



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 24 October 2017 at 6.30pm

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 24 October 2017 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT :

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

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

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 24 October 2017.

The Mayor welcomed all present and 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.”

Recognition of donation from Moonee Valley’s Citizen of the Year

The Mayor made special mention of Moonee Valley’s recently chosen Citizen of the Year, Ed Castenmiller. “Ed is a very worthy Citizen of the Year winner, being a member of our community who regularly volunteers his time to help others in a wide variety of ways. Ed has generously donated his \$3000 prize winnings to the Green Button Foundation, in honour of the late Jonathan Tasascio, Citizen of the Year in 2016/17.”

Farewell from Outgoing Mayor

The Mayor, Cr Surace, reflected on the 2016-17 year during which she served as Mayor. She thanked all other Councillors for their support and contributions, including Cr Jan Chantry, Cr Shirley Cornish and Cr Paul Giuliano who served during the previous council term.

Presentation of gavel and plaque

Cr Nation presented a gavel to Cr Surace as a record of her term as the Mayor. Cr Surace thanked Cr Nation and the Councillors.

Cr Surace presented a plaque to Cr Nation as a record of his term as Deputy Mayor. Cr Nation thanked the Mayor.

2. Apologies

Cr Richard Lawrence has a leave of absence for this meeting.

3. Confirmation of Minutes

Minute No. 2017/291

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation that the Minutes of the Ordinary Meeting of Council held on Tuesday, 10 October 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

4.1 Cr Marshall declared an indirect conflict of interest in item 9.10 Moonee Ponds Activity Centre - Car [Park]. A written disclosure was provided to the Chief Executive outlining the reasons for this conflict.

5. Presentations

5.1 Cr Surace tabled a certificate received from the National Breast Cancer Foundation.

5.2 Cr Surace presented a replica Melbourne Cup, received on behalf of Council at a Flemington Business Network evening event.

6. Petitions and Joint Letters

6.1 Traffic Lights at Medfield Avenue – Military Road, Avondale Heights

Cr Byrne tabled a

petition signed by 110 individuals requesting Council construct traffic lights at Medfield Avenue or Macey Avenue, Avondale Heights.

7. Public Question Time

Nil

8. Reports by Mayor and Councillors

Minute No. 2017/292

Council Resolution

Moved by Cr Sipek, seconded by Cr Marshall that the reports by the Mayor and Councillors be received, with an amendment that Cr Sipek's report be recorded as verbal.

CARRIED UNANIMOUSLY

9. Reports

9.1 50 Pascoe Vale Road, Moonee Ponds (Lot 1 on TP430429V) - Construction of a multi storey mixed use building (with basement), use of the land for a medical centre and reduction in car parking requirements

File No: FOL/17/11

Author: Grant Michell
Senior Statutory Planner

Directorate: Planning & Development

Minute No 2017/293

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/22/2017 for the construction of a five storey building (with basement), use of the land as a medical centre and a reduction in car parking requirements at 50 Pascoe Vale Road, Moonee Ponds (Lot 1 on TP430429V), 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) A maximum building height of 14 metres (not including site services);
- b) The relocation of the disabled car spaces from the Ground Level to the Basement Level and located closest to the elevators;
- c) The development to be setback from the laneway boundary 2.5 metres at ground level and to a height of 3.6 metres;
- d) A notation that at least 25% of the stacker bays have a height of 1.8 metres;
- e) A 1 metre by 1 metre corner splay at the south-eastern corner of the property;
- f) The allocation of all resident and medical car parking spaces on the basement floor plans;
- g) The column elements within the upper levels of the Coats Street elevation to continue to the ground level;
- h) The provision of seating at ground level within the Coats Street frontage (setback);
- i) Openable windows within the common corridors of the residential levels;
- j) The Second level and all levels above to be setback from the eastern boundary in compliance with Clause 55.04-1 Standard B17 (Side and Rear Setbacks) of the Moonee Valley Planning Scheme.
- k) 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;
- l) All structures within the pedestrian visibility splays at the 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.
- m) A notation that all habitable room windows and balconies are screened in accordance with the requirements of Clause 55.04-6 - Standard B22 (Overlooking) of the Moonee Valley Planning Scheme;
- n) All bicycle parking designed and annotated in accordance with the relevant Australian Standards;
- o) A prominent note on all floor and elevation plans stating: “Refer to endorsed Sustainability Management Plan, and associated BESS Report, for all ESD commitments and requirements”;
- p) Details and notations for all Water Sensitive Urban Design (WSUD) treatment measures within the approved STORM Rating Report;
- q) A 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. No more than three medical practitioners may practice on-site at any one time.
4. The medical centre must only be used for the purpose of an Eye Specialist.
5. 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.
6. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The 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.

