



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 26 September 2017 at 6.30pm

Minutes

Report Index

The following reports were considered:

9.1	1144-1154 Mt Alexander Road and 19 Winifred Street, Essendon (Lot 2 LP070903, Lot 1 TP567992B, Lots 1 & 2 TP236799S, Units 1-3 SP22135A, Lots 1 & 2 TP546718R) - Construction of a mixed use multi-level development (part 10 storey and part 6 storey building) accommodating shops, a supermarket and offices along with the use of the land for the purpose of dwellings, reduction in the standard car parking requirements, waiver of the loading bay requirements associated with the shop use, alteration of access to a Road Zone Category 1, variation of easements and works within an Environment Significance Overlay	7
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Minutes of the Ordinary Meeting of Council

Tuesday, 26 September 2017 at 6.31pm
held at the Moonee Valley Civic Centre

PRESENT:

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

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr David Benallack Chief Financial Officer
Mr Peter Gaffney Acting 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, 26 September 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.”

2. Apologies

Nil.

Leave of Absence

Minute No. 2017/257

Council Resolution

Moved by Cr Sipek, seconded by Cr Cusack that Council grant Cr Lawrence Leave of Absence for the period 6 October 2017 to 25 October 2017 inclusive.

CARRIED UNANIMOUSLY

3. Confirmation of Minutes

Minute No. 2017/258

Council Resolution

Moved by Cr Lawrence, seconded by Cr Nation that the Minutes of the Ordinary Meeting of Council held on Tuesday, 12 September 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

4.1 Cr Sharpe declared an indirect conflict of interest in Item 9.1 1144-1154 Mt Alexander Road and 19 Winifred Street, Essendon due to residential amenity.

4.2 Cr Sharpe declared a direct conflict of interest in Item 9.11 Flemington and Union Road Special Rate & Charge due to being an indirect financial interest.

4.3 Cr Nation declared an indirect conflict of interest in Item 10.1 Notice of Motion No. 2017/24 - Leisure Centre Management due to a conflicting duty.

4.4 Cr Nation declared an indirect conflict of interest in Item 12.1 Major Community Facility Projects (EKLC, Niddrie Library & Highball Stadium) due to a conflicting duty.

5. Presentations

Nil.

6. Petitions and Joint Letters

6.1 Request for construction of footpath in Wickham Grove, Strathmore

Cr Lawrence presented a petition signed by 17 individuals, requesting that Council construct a partial footpath at both entrances of Wickham Grove, Strathmore.

7. Public Question Time

Ms Sharon Mumford of Strathmore asked the following questions:

Question 1

From the proceedings of the Debney Park Precinct and Flemington Estate Renewal project, it appears that there is an outstanding land transfer between the Government and Council. The DHS is currently holding 2,698m² of MVCC land as per the Millar/Merrigan Survey Plan. Is it possible for MVCC to negotiate with Government for this land to be transferred in exchange for the Strathaird Street Reserve site?

Response

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

Council is aware of the land to which you are referring. Just as the Department of Education occupy Council owned land at Debneys Park, so does Council occupy Education Land at Boeing Reserve. Resolving land ownership issues is much more complicated than a straight swap and any changes to land occupation will require detailed planning and consideration. Also, a land swap would simply shift the discussion to a different area but would fail to resolve the underlying concerns that Council is not prepared to buy already existing open space for reasons previously provided on a number of occasions.

Question 2

Last week the Federal Government announced that they have proposed several changes to the current curfew regulations at Essendon Airport. It is my understanding that in response to these changes, Essendon Fields have said that they are proposing the creation of a new community fund which would be spent on community initiatives. They have specifically named Strathaird Reserve in this proposal and that it should remain a community asset. As part of the advocacy process, could MVCC please disclose the conditions by which the Essendon Airport would create this proposed fund to support Council to purchase Strathaird Street Reserve?

Response

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

This question is probably better directed to Essendon Fields, as Council is yet to be officially notified about the proposal for an additional curfew levy. The CEO of Essendon Fields has, however, been invited to address Councillors at an upcoming Strategic Briefing, at which time Council would be more than happy to hear from Essendon Fields in relation to this matter.

