



City of
Moonee Valley

Ordinary Meeting of Council

Wednesday, 26 April 2017 at 6.30pm

Minutes

Report Index

The following reports were considered:

9. Reports

- 9.1 367 Keilor Road and 177 Ogilvie Street, Essendon (Lot 152 Block F on TP 003151 & Lot 1 on LP 112227J) - Use and development of the land for a three storey mixed use development comprising of two food and drink premises, 19 dwellings, a reduction to car parking requirements, waiver of the loading and unloading bay requirements and alter access to a road in a Road Zone Category 1.....
- 9.2 33 Dublin Avenue, Strathmore (Lot 84 on Plan of Subdivision 009089) - Construction of two dwellings
- 9.3 67 St Leonards Road, Ascot Vale (Lot 1 on PS 423700M) - Construction of a four storey building comprising four dwellings
- 9.4 Road Management Plan 2017-21
- 9.5 Response to NoM 2016/29 Special Charge Scheme in Tennyson Street, Essendon
- 9.6 Essendon Hockey Management Association - Essendon Hockey Pavilion, Fenton Street Reserve, Ascot Vale - Lease and Licence Renewal
- 9.7 Proposed Discontinuance of Road Abutting 70 & 72 Athol Street, Moonee Ponds
- 9.8 Proposed Discontinuance of Various Roads located within Buckley Park, Essendon
- 9.9 Ministerial Correspondence Resulting from Notices of Motion- Quarterly Report
- 9.10 Attendance at the 2017 ALGA National General Assembly of Local Government
- 9.11 Report on Assemblies of Council
- 9.12 40 Hall Street, Moonee Ponds Stage 2 Planning Application - Final Decision from the Minister for Planning

10. Notices of Motion

- 10.1 Notice Of Motion No. 2017/06 - Planning Applications
- 10.2 Notice Of Motion No. 2017/07 - Review Pool Closure Dates
- 10.3 Notice Of Motion No. 2017/08 - Large Gum Trees in Keilor East

12. Confidential Reports

- 12.1 Mayoral Charity Race Event

Minutes of the Ordinary Meeting of Council

Wednesday, 26 April 2017 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT :

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

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr Carey Patterson Acting Director City Services
Ms Kendrea Pope Director Organisational Performance
Mr Petrus Barry Acting Director Planning & Development

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Wednesday, 26 April 2017.

The Mayor 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.”

Cr Sipek entered the meeting at 6.32pm.

2. Apologies

Cr Nation has a leave of absence for this meeting.

3. Confirmation of Minutes

Minute No: 2017/81

Council Resolution

Moved by Cr Byrne, seconded by Cr Lawrence that the Minutes of the Ordinary Meeting of Ordinary held on Tuesday, 11 April 2017 be confirmed.

That the Minutes of the Special Meeting of Ordinary held on Tuesday, 18 April 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Nil.

6. Petitions and Joint Letters

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

6.1 Students of Ascot Vale West Primary School - Recycling Bins on Union Road & Puckle Street

File No. 17/96613

Cr Marshall tabled a petition signed by 159 residents requesting to have recycling bins installed on Union Road and Puckle Street.

7. Public Question Time

Question 1

Ms Suzanne Connelly of Flemington has asked the following:

What is council going to do to protect existing residents from being negatively impacted by the recent developments along 1 Ascot Vale Road and the proposed 11-15 Ascot Vale Road. Currently parking is at a premium and the recent restrictions applied to only have of a residential street have not stopped the main issue. Tradesmen parking. In addition to this is the noise of cars, traffic. The lack of parking for visitors and residents at both residencies. Why are existing residents being sidelined?

Response:

The Chief Executive Officer responded that It's fair to say that Council original refused the application on a number of occasion at 1 Ascot Vale Road and has spent a lot of resources in managing the issues associated with that development during the construction period and they still continue at the moment.

Parking restrictions were installed in several streets around 1 Ascot Vale Road in January 2017. The restrictions installed typically include a combination of timed restrictions and unrestricted parking.

Furthermore as part of the Construction Management Plan the builder/developer were required to provide alternative parking for the tradesmen, this was provided via an agreement between Icon (builder) and Flemington Racecourse.