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 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.

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. The Right of Way must be widened and constructed to a 5.5m width (in bluestone) for the entire property length. All costs associated with the survey, design and construction of the R.O.W. must be borne by the permit holder.

Prior to the commencement of buildings and works, detailed engineering drawings to show the widening and 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 and designed by a qualified surveyor/civil engineer respectively. The plans are to indicate existing surface levels, proposed surface levels and reinstatement of the Right of Way in accordance with Moonee Valley City Council standards.

Reinstatement of the Right of Way as specified in this permit must be satisfactorily completed prior to the issue of an Occupancy Permit for the approved development.

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 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.
14. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Available for use in accordance with the endorsed plans;

- c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
- e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,

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

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

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

15. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:

- a) Details as to how the car stackers are to be regularly maintained and serviced;
- b) Details of timeframes and measures to be undertaken, to reinstate the car stackers back to working order, if the car stackers become non-operational; and
- c) Details of measures to be undertaken if the car stackers 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.

16. 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.
17. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and 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.

18. 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.
19. The plant area and equipment on the roof of the building must be screened in a manner to complement the appearance of the building and be to the satisfaction of the Responsible Authority.
20. 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.
21. 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).
22. 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;
 - d) Presence of vermin; orin any other way to the satisfaction of the Responsible Authority.
23. Before the development starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' and must be:

- a) Generally in accordance with the Waste Management Plan prepared by 'One Mile Grid' dated 7 December 2016;
- b) Indicate that hard rubbish will be privately collected; and
- c) Modified in accordance with Condition 1 of this permit.

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

The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

24. 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.
25. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two (2) years from the date of issue of this permit, or
 - b) The development is not completed within four (4) years 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 on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme, are exempt from the need for a planning permit).
- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation: $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.

- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.
- 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 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.
- The land within the 1m by 1m corner splay within the southern corner to vest in Council at subdivision stage.

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

CARRIED

9.2 727-731 Mt Alexander Road, Moonee Ponds (Lot 1 LP47086, Lot 1 TP118224H & Lot 1 TP567062A) - Construction of a four storey building comprising nine dwellings in a Design and Development Overlay (DDO3) with a reduction in car parking requirements

File No: FOL/17/11
Author: William Wheeler
Principal Statutory Planner
Directorate: Planning & Development
Minute No. 2017/294

Motion

Moved by Cr Cusack, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/920/2016 for the construction of a four storey building comprising nine dwellings in a Design and Development Overlay (DDO3) with a reduction in car parking requirements at No.727-731 Mt Alexander Road, Moonee Ponds (Lot 1 LP47086, Lot 1 TP118224H and Lot 1 TP567062A), 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) Provision of a traffic 'stop-go' signal system at the entrance to the Right of Way along Park Street which is connected to a corresponding traffic signal system at the egress point of the rear car parking area;
 - b) The rear car parking area set back a minimum of 5.50 metres from the western side of the Right of Way, the deletion of two adjoining car spaces and modifications to the associated garage door, storage space for 'Apt-01' and service cupboards;
 - c) A prominent note on the floor plans stating the Right of Way is to be widened and constructed in accordance with the requirements of Condition 13 of this permit;
 - d) Tandem car spaces designed and dimensioned in accordance with the requirements of Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
 - e) Overhead storage areas a minimum of 1.5 metres above the finished floor level;
 - f) All car parking spaces line-marked and signed in accordance with the relevant Australian Standards;
 - g) All bicycle parking spaces designed in accordance with the relevant Australian Standards;
 - h) The provision of 300mm trench grates at each entrance/garage door to the rear car parking area;
 - i) Details and notations for all Water Sensitive Urban Design (WSUD) treatment measures within the approved STORM Rating Report;
 - j) Details of a suitable infiltration system, nominated by a hydraulic engineer, to adequately filter any rainwater collected from trafficable areas for the use of flushing toilets within the development;
 - k) All external paving at ground level annotated as being permeable in accordance with the approved STORM Rating Report;
 - l) A prominent note on all floor and elevation plans stating: "Refer to endorsed Sustainable Design Assessment, and associated BESS Report, for all Environmental Sustainable Design commitments and requirements";
 - m) The second and third floor northern balcony elevations of Dwellings 7 and 9 treated/screened to prevent overlooking in accordance with the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;