Mr Eugene Sangiorgio of Strathmore asked the following questions:

Question 1

Up until the early 1970s, there was an industrial incinerator on the Essendon Airport perimeter, adjacent to Strathaird Street Reserve. Anecdotally, it has been reported that all waste from Essendon Airport was incinerated at this site up until the early 1970s.

Is MVCC aware of this industrial incinerator and do you have any details of this operation?

Response

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

In recognising that the City of Moonee Valley did not officially come into operation until 1994, Council has not been able to locate any information in relation to this incinerator. Potentially it may be worth Mr Sangiorgio following up with the Essendon Historical Society, who may be holding some relevant information regarding this facility.

Question 2

In the MVCC Ordinary Minutes from 23 May 2017, it was stated that there were no significant environmental implications. What measures/testing has been undertaken to ensure that there are no significant environmental implications with regard to this land to support this comment?

Response

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

The sole purpose of this report was to determine Council's position in relation to the sale of Strathaird Reserve by the State Government. Given the recommendation was for Council not to purchase the land there was no need for Council to undertake any such testing. In recognising that Strathaird Reserve is still owned by the State Government, any testing to address environmental concerns would need to be undertaken by them and/or any prospective purchaser.

8. Reports by Mayor and Councillors

Minute No. 2017/259

Council Resolution

Moved by Cr Nation, seconded by Cr Byrne that the reports by the Mayor and Councillors be received.

CARRIED UNANIMOUSLY

Having declared a Conflict of Interest in the following item, Cr Sharpe left the meeting at 6:40pm.

Cr Byrne left the meeting at 6:40pm.

Cr Byrne returned to the meeting at 6.42pm.

9. Reports

9.1 **1144-1154 Mt Alexander Road and 19 Winifred Street, Essendon (Lot 2 LP070903, Lot 1 TP567992B, Lots 1 & 2 TP236799S, Units 1-3 SP22135A, Lots 1 & 2 TP546718R) - Construction of a mixed use multi-level development (part 10 storey and part 6 storey building) accommodating shops, a supermarket and offices along with the use of the land for the purpose of dwellings, reduction in the standard car parking requirements, waiver of the loading bay requirements associated with the shop use, alteration of access to a Road Zone Category 1, variation of easements and works within an Environment Significance Overlay**

File No: FOL/17/11

Author: Matt Spozio
Team Leader, Statutory Planning

Directorate: Planning & Development

Minute No. 2017/260

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/438/2016 for the construction of a mixed use multi-level development (part 9 storey and part 6 storey building) accommodating shops, a supermarket and offices along with the use of the land for the purpose of dwellings, reduction in the standard car parking requirements, waiver of the loading bay requirements associated with the shop use, alteration of access to a Road Zone Category 1, variation of easements and works within an Environment Significance Overlay at 1144-1154 Mt Alexander Road and 19 Winifred Street, Essendon (Lot 2 LP070903, Lot 1 TP567992B, Lots 1 and 2 TP236799S, Units 1-3 SP22135A, Lots 1 and 2 TP546718R), in accordance with the following grounds of refusal:

1. The proposal fails to meet the objective and the strategies of Clause

- 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to positively contribute to the local character and enhance the public realm.
2. The proposal fails to meet the objective and strategies of Clause 15.03-1 (Heritage Conservation) of the Moonee Valley Planning Scheme as the policy relates to the conservation of places of heritage significance.
 3. The proposal fails to meet the objectives and strategies contained within Clause 21.06-2 (Heritage) of the Moonee Valley Planning Scheme and would result in a development that is not sympathetic to and does not integrate with the historic fabric and quality of the neighbouring heritage place.
 4. The proposal fails to meet the objectives and strategies contained within Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme and would result in a development of a height, scale and massing that fails to appropriately respond to its context.
 5. The proposal does not meet the decision guidelines set out under Clause 43.02-5 (Design and Development Overlay) of the Moonee Valley Planning Scheme, as well as the design objectives and preferred height and setback requirements set out under Schedules 3 and 10 to the Overlay.
 6. 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.
 7. The proposal will result in adverse traffic impacts on surrounding properties and the wider area, which will be substantial and unreasonable.
 8. The proposal provides an inappropriate interface to Winifred Street in respect of the building form and development layout, and will cause increased traffic and car parking pressures that would adversely affect the amenity of the area.
 9. The proposal presents an inappropriate interface to Woodlands Park, visually overwhelming abutting significant vegetation and the reserve as a whole.
 10. The proposal will cause unreasonable amenity impacts on abutting residential properties.
 11. The proposal does not achieve a satisfactory level of internal amenity.
 12. The proposal represents an overdevelopment of the site.