I am advised that Council Officers have been monitoring parking occupancy in the area. Parking occupancy levels were generally below 85% where parking restrictions have been recently installed. This is below the intervention level set out in the Municipal Parking Strategy.

Notwithstanding this, Council officers will continue to monitor parking occupancy in the area and propose additional restrictions as required. We will also ensure regularly enforcement of the existing parking restrictions.

Traffic parking in relation to 11-15 Ascot Vale Road development will be dealt with through the planning process. Car parking provisions are included in the assessment of all development applications the amount of parking provided include the number of associated considerations such as size of units, commercial space, visitor parking, loading bays, proximity to public transport and alike. The planning process monitors what may happen in relation to 11-15 Ascot Vale Road. I've also have been talking with VicRoads about taking into consideration other developments in a location rather just impacts of a similar development. I have recently met with the Regional Director of VicRoads to discuss exactly that issue.

Specific instances of noise associated with construction vehicles can be reported to Council officers who will take appropriate action in accordance with Local Law and the Construction Management Plan and discuss with VicRoads where the need arises.

Car parking provision is included in the assessments of all development applications and the amount of parking provided includes a number of associated considerations such as size of units, commercial space, visitor parking requirements, loading bays, proximity to public transport and the like.

Cr Cusack entered the meeting at 6.38pm.

8. Reports by Mayor and Councillors

File No. FOL/17/11

Minute No: 2017/82

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that the reports by the Mayor and Councillors be received.

CARRIED UNANIMOUSLY

9. Reports

9.1 367 Keilor Road and 177 Ogilvie Street, Essendon (Lot 152 Block F on TP 003151 & Lot 1 on LP 112227J) - Use and development of the land for a three storey mixed use development comprising of two food and drink premises, 19 dwellings, a reduction to car parking requirements, waiver of the loading and unloading bay requirements and alter access to a road in a Road Zone Category 1

File No: FOL/17/11

Author: Justin Scriha - Senior Statutory Planner

Directorate: Planning & Development

Ward: Buckley

Minute No: 2017/83

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Sharpe that Council issue a Notice of Decision to Refuse to Grant an Amended Permit in relation to Planning Permit Application No. MV/564/2011/B for the use and development of the land for a three storey mixed use development comprising of two food and drink premises, 19 dwellings, a reduction to car parking requirement, waiver of the loading and unloading bay requirements and alter access to a road in a Road Zone Category 1 at 367 Keilor Road and 177 Ogilvie Street, Essendon (Lot 152 Block F on TP 003151 & Lot 1 on LP 112227J) on the following grounds:

1. The bulk, scale, form and layout of the proposal fails to meet the objectives and strategies contained within Clause 21.06 (Built Environment) of the Moonee Valley Planning Scheme, resulting in an amended development that does not appropriately respond to the opportunities and constraints of the site as well as the surrounding context.
2. The proposal fails to provide sufficient car parking as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and would exacerbate parking problems in the surrounding area.
3. The proposal will create undue amenity issues to adjoining residential properties through unreasonable overshadowing.
4. The proposal represents an overdevelopment of the land.

CARRIED UNANIMOUSLY

9.2 33 Dublin Avenue, Strathmore (Lot 84 on Plan of Subdivision 009089) - Construction of two dwellings

File No: FOL/17/11

Author: Kristina Murray

Statutory Planner

Directorate: Planning & Development

Ward: Buckley

Minute No: 2017/84

Council Resolution

Moved by Cr Sharpe, seconded by Cr Gauci Maurici that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/580/2016 for the construction of two dwellings at 33 Dublin Avenue, Strathmore (Lot 84 on Plan of Subdivision 009089), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The first floor of both dwellings to be setback from the southern boundary in accordance with the requirements of Clause 55.05-5 (Solar Access to Open Space) of the Moonee Valley Planning Scheme.
 - b) Any internal modifications as a consequence of Condition 1a).
 - c) A Roof plan.
 - d) All WSUD notations and treatment measures as a request of Condition 3.
 - e) All permeable and non-permeable areas, which accords with the STORM report.
 - f) A notation that the crossover and splays are to be to the satisfaction of the Responsible Authority and in accordance with Council's vehicle Crossover Policy.
 - g) The pedestrian visibility splays on both sides of the accessway, which are to be in accordance with Clause 52.06-8 (Car parking) of the Moonee Valley Planning Scheme.
 - h) The driveways tapered to be located on the side boundaries for the first two metres.
 - i) Any realignment of the crossovers as a consequence of Condition 1h).