- n) All obscure glazing is to be annotated as being 'fixed to 1,700mm above finished floor level' and a 'maximum of 25% transparency', with particular regard to the first floor west-facing bedroom window of Dwelling 5 and second floor west-facing bedroom windows of Dwelling 8;
- o) The third floor balconies for Dwelling 9 and communal roof top terrace area modified, treated and/or screened to prevent overlooking in accordance with the requirements of Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme;
- p) A Landscape Plan in accordance with Condition 22 of this permit; and
- q) 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, paving and garage doors.

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 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.
- 7. 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.
- 8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 9. 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.

- 10. 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.
- 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;
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and

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

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

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

- a) Be maintained and made available for such use; and
- b) Not be used for any other purpose,

to the satisfaction of the Responsible Authority.

- 12. 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.
- 13. The Right of Way must be widened and constructed to a 5.5m width (concrete) for the entire property length. All costs associated with the survey, design and construction of the Right of Way must be borne by the permit holder.

Prior to the commencement of buildings and works, detailed engineering drawings to show the widening and 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 and designed by a qualified surveyor/civil engineer respectively. The plans are to indicate existing surface levels, proposed surface levels and reinstatement of the Right of Way in accordance with Moonee Valley City Council standards.

Prior to the issue of an Occupancy Permit for the approved development, construction and reinstatement of the Right of Way as specified in this permit must be satisfactorily completed.

Prior to certificate of occupancy, a plan of subdivision reflecting the widened and constructed Right of Way shown as “road” must be submitted to Council and approved by the relevant authority.

- 14. 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.
- 15. 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.

16. 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.
17. 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.
18. The development must be provided with external lighting capable of illuminating access to the car park entrances, car spaces and pedestrian entrances. 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.
19. Prior to the commencement of building and works, the Sustainable Design Assessment and BESS Report prepared by 'Green Rate – Sustainable Building Consultant' dated 14 March 2017 is to be modified in accordance with Condition 1 and submitted to the Responsible Authority for approval. Once approved the Sustainable Design Assessment, inclusive of the BESS Report, is to be implemented and appropriately managed during construction of the proposed building.
20. 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 'Green Rate – Sustainable Building Consultant' dated 1 December 2016; 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.

21. The provisions, recommendations and requirements of the 'Tree Impact Assessment' prepared by Treespace Solutions Pty Ltd and dated 1 December 2016 must be implemented and complied with to the satisfaction of the Responsible Authority.

22. Before the development starts, 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 plans submitted with the application but modified to show:
- a) Any changes as required by Condition 1 of this permit; and
 - b) Details of all Tree Protection Zones (TPZ) and associated tree protection measures required by the Tree Impact Assessment, in accordance with Condition 21 of this permit.

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.

23. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
24. 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.
25. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within two (2) years from the date of issue of this permit, or
 - b) The development is not completed within four (4) years 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.

- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation: $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line, easements and Right of Way must be maintained. All proposed levels must match to existing surface levels along the property boundary, easement and/or Right of Way. Council will not accept any modifications to existing levels within any road reserve, easement or Right of Way.
- 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 Nation, Cusack, Sharpe

Against: Crs Surace, Byrne, Gauci Maurici, Marshall, Sipek

LOST

Cr Sharpe left the chamber at 7.05pm and returned at 7.08pm.

Cr Sipek left the chamber at 7.07pm and returned at 7.09pm.

Council Resolution

Moved by Cr Marshall, 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/920/2016 for the construction of a four storey building comprising nine dwellings in a Design and Development Overlay (DDO3) with a reduction in car parking requirements at No.727-731 Mt Alexander Road, Moonee Ponds (Lot 1 LP47086, Lot 1 TP118224H and Lot 1 TP567062A), in accordance with the following grounds of refusal:

1. The proposal fails to meet the objective and strategies of Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme as it fails to appropriately respond to its location and surrounding context;
2. The proposal fails to satisfy the following standards contained within Clause 55 (Two or More Dwellings on a Lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
 - a) Clause 55.03-1 (Street Setback);

- b) Clause 55.03-9 (Access);
- 3. The proposal fails to meet the requirements of 'Design Standard 1 – Accessways' within Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme; and
- 4. The proposal will cause adverse traffic and pedestrian safety impacts on the surrounding area which will be substantial and unreasonable. Specifically, the rear access to the laneway is an unacceptable outcome.