CARRIED UNANIMOUSLY

Cr Sharpe returned to the meeting at 6:54pm.

**9.2 7 Overman Court, Essendon (Lot 2 on PS066745) -
Construction of 12 dwellings**

File No: FOL/17/11
Author: Grant Michell
Senior Statutory Planner
Directorate: Planning & Development
Minute No. 2017/261

Council Resolution

Moved by Cr Lawrence, seconded by Gauci Maurici that Council advises the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/227/2017 for the construction of 12 dwellings at 7 Overman Court, Essendon (Lot 2 on PS066745), in accordance with the following grounds of refusal:

1. The bulk, scale, form and layout of the proposal fails to meet the objectives and strategies contained within Clause 15.01-5 (Cultural Identity and Neighbourhood Character) and 21.06 of the Moonee Valley Planning Scheme, resulting in a development that does not appropriately respond to the opportunities and constraints of the site as well as the surrounding context and fails to appropriately respond and contribute to the character of the area.
2. The proposal fails to comply with the following Standards or Objectives of Clause 55 of the Moonee Valley Planning Scheme:
 - a) Clause 55.02-1 – Standard B1 (Neighbourhood Character);
 - b) Clause 55.03-1 – Standard B6 (Street Setback);
 - c) Clause 55.03-9 – Standard B14 (Access);
 - d) Clause 55.04-1 – Standard B17 (Side and Rear Setbacks);
 - e) Clause 55.04-5 – Standard B21 (Overshadowing);
 - f) Clause 55.04-6 – Standard B22 (Overlooking); and
 - g) Clause 55.06-4 – Standard B34 (Site Services).
3. The proposed development does not appropriately respond to Clause 21.04-7 (Waste) of the Moonee Valley Planning Scheme.
4. 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. Additionally, the intensity of the development will result in unreasonable traffic congestion within the road network.
5. The development will result in unreasonable amenity impacts to the surrounding residential properties due to noise generated by the development.

6. The proposed development does not appropriately respond to Clause 21.04-7 (Waste) of the Moonee Valley Planning Scheme.

CARRIED UNANIMOUSLY

9.3 100 Glass Street, Essendon (Lot 1 on TP747148M) - Construction of six dwellings and reduction in visitor parking requirements

File No: FOL/17/11
Author: Grant Michell
Senior Statutory Planner
Directorate: Planning & Development
Minute No. 2017/262

Council Resolution

Moved by Cr Sharpe, seconded by Cr Gauci Maurici that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/699/2016 for the construction of six dwellings and a reduction in visitor car parking requirements at No.100 Glass Street, Essendon (Lot 1 TP747148M), in accordance with the following grounds of refusal:

1. The proposal fails to meet the overarching objective and strategies of Clause 15.01-5 (Cultural Identity and Neighbourhood Character) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond and contribute to neighbourhood character;
2. The visual bulk, scale, form and layout of the proposal fails to meet the objectives and strategies of Clause 21.06-1 (Neighbourhood Character) and Clause 21.06-4 (Urban Design) as it does not respect or contribute to the preferred character of the 'Garden Suburban 3' precinct and fails to appropriately respond to its location and surrounding context;
3. The proposal fails to satisfy the following standards contained within Clause 55 (Two or More Dwellings on a Lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
 - a) Clause 55.02-1 (Neighbourhood Character);
 - b) Clause 55.02-2 (Residential Policy);
 - c) Clause 55.04-5 (Overshadowing Open Space);
4. The proposal will have an adverse effect on the residential amenity of neighbouring land.
5. The land is not located within an activity centre or employment corridor that would give strategic support for the high density of housing proposed.