- j) The garage doors to open outward.
- k) The traffic sign within the nature strip at the front of the site. The crossovers must be located a minimum distance of 1.0 metre from the traffic sign.
- l) All boundary fencing (apart from that in the front setback) to be a minimum height of 1.8 metres.
- m) The provision of 300mm trench grates at the front of each garage.
- n) A clear indication of the elevation plans as to which windows are to be screened. All screening must accord with the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- o) A schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roof, fascias, windows 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. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
5. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

6. Before the buildings approved by this permit are occupied, all boundary fencing and their associated lattice extensions are to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
7. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
8. A minimum 30 days prior to any building or works commencing, all 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.

9. A maximum of 30 days prior to any building or works commencing, a 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.

The WSUD Site Management Plan may form part of a broader Site Management Plan that covers other project components, i.e. such as noise, EPA issues, traffic management, waste management, etc.

Once submitted and approved the works detailed by the Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

10. A maximum of 30 days following completion, 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
 - d) a report confirming completion & commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM 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 have been completed and implemented in accordance with the approved report.

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

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. 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.
13. Stormwater runoff from the development must drain via an underground

system and discharge to the kerb and channel in front of the land. If discharge to the kerb and channel via gravity is not possible, the discharge to the kerb and channel in front of the land must be via a dual pump system in accordance with AS3500.3.2. 1998, Section 9.

14. 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.

15. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:

- a) constructed;
- b) available for use in accordance with the endorsed plans;
- c) properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
- d) finished with a permanent trafficable surface (such as concrete, asphalt or paving),

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

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

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

to the satisfaction of the Responsible Authority.

16. Building or works must not be commenced (and trees or vegetation must not be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. The landscape plan(s) must be generally in accordance with the plans submitted for endorsement but modified to show:

- a) A landscape plan in accordance with changes in Condition 1.
- b) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design.

- c) Planting on the land comprising trees and shrubs capable of:
 - i. Non-intrusive planting in easement
 - ii. Providing a complete garden scheme.
 - iii. Softening the building bulk.
 - iv. More garden beds;
 - v. The provision of a canopy tree within the front setbacks of Dwellings 1 and 2 which are able to achieve a minimum mature height of 4 metres;
- d) The proposed design features such as paths, paving, lawn and mulch.
- e) 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.
- f) The use of indigenous species where appropriate.
- g) The use of drought tolerant species.
- h) Planting within the visibility splay to be no higher than 900mm.

Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied. Once approved by the responsible authority these plans become part of the endorsed plans of this permit.

- 17. 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.
- 18. The existing street tree at the front of the site must not be removed or damaged as a result of the permitted development.
- 19. 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.

Planning 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 pump system is to be in accordance with AS3500.3:2003 Section 9 and is to be installed by a person with suitable qualifications to the satisfaction of the Responsible Authority.
- Council will not be responsible for any damage to the land or neighbouring properties in the event that the pump system fails due to mechanical failure, exceedance of maximum design rainfall or otherwise. Property owner/s may face liability for any damage to neighbouring properties as a result of such failure.
- The use of an underground pump system is only considered an interim measure. Should an easement drain be constructed in future via a Special Charge Scheme, the owner may be required to contribute to the cost of the construction of an easement drain.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Development Engineering unit and be to the satisfaction of the Responsible Authority.
- No on street parking permits will be provided to the occupiers of the land.
- 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.