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

CARRIED

9.3 15 Laurence Avenue, Airport West (Lot 53 on Plan of Subdivision 020017) - Construction of three dwellings

File No: FOL/17/11

Author: Vi Tran
Senior Statutory Planner

Directorate: Planning & Development

Minute No. 2017/295

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 MV/236/2017 for the construction of three dwellings at 15 Laurence Avenue, Airport West (Lot 53 on Plan of Subdivision 020017), 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 ground and first floor level of Dwellings 1 and 2 to be set back from the internal rear boundary in accordance with the requirements Standard B29 of Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme;
 - b) The first floor level of Dwellings 1 and 2 to be set back a minimum of 7.51 metres from the front boundary;
 - c) Swept path diagrams demonstrating vehicles entering/exiting the garage spaces for Dwellings 2 and 3 in a forward direction with no more than three movements;
 - d) Any internal modifications to the dwellings as a result of Conditions 1a) – 1c) with no changes to the front or side setbacks;

- e) The deletion of the kitchen window of Dwelling 3 located along the south-western elevation;
- f) The landscaping strip along the south-eastern boundary to be no more than 500mm wide with the creation of a 290mm wide landscape bed along the south-eastern elevation of Dwelling 2;
- g) The bin and recycling enclosures to Dwelling 3 conveniently located and not be visible from the street in accordance with Standard B34 of Clause 55.06-4 (Site Services) of the Moonee Valley Planning Scheme;
- h) The proposed driveways aligned to the crossovers;
- i) Notation stating 'Refer to endorsed 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';
- j) Notation stating 'In accordance with the endorsed BESS report each dwelling will achieve a minimum 6 star energy rating';
- k) A notation within each courtyard stating 'A tap and floor waste outlet to be provided';
- l) The details of the Catchment areas within WSUD Treatment Legend to be consistent with STORM report; and
- m) Landscape Plan in accordance with Condition 15.

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 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 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.

6. The BESS Report is to be implemented and appropriately managed during construction of the proposed development.
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. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
10. Before the buildings approved by this permit are occupied, the concrete vehicular crossing must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

11. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe

drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.

12. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority.

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

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

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

13. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
14. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
15. Before the development starts, and before any trees or vegetation are removed, a 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 an electronic copy to be provided. The landscape plan must be generally in accordance with the application but modified to show:
 - a) Any changes required by Condition 1 of this permit;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) The provision of two (2) canopy trees within the front setback which are able to achieve a minimum mature height of 4 metres;
 - d) The provision of one (1) canopy tree within the secluded private open space areas of each dwelling;
 - e) Notation stating 'Water efficient landscaping to be installed project wide as per endorsed BESS report';
 - f) Features such as paths, paving and accessways;
 - g) All planting abutting the accessway(s) and land frontage to have a

maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and

- h) An appropriate irrigation system.

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. 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 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 occupiers of the subject site.

CARRIED UNANIMOUSLY

**9.4 27 Hotham Road, Niddrie (Lot 173 on LP 010508)
Construction of six dwellings in a Design and
Development Overlay and the reduction of car parking
requirements**

File No: FOL/17/11
Author: Duarte Martins
Statutory Planner
Directorate: Planning & Development
Minute No. 2017/296

Council Resolution

Moved by Cr Byrne, seconded by Cr Marshall that Council, with respect to an application for Review against Council's Refusal to Grant a Planning Permit, resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application that it accepts the modifications shown on the amended plans contained with **Appendix B** and that it now supports the proposal subject to the following conditions:

Draft 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 built form to be modified to comply with standards of Clause 55.04-5 (Standard B21 – Overshadowing) of the Moonee Valley Planning to ensure no further overshadowing to 25b Hotham Road;
 - b) Any internal modifications as a result of Condition 1 a);
 - c) The habitable windows along the eastern and western elevation to be treated in accordance with Clause 55.04-6 (Standard B22 – Overlooking) of the Moonee Valley Planning Scheme;
 - d) A colour and materials schedule which accords with Clause 55.02-1 (Standard B1 – Neighbourhood Character) and Moonee Valley Neighbourhood Character Precinct Profiles 2012 (Central Residential 2) to the satisfaction of the Responsible Authority;
 - e) Any garage access doors to open outwards or an appropriate sliding door to be used;
 - f) The vehicular crossover associated with Dwelling 1 to have maximum width of 3.0 metres when measured from the north-eastern corner of the title boundary;
 - g) The vehicular crossover associated with Dwelling 2-4 to be constructed as a double crossover with the adjoining property and have maximum width of 3.0 metres when measured from the north-

western corner of the title boundary;