CARRIED UNANIMOUSLY

9.4 **123 Bradshaw Street, Essendon (Lot 75 Block E on Plan of Subdivision 003151) - Construction of three dwellings**

File No: FOL/17/11

Author: Vi Tran
Senior Statutory Planner

Directorate: Planning & Development

Minute No. 2017/263

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council Issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application MV/818/2016 for the construction of three dwellings at 123 Bradshaw Street, Essendon (Lot 75 Block E on Plan of Subdivision 003151), 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) Provision of a garage access door to the lounge room of Dwelling 3;
 - b) The garage of Dwelling 3 setback 1.0 metre from the southern boundary;
 - c) The provision of 300mm trench grates to each garage;
 - d) The crossovers to be relocated to each respective side boundary and the front 2.5 metres section of each driveway to be realigned accordingly.
 - e) The ground floor, south facing, master bedroom of Dwelling 2 screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
 - f) Provision of a 1.8 metre high fence along the western boundary;
 - g) Notation on the plans outlining the Tree Protection and Management Plan measures 1 to 5 specified on pages 8 and 9 of the Arborist's Report prepared by Arbor-Report Victoria dated 2 December 2016 in accordance with Condition 20;
 - h) Notation on the plans stating 'the proposed vehicle crossings must either be relocated 1 metre from existing services or be installed with a heavy duty trafficable pit lid as required by the relevant Service Authority';
 - i) Notation on the plans stating 'the existing and proposed vehicle crossover must be upgraded including splays and constructed in line with Council's Vehicular Crossover Policy';
 - j) Any storm water treatment measures in accordance with Condition 3;
 - k) All BESS sustainable design initiatives and associated notations to be shown on the relevant plans as required by Condition 7; and

l) Landscape Plan in accordance with Condition 18.

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

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessment must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections &/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
5. A minimum 30 days prior to any building or works commencing, a WSUD Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

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

6. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; and
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

7. Before the development commences, an amended BESS Report that outlines

proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended BESS Report shall refer to the endorsed plans. Upon approval the BESS Report will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed BESS Report to the satisfaction of the Responsible Authority. The BESS Report must be generally in accordance with the BESS Report submitted with the application, but modified as follows:

a) Any changes as a result of Condition 1.

The development must incorporate the sustainable design initiatives outlined in the endorsed BESS Report to the satisfaction of the Responsible Authority.

8. 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.
9. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
10. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
11. 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.
12. Before the buildings approved by this permit are occupied, the concrete vehicular crossing must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

13. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
14. 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.

15. Stormwater runoff from the development must drain via an underground system and discharge to the kerb and channel in front of the land (OR WHATEVER POINT NOMINATED BY ENGINEERING). 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. 2003, Section 9.
16. 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.
17. 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.
18. 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) Notation on the Plans outlining the Tree Protection and Management Plan measures specified on pages 8 and 9 of the Arborist's Report prepared by Arbor Report Victoria dated 2 December 2016;
 - c) 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;
 - d) The use of drought tolerant species;
 - e) The provision of two (2) canopy trees within the front setback which are able to achieve a minimum mature height of 4 metres;
 - f) The provision of one (1) canopy tree within the secluded private open space areas of each dwelling;
 - g) Features such as paths, paving and accessways;

- 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 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.

19. The existing northern-most street tree located within the Bradshaw Street, road reserve to be removed must be replaced with an advanced tree which is at least 2 metres high at the time of planting and of a species and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the replacement tree including:

- a) method of mulching and mounding;
- b) the species of the replacement planting;
- c) the size of planting and its maturity; and
- d) the location of the replacement planting.

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

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

- a) The southern-most nature strip and street tree located within the Bradshaw Street frontage of the land must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder;
- b) No pruning of the southern-most nature strip and street tree located within the Bradshaw Street frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and
- c) No building materials are to be stacked and/or dumped on any nature strip during construction.