CARRIED UNANIMOUSLY

**9.3 67 St Leonards Road, Ascot Vale (Lot 1 on PS 423700M) -
Construction of a four storey building comprising four dwellings**

File No: FOL/17/11
Author: Justin Scriha - Senior Statutory Planner
Directorate: Planning & Development
Ward: Myrnong
Minute No: 2017/85

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/736/2016 for the construction of a multi-storey building comprising four dwellings at 67 St Leonards Road, Ascot Vale (Lot 1 on PS 423700M), subject to the following conditions:

1. Before the buildings approved by this permit are occupied, the owner must, at its sole cost and expense, do all things necessary to:
 - a) Obtain registration by the Land Registry of a Plan of Subdivision

approved by the Council creating an approximately 64 square metre road at the eastern side of 67 St Leonards Road (being the approximately 2.5 metres wide eastern portion of the land as shown on the Ground Floor Plan); and

- b) Complete the transfer of that land as a road to the Council free of monetary consideration and of costs and expenses to the Council.
2. 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 incorporation of the changes to the Ground Floor façade of Dwelling 1 (facing St Leonard's Road) as per the rendered images submitted to Council on 9 March 2017;
 - b) Bedroom 4 of Dwelling 1 to be notated as being easily adapted into a home office in accordance with Condition 1(a);
 - c) Stormwater treatment measures and notations on the Ground Floor Plan or separate roof plan as follows:
 - i) Locate all applicable Water Sensitive Urban Design (WSUD) treatment measures (to scale),
 - ii) Provide associated annotations applicable to selected WSUD treatment measures as per the attached 'Generic WSUD Notations' information sheet.
 - d) All BESS treatment measures and associated notations shown on the relevant plans as a result of Condition 4 in accordance with Clause 21.04 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct BESS report.

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

3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. A published version of the submitted BESS report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1.
5. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. 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.
7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.

8. A minimum 30 days prior to any building or works commencing, all 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.

Further detail is required specifically for any selected filtration system which utilises water from trafficable areas (roof terraces) to flush toilets, including manufacturer's specifications.

9. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:

- a) Hours of construction;
- b) Parking and traffic movement of all workers vehicles and construction vehicles;
- c) Scaffolding and hoarding for the site;
- d) Allocated areas for loading and unloading;
- e) Site evacuation plan and procedure;
- f) Occupational health and safety policy;
- g) Hazard identification and control;
- h) Environmental management and waste minimisation;
- i) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- k) Arrangements for chemical storage;
- l) Noise and vibration control;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected to work on the site at any one time.

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

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

10. A maximum of 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;
- 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's Guide or a Building Maintenance Guide.

11. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

12. 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.
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. 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.

15. The development must be provided with external lighting capable of illuminating access to the basement entrance, each car parking space and pedestrian walkways. All car parking facilities are to be well lit in accordance with AS1680.2.1:2008. 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.
16. 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.
17. 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'.

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.

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 buildings 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.

- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculations; C=0.4, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or C=0.80.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department 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 level within any road reserve or easement.
- No on-street parking permits will be provided to the occupiers of the land.

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

CARRIED

9.4 Road Management Plan 2017-21

File No: FOL/17/11
Author: Peter Gaffney - Manager Infrastructure Services
Directorate: City Services
Ward: Municipal
Minute No: 2017/86

Council Resolution

Moved by Cr Sharpe, seconded by Cr Cusack that Council approve the Moonee Valley Road Management Plan 2013-2017 shown as **Appendix A** in accordance with Section 54 of the *Road Management Act 2004*.

CARRIED UNANIMOUSLY

9.5 Response to NoM 2016/29 Special Charge Scheme in Tennyson Street, Essendon

File No: FOL/17/11
Author: Rod Conway - Acting Coordinator Engineering Services
Directorate: Planning & Development
Ward: Buckley
Minute No: 2017/87

Council Resolution

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

1. Contribute to the construction of the outfall drain to the connection point only (Component C), subject to the Special Charge Scheme proceeding.
2. Issue a revised questionnaire to properties included in the Scheme based on cost apportionment Model 1 as presented in the report.
3. That Council only proceed with a Special Charge Scheme if there is majority support from property owners after issuing the revised questionnaire.