- h) The lounge associated with Dwelling 2 and 3 to have a notation stating that these are to remain open and to not be converted into bedrooms/studies;
- i) The accessways to align with the vehicular crossovers with minimal or no loss to any landscaping;
- j) Any notations or modifications as a result of Condition 3 and 4; and
- k) A landscape plan in accordance with Condition 19.

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. An amended STORM Assessment report/s 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 and be practically located to ensure that all measures are fully functional.
4. An amended BESS report (which is a published version) must be submitted simultaneously with the submission of amended plans and accord with any submitted STORM Report.
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.
6. When approved, the CSMP will be endorsed and will form part of this permit.
7. The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.
8. A minimum 30 days prior to any building or works 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.
9. 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.

- 10. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 11. Before the buildings approved by this permit are occupied, 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.
- 12. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.
- 13. All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.
- 14. 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.
- 15. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
- 16. All 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.

17. 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.

18. 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.

19. 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.

20. The existing street tree along the Hotham Road frontage must not be removed or damaged as a result of the permitted development.

21. The following street tree protection measures must be undertaken:

- a) the nature strip and street tree located within the Hotham Road 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 Hotham Road 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.

22. 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 electronic copies must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:

- a) Any changes required by Condition 1 of this permit;
- b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
- c) The use of drought tolerant species;
- d) The provision of two canopy trees within the front setback of each dwelling which is able to achieve a minimum mature height of 4 metres;
- e) Additional garden beds in the frontage of each dwelling;
- f) Features such as paths, paving and accessways;
- g) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
- h) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and
- i) An appropriate irrigation system.

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.

23. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
24. This permit will expire if:
 - a) the development does not start within two (2) years of the date of issue of this permit, or
 - b) the development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may make a written request 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.
- 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 $C=0.80$.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the land.

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

Against: Cr Sipek

CARRIED

9.5 Moonee Valley Planning Scheme Amendment C169 - Anomalies - Adoption and Approval Request

File No: FOL/17/11

Author: Justin Scriha
Strategic Planner

Directorate: Planning & Development

Minute No. 2017/297

Council Resolution

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

1. Having complied with Part 3, Division 1 and 2 of the *Planning and Environment Act 1987* in accordance with Section 29 (1), adopt Moonee Valley Planning Scheme Amendment C169 with the following change:
 - a) Removal of 118 Glass Street, Essendon from the amendment due to an unresolved late submission.
2. Submit Moonee Valley Planning Scheme Amendment C169 to the Minister for Planning for approval pursuant to Section 31(1) of the *Planning and Environmental Act 1987*.

CARRIED UNANIMOUSLY

9.6 Parliamentary Inquiry into the Public Housing Renewal Program Submission

File No: FOL/17/11

Author: Colin Harris

Senior Project Manager – Infrastructure & Land Use
Developments

Directorate: Planning & Development

Minute No. 2017/298

Council Resolution

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

1. Receive and note this report.
2. Endorse Council's Submission to the Parliamentary Inquiry into the Social Housing Renewal Standing Advisory Committee (**Appendix A**).

CARRIED UNANIMOUSLY

9.7 Annual Report 2016/17

File No: FOL/17/11

Author: Marianne McArthur

Corporate Planning Officer

Directorate: Organisational Performance

Minute No. 2017/299

Council Resolution

Moved by Cr Nation, seconded by Cr Cusack that Council consider the Annual Report 2016/17 in accordance with section 134 of the *Local Government Act 1989*.

CARRIED UNANIMOUSLY

9.8 Municipal Public Health and Wellbeing Action Plan and Evaluation Framework 2017-21

File No: FOL/17/11

Author: Sarah Edwards

Coordinator Social Planning & Wellbeing

Directorate: Planning & Development

Minute No. 2017/300

Council Resolution

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

1. Endorse the Health and Wellbeing Action Plan and Evaluation Framework

2017-21 (provided as **Appendix A** – separately circulated).