21. Before the development (including demolition) starts, the Tree Protection and Management Plan measures 1 to 15 specified on pages 8 and 9 of the Arborist's Report prepared by ArborReport Victoria dated 2 December 2016 must be implemented and maintained on site at all times during construction.

22. 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.

23. 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.
- No on-street parking permits will be provided to occupiers of the subject site.
- 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 $C=0.80$.
- Before the development starts, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal and/or replacement of the nominated street tree(s). Please contact Council on 9243 8888 to speak with Council's Arborist.
- 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.

CARRIED UNANIMOUSLY

9.5 **MV2040 Visioning Paper**
File No: FOL/17/11
Author: Jessie Keating
 Future Communities Senior Project Manager
Directorate: Planning & Development
Minute No. 2017/264

Council Resolution

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

1. Note the critical importance of community input to shaping the MV2040 Visioning Paper, through Phase 1 of the MV2040 engagement program.
2. Endorse the MV2040 Visioning Paper for community consultation, through Phase 2 of the MV2040 engagement program.
3. Note that all feedback received on the MV2040 Visioning Paper will be used to help develop the Draft MV2040 Strategy.
4. Allow officers to make minor editing and typographical changes as required.

CARRIED UNANIMOUSLY

Cr Lawrence left the meeting at 7.51pm.
Cr Sipek returned to the meeting at 7.53pm.

9.6 **Open Space Master Plans**
File No: FOL/17/11
Author: Venta Slizys
 Coordinator Open Space & Urban Design
Directorate: Planning & Development
Minute No. 2017/265

Council Resolution

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

1. Adopt the following Master Plan:
 - a) AJ Davis Reserve Master Plan **Appendix A** (separately circulated)
For: Crs Byrne, Cusack, Gauci Maurici, Lawrence, Marshall, Nation, Sipek, Surace
Abstained: Cr Nation
 - b) Buckley Park Master Plan **Appendix D** (separately circulated); and

Amendment

Moved by Cr Sharpe, seconded by Cr Lawrence that Council amend the motion to include the following points i) and ii)

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

Abstained: Cr Byrne, Nation

- i) Refer the construction of the Doutha Galla Pavilion to the 2018 – 2019 budget with a cost estimate of 1.3 million dollars for consideration.
- ii) Refer the design and construction of safety fencing detailed in the Buckley Park Master Plan, scheduled to commence 2019/20, for further consultation.

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

Against: Cr Byrne

Abstained: Cr Nation

- c) Woodlands Park and Salmon Reserve Master Plan **Appendix I** (separately circulated).

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

Abstained: Cr Nation

- d) Overland Reserve Master Plan **Appendix F** (separately circulated)

For: Crs Cusack, Lawrence, Marshall, Nation, Sipek, Surace

Against: Cr Byrne, Gauci Maurici,

Abstained: Cr Nation

2. Note that delivery of Master Plan recommendations are subject to Council's annual budget process.
3. Request officers prepare a report on the options for provision of netball infrastructure including the following:
 - a) Creation of a Highball Stadium (as outlined in the Council Plan),
 - b) Refurbishment of Bowes Ave netball courts (to facilitate training),
 - c) Redevelopment of Riverside Golf and Tennis, as per the Riverside Golf and Tennis Master Plan 2016 (to facilitate competition and training),
 - d) Lighting of the existing netball courts at Aberfeldie Primary School (this is adjacent to Clifton Park) to increase training capacity.
 - e) Clifton Park (please note there is a proposal for the joint netball / bowls pavilion to complement the facilities at Aberfeldie Primary for consideration in the 2018/19 budget.)

CARRIED UNANIMOUSLY

Cr Sipek left the meeting at 8:09pm.
Cr Sipek returned to the meeting at 8:11pm.

Cr Lawrence left the meeting at 8:09pm.
Cr Lawrence returned to the meeting at 8:11pm.

Cr Gauci Maurici left the meeting at 8:11pm.
Cr Gauci Maurici returned to the meeting at 8:12pm.

