrusion, the Aircraft Noise Reduction (ANR) levels must be revised to reflect the correct 'maximum aircraft noise level' given there is no evidence that any of the aircraft types and movements measured are atypical.  
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.
38. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.
39. The amenity of the area must not be detrimentally affected by the use of land, through:
  - a) Transportation of materials, goods or commodities to or from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil; and
  - d) Presence of vermin,  
or in any other way, to the satisfaction of the Responsible Authority.
40. Prior to the commencement of building and works, the Environmentally Sustainable Design (ESD) Report prepared by 'Low Impact Development Consulting' dated 31 January 2017 is to be modified in accordance with Condition 1 and submitted to the Responsible Authority for approval. The associated BESS Report must be a 'published' version to the satisfaction

of the Responsible Authority.

41. 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 amended Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' and must be:
- a) Generally in accordance with the Waste Management Plan prepared by 'R B Waste Consulting Service' dated 29 January 2017; and
  - b) Modified in accordance with Condition 1 of this permit.
- When approved, the amended Waste Management Plan will be endorsed and will form part of this permit.  
The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
42. All wastes must be disposed of to the satisfaction of the Responsible Authority. Liquid waste or polluted waters must not be discharged into a sewer or stormwater drainage system.
43. 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) Any changes as required by Condition 1 of this permit;
  - b) The provision of additional verge planting and street trees within the deleted parking bay area along Matthews Avenue;
  - c) Details of additional landscaping within the 1.44 metre setback area along Webb Road;
  - d) Any planting abutting the accessway and land frontage along Webb Road 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;
  - e) Proposed street trees along Webb Road to be *Lagerstroemia indica* x *L. Fauriei* 'Biloxi';
  - f) All street tree species clearly nominated, in accordance with Council's requirements, and to have a minimum supply size of 2.0 metres in height; and
  - g) All paving and surface treatment details clearly nominated.
- When approved, the amended landscape plan will be endorsed and will form part of this permit.  
Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

44. 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.
45. The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.
46. 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.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation:  $C=0.4$ ,  $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or  $C=0.80$ .
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- Before the development starts, separate approval must be obtained from Moonee Valley City Council in relation to the proposed removal and/or replacement of the nominated street trees. Please contact Council on 9243 8888 to speak with Council's Arborist.

- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- Should any activity occur above 123.5m Australian Height Datum (e.g. cranes during construction) approval will be required under the *Airports (Airspace Protection) Regulations 1996*.
- 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.

**For:** Crs Byrne, Lawrence, Nation, Sharpe and Sipek

**Against:** Cr Marshall

**CARRIED**

**9.3 Flemington & Ascot Vale Estates Renewal Projects Update**

**File No:** FOL/17/11

**Author:** Colin Harris

Senior Project Manager – Infrastructure & Land Use  
Developments

**Directorate:** Planning & Development

**Minute No.** 2017/233

**Council Resolution**

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

1. Receive and note this report;
2. Endorse Council's Submission to the Minister for Planning's Social Housing Renewal Standing Advisory Committee on the Department of Health and Human Services' proposal for the redevelopment of the Flemington Estate and Debneys Park Precinct, Flemington (Appendix A– separately circulated) – subject to alterations to that document indicating that Council's preferred location for a new Community Centre is adjacent Debney's Park on DHHS land, other minor typographical changes, and 5) below.
3. Note that a report will be presented to Council at the conclusion of the

Standing Advisory Committee Hearing to advise of the process and outcomes;

4. Endorse the proposed changes to the Wingate Avenue Community Centre's Biannual Grant - Round 1 2016/17 project (ID BG116068) as summarised in Appendix C to support community engagement processes and capture key community issues on the Ascot Vale estate (particularly around community safety, design and sense of place).
5. Write to the Minister for Planning advising that Council will advise the Chair of the Social Housing Renewal Standing Advisory Committee at the forthcoming hearing on Amendment C177 that it is the position of Council that it remains as the Responsible Authority for the whole of the Debneys Precinct, including DHHS land, until such time as a Development Plan has been prepared to the satisfaction of Moonee Valley City Council in consultation with DHHS, DEET, and Transport for Victoria at which time the Minister should become the Responsible Authority for the DHHS land.
6. Request a copy of the final version of the submission be loaded on Council's website as soon as possible.