2. Submit a copy of the final adopted *Council Plan 2017-21* and endorsed *Health and Wellbeing Action Plan and Evaluation Framework 2017-21* to the Department of Health and Human Services by 31 October 2017, as required.

CARRIED UNANIMOUSLY

9.9 Winter Activation in Moonee Ponds

File No: FOL/17/11
Author: Malcolm Ward
A/Coordinator Economic Development
Directorate: Planning & Development
Minute No. 2017/301

Council Resolution

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

1. Endorse the concept of a 'Winter Activation' in Moonee Ponds for June/July 2018, including the installation of an ice rink in the northern end of Pratt Street (between Puckle Street and St Aidans Lane);
2. Engage in consultation with businesses, residents, stakeholders and Traders Associations in the precinct to assess any impact of the winter activation;
3. As part of the planning and implementation process develop methods to ensure businesses in the precinct can benefit from the proposed increased patronage and visitation to the area, and that the services of local businesses in the precinct are prioritised if any additional services are provided during the activation (such as food stalls, coffee vans, merchandise sales, etc.)
4. Review the impacts on traffic flows that the winter activation would create, particularly on Pratt, Puckle, Shuter, Moore, Young and Gladstone Streets, and at the intersections of Puckle Street & Mt Alexander Road, and Young Street and Mt Alexander Road, and devise and implement a traffic management plan to ameliorate potential traffic impacts (including current movements of delivery vehicles for businesses in the precinct);
5. Review the impacts of increased parking demands in area due to the winter activation, and work with potential partners (such as the Moonee Valley Racing Club and Woolworths), to provide further parking options for visitors to the area;
6. Develop an evaluation methodology as a means of assessing visitation during the winter activation, trader feedback, and the economic impact of the event, for a post-event analysis; and

7. Note the advice on the cost of the implementation of the winter activation, which can be met from the economic development department's current activation operating budget with financial support for the Moonee Ponds Rate Levy Association.

CARRIED UNANIMOUSLY

Having declared a conflict of interest in item 9.10, Cr Marshall left the chamber at 8.20pm.

9.10 Moonee Ponds Activity Centre - Car [Park]

File No: FOL/17/11
Author: Venta Slizys
Coordinator City Design
Directorate: Planning & Development
Minute No. 2017/302

Council Resolution

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

1. Endorse the project for consultation to test the preferred location of the Park (Shuter Street site) and Car Park (Hall Street site) or vice-versa.
2. In particular, consult with Moonee Ponds Traders (Moonee Ponds Rate Levy Association and Moonee Ponds Chamber of Commerce) regarding the proposed locations of the carpark and open space within the Moonee Ponds Activity Centre and as outlined in the report.
3. In particular, consult with Moonee Ponds Traders (Moonee Ponds Rate Levy Association and Moonee Ponds Chamber of Commerce) regarding historical and future car parking requirements and the existing Car Parking Provision Deed for the centre.
4. Approve budget of \$30,000 for preparation of a preliminary traffic study to investigate the capacity of the road network to accommodate the traffic movements associated with a multi deck car park of between 6-9 levels.
5. Approve budget of \$30,000 for a feasibility study for Council's consideration, which investigates the primary and secondary uses and future adaptability of the structure, social and environment and economic factors and associated costs and potential revenue.
6. Note budget of approximately \$200,000 to \$300,000 will be required to progress detailed design of the carpark to tender phase, depending on complexity of design. This will include fees for the following; architect, structural and civil engineer, building services, ESD, traffic engineer, building surveyor, quantity surveyor, fire engineering, acoustic engineer, access consultant signage and way finding, parking control, land surveying, geotech and contamination investigations. Costs for detailed design to tender phase will be confirmed once the feasibility study, primary and secondary uses and car parking built form have been presented to Council to consider design requirements.

7. Report to Council on how this project fits with Council's obligations for parking provision in Moonee Ponds.
8. Explore options for paid parking to offset the cost of the project and creation of a funding stream.

CARRIED UNANIMOUSLY

Cr Marshall returned to the chamber at 8.29pm.

Cr Surace left the chamber at 8.29pm and returned at 8.31pm.