Cr Sharpe left the meeting at 8:11pm.
Cr Sharpe returned to the meeting at 8:12pm.

9.7 Thrive Strategy Update & Action Plan One Report Card

File No: FOL/17/11
Author: Rachael Fry
Acting Youth Planner
Directorate: Planning & Development
Minute No. 2017/266

Council Resolution

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

1. Note the Thrive Action Plan One Report Card (**Appendix B**).
2. Note the Thrive Action Plan Two will be implemented from July 2017 to June 2019 and includes key initiatives of the Council Plan 2017-21 such as the Youth Mental Health Project.

CARRIED UNANIMOUSLY

9.8 Community Funding Independent Review

File No: FOL/17/11
Author: Nina Stanwell
Community Grant Officer
Directorate: Planning & Development
Minute No. 2017/267

Council Resolution

Moved by Cr Nation, seconded by Cr Marshall that Council note the findings of the Community Financial Support Policy Compliance Review prepared by HLB Mann Judd as presented at **Appendix A** (separately circulated).

CARRIED UNANIMOUSLY

9.9 Planning Scheme Amendment C182 - Heritage Overlay 62, 64, 66 and 68 Buckley Street, Essendon

File No: FOL/17/11

Author: Justin Scriha
Strategic Planner
Directorate: Planning & Development
Minute No. 2017/268

Council Resolution

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

1. In accordance with Section 8A (3) of the *Planning and Environment Act 1987*, seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C182 – Permanent Heritage controls for numbers 62, 64, 66 and 68 Buckley Street, Essendon and also to formally request that the Minister apply interim heritage controls to 66 Buckley Street, Essendon pursuant to Section 20(4) of the *Planning and Environment Act 1987*.
2. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C182 in accordance with Section 19 of the *Planning and Environment Act 1987*.
3. Refer submissions which request changes to Amendment C182, and are not resolved, to an independent Planning Panel in accordance with Section 23(1) (b) of the *Planning and Environment Act 1987*.

CARRIED UNANIMOUSLY

9.10 Planning Scheme Amendments C185 & C186 - Interim and Permanent Heritage Controls for 5 Alma Street, Aberfeldie

File No: FOL/17/11
Author: Justin Scriha
Strategic Planner
Directorate: Planning & Development
Minute No. 2017/269

Council Resolution

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

1. In accordance with Section 8A (3) of the *Planning and Environment Act 1987*, seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C186 – Permanent Heritage controls for 5 Alma Street, Aberfeldie and also to formally request that the Minister apply interim heritage controls to this property pursuant to Section 20(4) of the *Planning and Environment Act 1987*.
2. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C186 in accordance with Section 19 of the *Planning and Environment Act 1987*.
3. Refer submissions which request changes to Amendment C186, and are

not resolved, to an independent Planning Panel in accordance with Section 23(1) (b) of the *Planning and Environment Act 1987*.

CARRIED UNANIMOUSLY

Having declared a conflict of interest in the following item, Cr Sharpe left the meeting at 8.42pm.

9.11 Flemington and Union Road Special Rate & Charge

File No: FOL/17/11

Author: Malcolm Ward
A/Coordinator Economic Development

Directorate: Planning & Development

Minute No. 2017/270

Council Resolution

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

1. Commence the statutory process under the Local Government Act 1989 (the Act) to re-introduce by way of renewal a Special Rate and Charge to and for the properties within both the Flemington and Union Road Business Precincts.
2. Notes the Special Rates and Charges will raise a total amount of \$60,000 for each respective precinct (Flemington and Union Road Business Precincts) in the first year and increase in \$2,500 increments for a five year period from 1 July 2018 to 30 June 2023.
3. In accordance with sections 163(1A) and 163B(3) of the Act, directs that public notices be given in the Moonee Valley Weekly and the Moonee Valley Leader of the intention of Council to declare at its Ordinary meeting to be held on 13 February 2018 (tbc), in accordance with the proposed declarations of Special Rate and Charge in the form of the attachment to this resolution (Appendices E and F, separately circulated), such Special Rate and Charge to be for the purpose of defraying expense to be incurred by Council in providing funds to the incorporated bodies known as the Flemington Chamber of Commerce and the Union Road Traders Association and which funds, administratively only and subject always to the approval, direction and control of Council are to be used for the purposes of the appointment of a part-time Shopping Centre Coordinator, promotional, advertising, marketing, business development and other incidental expense as approved by and agreed to from time to time between Council and the Flemington Chamber of Commerce and Union Road Traders Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Flemington and Union Road Business Precincts.