CARRIED UNANIMOUSLY

9.6 Essendon Hockey Management Association - Essendon Hockey Pavilion, Fenton Street Reserve, Ascot Vale - Lease and Licence Renewal

File No: FOL/17/11
Author: Gary Mills - Coordinator Property Management
Directorate: City Services
Ward: Myrnong
Minute No: 2017/88

Council Resolution

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

1. Enter into a Deed of Lease renewal with the Essendon Hockey Management Association Inc. for occupancy and use of the Essendon Hockey Pavilion at Fenton Street Reserve, 2 Hockey Lane, Ascot Vale, for a further term of 10 years commencing 1 July 2017.
2. Endorse a variation of the Lease with the inclusion of an amended Maintenance Responsibility Schedule at Appendix C.
3. Enter into a Deed of Licence renewal with the Essendon Hockey Management Association Inc. for use of the hockey playing fields at Fenton Street Reserve, 2 Hockey Lane, Ascot Vale, for a further term of 10 years commencing 1 July 2017.
4. Authorise the Chief Executive Officer to execute the Deed of Lease renewal and variation and Deed of Licence renewal on behalf of the

Council.

5. Council and the Essendon Hockey Management Association Inc. to further investigate options to increase community use of the pavilion when it is not required for Hockey or associated activities.

CARRIED UNANIMOUSLY

Reports Considered En Bloc

Minute No. 2017/89

Council Resolution

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

- 9.7 Proposed Discontinuance of Road Abutting 70 & 72 Athol Street, Moonee Ponds
- 9.8 Proposed Discontinuance of Various Roads located within Buckley Park, Essendon
- 9.9 Ministerial Correspondence Resulting from Notices of Motion- Quarterly Report
- 9.11 Report on Assemblies of Council

be adopted by Council.

CARRIED UNANIMOUSLY

9.7 Proposed Discontinuance of Road Abutting 70 & 72 Athol Street, Moonee Ponds

File No: FOL/17/11

Author: Gary Mills - Coordinator Property Management

Directorate: City Services

Ward: Myrnong

Minute No: 2017/90

Council Resolution

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

1. Note that after having given notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 to the *Local Government Act* 1989 of a proposal to discontinue a 68m² section of road abutting 70 & 72 Athol Street, Moonee Ponds, contained in Certificate of Title Volume 1628 Folio 413 (shown in blue) on the land allocation plan in **Appendix A**, no submissions were received.
2. Is of the opinion that the 68m² section of road is no longer required for public use and that it should be discontinued and the land sold by private treaty to the owner of 72 Athol Street, Moonee Ponds.

3. Publish a notice, pursuant to clause 3(a) of Schedule 10 to the *Local Government Act 1989* in the Victorian Government Gazette.
4. Authorise the Chief Executive Officer to execute the transfer and other associated documents.

CARRIED UNANIMOUSLY

9.8 Proposed Discontinuance of Various Roads located within Buckley Park, Essendon

File No: FOL/17/11

Author: Gary Mills - Coordinator Property Management

Directorate: City Services

Ward: Buckley

Minute No: 2017/91

Council Resolution

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

1. Note that after having given public notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 of the Local Government Act 1989 of a proposal to discontinue various unconstructed and unused roads contained within Buckley Park, Essendon contained in Certificate of Title Volume 2358 Folio 591, and as shown in **Appendix A**, no submissions were received.
2. Is of the opinion that the unconstructed roads shown in **Appendix A** be discontinued and the land be retained by Council for municipal purposes and be consolidated within Buckley Park, Essendon in accordance with section 35(8) of the Subdivision Act 1988.
3. Publish a notice, pursuant to clause 3(a) of Schedule 10 of the Local Government Act 1989 in the Victorian Government Gazette.
4. Authorise the Chief Executive to execute any documents associated with the discontinuance of roads and the consolidation of titles within Buckley Park, Essendon.

CARRIED UNANIMOUSLY

9.9 Ministerial Correspondence Resulting from Notices of Motion-Quarterly Report

File No: FOL/17/11

Author: Rosie Ferreira - Business Support Officer

Directorate: Corporate & Community

Ward: Municipal

Minute No: 2017/92

Council Resolution

Moved by Cr Sipek, seconded by Cr Sharpe that Council: receive and note the report on Ministerial Correspondence resulting from Notices of Motion for the quarter ending 31 March 2017.