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

**Abstained:** Cr Sharpe

**CARRIED**

Cr Sipek left the meeting at 7.23pm

Cr Lawrence left the meeting at 7.24pm

Cr Sipek returned to the meeting at 7.25pm

Cr Lawrence returned to the meeting at 7.26pm

Cr Sipek left the meeting at 7.26pm

Cr Sipek returned to the meeting at 7.28pm

#### **9.4 Community Facility Management**

**File No:** FOL/17/11

**Author:** Craig Dodson

Community Planning Officer

**Directorate:** Planning & Development

**Minute No.** 2017/234

#### **Council Resolution**

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

1. Adopts the Community Facility Management Aims, Objectives and Booking prioritisation as outlined in **Table 1**.



2. Note the adoption of the Community Facility Management Policy as an operational policy presented at **Appendix A**.
3. Note the next phase of the project will be to undertake community engagement and transition planning to communicate and manage changes, particularly with existing hirers of Council facilities affected by this Policy.

**CARRIED UNANIMOUSLY**

**9.5 Cross Keys Reserve Screening Options**

**File No:** FOL/17/11

**Author:** Venta Slizys

Coordinator Open Space & Urban Design

**Directorate:** Planning & Development

**Minute No.** 2017/235

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**Council Resolution**

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

1. Adopt Option 2 as the preferred screening option for Cross Keys Reserve as described in **Table 1**.
2. Note that residents of Woodland Street, Essendon will be informed of the outcome of this report and that following resident notification, Council's Cross Keys Reserve webpage will also be updated with the preferred screening (screens and planting) type.
3. Install Stage 1 of the screening Option 2 to demonstrate the minimal amenity impact on the precinct.

**CARRIED UNANIMOUSLY**

**9.6 Procurement Policy and Instrument of Delegation Update**

**File No:** FOL/17/11

**Author:** Peter Hiransi

Manager Business Improvement

**Directorate:** Organisational Performance

**Minute No.** 2017/236

### **Council Resolution**

Moved by Cr Lawrence, seconded by Cr Byrne that Council, having undertaken a review of its Instrument of Delegation to the Chief Executive Officer and Procurement Policy in accordance with Section 98 and 186(7) of the *Local Government Act 1989*, resolves that:

1. The Procurement Policy 2017 provided as **Appendix A** - separately circulated, be adopted.
2. The powers, duties and functions set out in the Instrument of Delegation, provided as **Appendix B**, be delegated to the Chief Executive Officer subject to the conditions and limitations specified in that Instrument.
3. The Instrument of Delegation, provided as **Appendix B**, be signed and sealed.

**For:** Crs Byrne, Lawrence, Nation and Sipek

**Against:** Cr Marshall

Cr Sharpe left the meeting at 7.30pm

**Absent:** Cr Sharpe

Cr Sharpe returned to the meeting at 7.32pm

**CARRIED**

### **9.8 Quarterly Report on Councillor Expenses**

**File No:** FOL/17/11  
**Author:** David Benallack  
Chief Financial Officer  
**Directorate:** Financial Services  
**Minute No.** 2017/237

### **Council Resolution**

Moved by Cr Marshall, seconded by Cr Lawrence that Council note and receive the report on Councillor Expenses for the periods April, May and June 2017 as provided as **Appendix A**.

**CARRIED UNANIMOUSLY**

### **10. Notices of Motion**

Nil.

### **11. Urgent Business**

Nil.

## 12. Confidential Reports

**Minute No.** 2017/238

### **Council Resolution**

Moved by Cr Sipek, seconded by Cr Sharpe 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:

**12.1 343-349 Ascot Vale Road, Moonee Ponds (Lot 2 PS449864J and Land in CP157101) - Buildings and works to construct a multi-storey building, a reduction in car parking requirements, a variation of loading bay requirements and alteration of access to a road in a Road Zone, Category 1**

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

**12.2 484-486 Mt Alexander Road, Ascot Vale (Lots 1, 2 & 3 LP4866) - Construct a multi-storey building in a Design and Development Overlay (DDO3), use of the land for dwellings, reduce car parking requirements, waive loading bay requirements and erect a verandah over part of a footpath in a Road Zone, Category 1**

Item 12.2 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (e) proposed developments.

**12.3 Insource Council's Internal Audit Function - Strategic Direction**

Item 9.3 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**

### **Council Resolution**

**Minute No.** 2017/244

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

**CARRIED UNANIMOUSLY**

## 13. Close of Meeting

The meeting concluded at 7.49pm

**CR CAM NATION  
CHAIRPERSON  
ACTING MAYOR**