4. Authorises in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners and the occupiers of the properties referred to and set out in the schedules of properties forming a part of the Proposed Declarations of Special Rate and Charge, advising of the intention of Council to declare the Special Rates and Charges at its Ordinary meeting to be held on 13 February 2018 (tbc), the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Rate and Charge) will be liable, the basis of the calculation and distribution of the Special Rates and Charges and notifying such persons that submission and/or objections in writing in relation to the Proposed Declarations of Special Rate and Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.
5. Advises the Flemington Chamber of Commerce and Union Road Traders Association of the matters specified in paragraphs 1, 2 and 3 of this resolution.
6. Appoints and authorises Councillors Nation, Cusack and Marshall to be the members of the committee that is established by Council under section 223(1) (b) (i) of the Act, to be known as the Flemington and Union Road Special Rates and Charges Hearing Committee, to hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submissions.
7. Authorises the Council's Chief Executive Officer or his nominated representative:
 - a) To carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the Act; and
 - b) To prepare funding agreements between Council and the Flemington Chamber of Commerce and Council and the Union Road Traders Association to formalise the administrative operations of the Special Rates and Charges, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to the Flemington Chamber of Commerce and Union Road Traders Association, Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate and Charge in accordance with its obligations under the Local Government Act 1989 to do so.
8. Directs that the agreement specified in paragraph 7(b) of this resolution is to be subsequently submitted to Council for approval and sealing.

CARRIED UNANIMOUSLY

Cr Sharpe returned to the meeting at 8:47pm.

9.12 Niddrie Special Rate and Charge

File No: FOL/17/11

Author: Malcolm Ward
A/Coordinator Economic Development

Directorate: Planning & Development

Minute No. 2017/271

Council Resolution

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

1. Commence the statutory process under the Local Government Act 1989 (the Act) to re-introduce by way of renewal a Special Rate and Charge to and for the properties within the Niddrie Business Precinct.
2. Notes the Special Rate and Charge will raise a total amount of \$125,000 in the first year and increase in \$5,000 increments for a five year period from 1 July 2018 to 30 June 2023.
3. In accordance with sections 163(1A) and 163B(3) of the Act, directs that public notices be given in the Moonee Valley Weekly and the Moonee Valley Leader of the intention of Council to declare at its ordinary meeting to be held of 13 February 2018 (tbc), in accordance with the proposed declaration of Special Rate and Charge in the form of the attachment to this resolution (**Appendix C**), such Special Rate and Charge to be for the purpose of defraying expense to be incurred by Council in providing funds to the incorporated body known as the Niddrie Traders Association and which funds, administratively only and subject always to the approval, direction and control of Council are to be used for the purposes of the appointment of a part-time Shopping Centre Coordinator, promotional, advertising, marketing, business development and other incidental expense as approved by and agreed to from time to time between Council and the Niddrie Traders Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Niddrie Business Precinct.
4. Authorises in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners and the occupiers of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Rate and Charge, advising of the intention of Council to declare the Special Rate at its ordinary meeting to be held on 13 February 2018 (tbc), the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Rate and Charge) will be liable, the basis of the calculation and distribution of the Special Rate and Charge and notifying such persons that submission and/or objections in writing in relation to the Proposed Declaration of Special Rate and Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.