9.11 Biannual Grants 2017/18 Round 1 Recommendations

File No: FOL/17/11

Author: Sarah Edwards

Coordinator Social Planning & Wellbeing

Directorate: Planning & Development

Minute No. 2017/303

Council Resolution

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

1. Endorse the recommendation for allocation of round one of 2017/18 biannual grants as presented in **Appendix A**.
2. Advise all applicants of the outcome of round one of the 2017/18 biannual grants program and note that successful applicants will be published on Council's website following endorsement.
3. Bring a report to Council regarding the annual grants process prior to the opening of round two.

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

Against: Crs Cusack, Marshall

CARRIED

Cr Sipek left the chamber at 8.55pm and returned at 8.57pm.

9.12 Response to Notice of Motion 2016/06 - Conservation of extremely rare or unique properties of potential heritage significance in the City of Moonee Valley

File No: FOL/17/11

Author: Justin Scriha

Strategic Planner

Directorate: Planning & Development

Minute No. 2017/304

Council Resolution

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

1. Note the contents of this report.
2. Reaffirm its commitment to the Heritage Gap Study 2014 and corresponding 2017 Heritage Study as the most effective means of identifying and protecting properties of heritage significance to the municipality, including those considered to be extremely rare or unique.
3. Upon completion of the 2017 Heritage Study, investigate the potential for individually listed properties in the Heritage Overlay which have high regional or metropolitan significance to be included on the Victorian Heritage Register.
4. Upon completion of the 2017 Heritage Study, investigate the potential to introduce a Heritage Grants program offering funding, loan or a rates rebate scheme for restorative works to properties of heritage significance.

CARRIED UNANIMOUSLY

9.13 Review of Moonee Valley's Meetings Procedure Protocol

File No: FOL/17/11

Author: Nicole Battle

Acting Manager, Communications and Governance

Directorate: Organisational Performance

Minute No. 2017/305

Council Resolution

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

1. Adopt the new provisions contained within proposed clause 24 of Appendix A to provide for the live-streaming and recording of ordinary council meeting proceedings;
2. Defer debate on the remaining provisions to a later date to be established in consultation with the CEO; and
3. Authorise staff to publish notice of the revised protocol in the Victorian Government Gazette in accordance with section 112 of the Local Government Act 1989.

CARRIED UNANIMOUSLY

Cr Byrne left the chamber at 9.07pm and returned at 9.07pm.

9.14 Delegations of Council – Review 2017

File No: FOL/17/11
Author: Lee McSweeney
Coordinator Governance
Directorate: Organisational Performance
Minute No. 2017/306

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council, having undertaken a review of its delegations in accordance with Section 98 of the *Local Government Act 1989*, hereby resolves that:

1. The powers, duties and functions set out in the Instrument of Delegation, (provided as **Appendix A** – Separately Circulated) be delegated to the members of the Council staff subject to the conditions and limitations specified in that instrument.
2. The Instruments of Delegation (provided as **Appendix A**) be signed and sealed, and shall come into force immediately upon the common seal of the Council being affixed to the instruments, with all previous corresponding instruments to be revoked.
3. The duties and functions set out in these Instruments of Delegation must be executed in accordance with any guidelines or policies that are adopted by the Council from time to time.
4. The Instrument of Delegations to the Chief Executive Officer and the Chief Executive Officer Special Committee remain current until varied or revoked by Council.

CARRIED UNANIMOUSLY

9.15 Report on Assembly of Councillors

File No: FOL/17/11
Author: Kate Evans
Council Business Officer
Directorate: Organisational Performance
Minute No. 2017/307

Council Resolution

Moved by Cr Nation, seconded by Cr Cusack that Council receive and note the written records of assembly of Councillors, provided as **Appendix A**, received since the last report to Council in May 2017, with the following amendments:

1. Briefing held 18 July 2017: venue corrected from Moonee Valley Civic Centre to Clocktower Centre, Moonee Ponds; and

2. Briefing held 22 August 2017: the list of attendees was corrected to reflect that Cr Nation was not in attendance.

CARRIED UNANIMOUSLY

10. Urgent Business

Nil.

12. Confidential Reports

Minute No. 2017/308

Council Resolution

Moved by Cr Sipek , seconded by Cr Gauci Maurici 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 Tender Evaluation for the Boeing Reserve Baseball Pavilion and the Ormond Park Sports 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.

12.2 7 Overman Court, Essendon (Lot 2 on PS066745) - Construction of eight dwellings on a lot

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

CARRIED UNANIMOUSLY

Minute No. 2017/309

Council Resolution

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

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 9.10pm.

**CR ANDREA SURACE
CHAIRPERSON**