CARRIED UNANIMOUSLY

9.10 Attendance at the 2017 ALGA National General Assembly of Local Government

File No: FOL/17/11
Author: Business Support Officer
Directorate: Organisational Performance
Ward: Municipal
Minute No: 2017/93

Council Resolution

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

1. Note that in accordance with the Resources, Facilities and Reimbursement of Expenses to Councillors Policy, attendance of Councillors Cusack, Lawrence and Sipek at the National General Assembly of Local Government is approved.
2. Endorse the attendance of Councillors Cusack, Lawrence and Sipek at the Australian Local Government Association 2017 National General Assembly of Local Government to be held in Canberra on 18-21 June 2017.
3. In the absence of the nominated Councillor Representative/s as appointed in 2 above, delegate the Mayor to seek and appoint an alternate Councillor/s.

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

CARRIED

9.11 Report on Assemblies of Council

File No: FOL/17/11
Author: Lee McSweeney - Coordinator Governance
Directorate: Organisational Performance
Ward: Municipal
Minute No: 2017/94

Council Resolution

Moved by Cr Sipek, seconded by Cr Sharpe that Council receive and note the written records of Assembly of Councillors, provided as **Appendix A**, received since the last report to Council in March 2017.

CARRIED UNANIMOUSLY

Cr Byrne left the meeting at 7.52pm.
Cr Byrne entered the meeting at 7.55pm.

9.12 40 Hall Street, Moonee Ponds Stage 2 Planning Application - Final Decision from the Minister for Planning

File No: FOL/17/11
Author: Petrus Barry - Manager Statutory Planning
Directorate: Planning & Development
Ward: Myrnong
Minute No: 2017/95

Council Resolution

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

1. Note the Governor-in-Council's decision, as provided by the Minister for Planning, for the approval of Planning Application, MV/491/2015, for Stage 2 of the redevelopment of the former Moonee Ponds Market Site.
2. Note that the Statutory Planning Department must issue the permit on behalf of Council within three business days after the date of this Resolution as directed by the Minister in the Order. The permit must contain the conditions specified in the Schedule to the Order.

CARRIED UNANIMOUSLY

Cr Lawrence left the meeting at 8.16pm.
Cr Lawrence entered the meeting at 8.18pm.

10. Notices of Motion

10.1 Notice Of Motion No. 2017/06 - Planning Applications

File No: FOL/17/11
From: Councillor Nicole Marshall
Ward: Municipal
Minute No: 2017/96

Council Resolution

Moved by Cr Marshall, seconded by Cr Sipek take notice that at the Ordinary Meeting of Council to be held on 26 April 2017 it is my intention to move that Council write to the Hon. Richard Wynne MP, Minister for Planning and local members requesting a review of the appropriateness of the 60 day period as it relates to complex planning applications.

CARRIED UNANIMOUSLY

10.2 Notice Of Motion No. 2017/07 - Review Pool Closure Dates

File No: FOL/17/11
From: Councillor Samantha Byrne
Ward: Rosehill
Minute No: 2017/97

Council Resolution

Moved by Cr Byrne, seconded by Cr Gauci Maurici take notice that at the Ordinary Meeting of Council to be held on 26 April 2017 it is my intention to move that Council review the pool closure dates to take advantage of warm weather and ensure we maximise opportunity to remain open, to the end of school holidays, for Queens Park and East Keilor Leisure Centre.

CARRIED UNANIMOUSLY

Cr Gauci Maurici left the meeting at 8.25pm.
Cr Gauci Maurici entered the meeting at 8.26pm.

10.3 Notice Of Motion No. 2017/08 - Large Gum Trees in Keilor East

File No: FOL/17/11
From: Councillor John Sipek
Ward: Rosehill
Minute No: 2017/98

Council Resolution

Moved by Cr Sipek , seconded by Cr Sharpe take notice that at the Ordinary Meeting of Council to be held on 26 April 2017 it is my intention to move:

That Council requests the Chief Executive prepare a detailed report on the large trees in the Keilor East and Avondale Heights streetscapes. The report should include commentary on the potential damage large trees can cause to Council's footpath and road infrastructure and the possible removal of unsafe, unsuitable or inappropriate trees in the suburb, and replace them with more suitable trees.

CARRIED UNANIMOUSLY

11. Urgent Business

Nil.

12. Confidential Reports

Minute No: 2017/99

Council Resolution

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

12.1 Mayoral Charity Race Event

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

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

CARRIED

Minute No: 2017/103

Council Resolution

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

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 9.22pm.

**CR ANDREA SURACE
CHAIRPERSON**