5. Advises the Niddrie Traders Association of the matters specified in paragraphs 1, 2 and 3 of this resolution.
6. Appoints and authorises Councillors Byrne, Lawrence, Sipek and Surace and to be the members of the committee that is established by Council under section 223(1) (b) (i) of the Act, to be known as the Niddrie Special Rate Hearing Committee, to hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submissions.
7. Authorises the Council's Chief Executive Officer or his nominated representative:
 - a) To carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the Act; and
 - b) To prepare a funding agreement between Council and the Niddrie Traders Association to formalise the administrative operations of the Special Rate and Charge, such agreement being to ensure that at all times, and as a precondition to the payment of any funds be Council to the Niddrie Trader Association, Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate and Charge in accordance with its obligations under the Local Government Act 1989 to do so.
8. Directs that the agreement specified in paragraph 7(b) of this resolution is to be subsequently submitted to Council for approval and sealing.

CARRIED UNANIMOUSLY

9.13 Notices of Motion Quarterly Report

File No: FOL/17/11

Author: Rosie Ferreira
Governance Officer

Directorate: Organisational Performance

Minute No. 2017/272

Council Resolution

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

1. Receive and note the report on all endorsed Notices of Motion for the period 10 November 2016 to 31 August 2017.
2. Note that a report on Notices of Motion is to be presented to Council on a quarterly basis, with the next report to be provided in October 2017.

CARRIED UNANIMOUSLY

9.14 Independent Member Appointment to the Audit and Advisory Committee

File No: FOL/17/11
Author: Damian Hogan
Manager Finance Operations
Directorate: Financial Services
Minute No. 2017/273

Council Resolution

Moved by Cr Cusack, seconded by Cr Gauci Maurici that Council re-appoint Mr John Gavens as an independent member of the Audit Committee for a period of three years from 1 October 2017.

CARRIED UNANIMOUSLY

Having declared a conflict of interest in the following item, Cr Nation left the meeting at this point.

10. Notices of Motion

10.1 Notice of Motion No. 2017/24 - Leisure Centre Management

File No: FOL/17/11
From: Councillor Nicole Marshall
Minute No. 2017/274

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that the CEO provide a report which details the third party arrangements entered into by Belgravia in relation to the use of the Ascot Vale Leisure Centre (AVLC) and the East Keilor Leisure Centre (EKLC) (other than the medical and allied health services) and the additional fee for service programming conducted by or on behalf of Belgravia including reviewing whether those arrangements:

1. Are consistent with contractual obligations and Council policies, including relating to the use of Council facilities;
2. With those third party and/or fee for service arrangements, are limiting the ability of members and community users to have appropriate access to and use of the AVLC and EKLC, including during peak times; and
3. Provide an opportunity to work with Belgravia to improve access to the facilities.

CARRIED UNANIMOUSLY

Cr Nation returned to the meeting at this point.

10.2 **Notice of Motion No. 2017/25 - Reinstatement of Roads**
File No: FOL/17/11
From: Councillor Nicole Marshall
Minute No. 2017/275

Council Resolution

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

1. In light of Council continually facing issues with the delayed and below standard reinstatement of roads under its management due to works undertaken by relevant service authorities, the CEO write to the Minister for Roads and Local State Members of Parliament requesting amendments to the Road Management Act 2004 to enable the reinstatement works to be transferred to Council, at the cost of the relevant authority or alternatively that controls are put in place to require service authorities to undertake reinstatement works in a timely manner and to Council's local road service level standard.
2. A report be brought back to Council by an ordinary council meeting by December 2017 setting out whether there is any opportunity to recoup the costs for the reinstatement of roads to the local road service level standard required by Council from planning permit applicants where the requirement for those reinstatement works can be directly attributed to the particular development in question.
3. Council write to the service authorities requesting they work together to better understand the timing of works proposed by service authorities to enable appropriate coordination of the respective works of Council and the service authority.

CARRIED UNANIMOUSLY

11. Urgent Business

Nil.

12. Confidential Reports

Council Resolution

Moved by Cr Byrne, seconded by Cr Cusack 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 matter:

- Major Community Facility Projects (EKLC, Niddrie Library & Highball Stadium)
Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (e) proposed developments.

CARRIED UNANIMOUSLY

Having declared a conflict of interest in the following item, Cr Nation left the meeting at this point.

Council Resolution

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

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 9.25pm

**CR ANDREA SURACE
CHAIRPERSON**