



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 28 November 2017 at 6.30pm

Minutes

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The following reports were considered:

9. Reports

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- 9.2 74-76 Woodland Street, Strathmore (Lots 22, 23, 24 & 25 LP9480 and Lot 1 TP814690U) - Construction of 10 dwellings, a reduction in car parking requirements and alteration of access to a road in a Road Zone, Category 16
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Minutes of the Ordinary Meeting of Council

Tuesday, 28 November 2017 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT :

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

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr David Benallack Chief Financial Officer
Mr Steven Lambert Director City Services
Ms Kendrea Pope Director Organisational Performance
Ms Natalie Reiter Director Planning & Development
Mr Petrus Barry Manager Statutory Planning

1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 28 November 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.

2. Apologies

Nil

3. Confirmation of Minutes

Minute No. 2017/326

Moved by Cr Lawrence, seconded by Cr Nation, that the Minutes of the Ordinary Meeting of Council held on Tuesday, 14 November 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Nil.

6. Petitions and Joint Letters

Nil.

7. Public Question Time

Nil.

8. Reports by Mayor and Councillors

Minute No. 2017/327

Council Resolution

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

CARRIED UNANIMOUSLY

9. Reports

9.1 **72 Ascot Vale Road, Flemington (Lot 1 TP119244V) - Construction of two multi-storey buildings comprising dwellings in a General Residential Zone, partial demolition and construction of buildings and works in a Heritage Overlay (HO426), a reduction in car parking requirements and alteration of access to a road in a Road Zone, Category 1**

File No: FOL/17/11
Author: William Wheeler
Principal Statutory Planner
Directorate: Planning & Development
Minute No. 2017/328

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/2/2017 for the construction of two multi-storey buildings comprising dwellings in a General Residential Zone, partial demolition and construction of buildings and works in a Heritage Overlay (HO426), a reduction in car parking requirements and alteration of access to a road in a Road Zone, Category 1 at No.72 Ascot Vale Road, Flemington (Lot 1 TP119244V), in accordance with the following grounds of refusal:

1. The proposed building height, scale and massing fails to meet the overarching objective and the strategies of Clause 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to positively contribute to the local character and enhance the public realm;
2. The proposed building height, scale and massing 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 'Urban Contemporary 3' precinct and fails to appropriately respond to its location and surrounding context;
3. The development would present a visually dominant and unsympathetic built form character to the area and will have an adverse effect on the residential amenity of neighbouring land;
4. The development would result in adverse overlooking and privacy impacts on the residential amenity of neighbouring land;
5. The proposed vehicle accessways do not provide for safe or efficient vehicular movements, which will result in adverse safety and streetscape impacts;
6. The proposal will exacerbate existing car parking issues and cause adverse traffic impacts on the surrounding area which will be substantial and unreasonable.

CARRIED UNANIMOUSLY

9.2 **74-76 Woodland Street, Strathmore (Lots 22, 23, 24 & 25 LP9480 and Lot 1 TP814690U) - Construction of 10 dwellings, a reduction in car parking requirements and alteration of access to a road in a Road Zone, Category 1**

File No: FOL/17/11
Author: William Wheeler
 Principal Statutory Planner
Directorate: Planning & Development
Minute No. 2017/329

Council Resolution

Moved by Cr Sharpe, seconded by Cr Gauci Maurici that Council, with respect to an Application for Review against Council's failure to decide the application within the prescribed time, resolves to advise 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, 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/177/2017 for the construction of 10 dwellings, a reduction in car parking requirements and alteration of access to a road in a Road Zone, Category 1, at No.74-76 Woodland Street, Strathmore (Lots 22, 23, 24 & 25 LP9480 and Lot 1 TP814690U), 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 6' 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 55.02-5 (Integration with the Street);
 - d) Clause 55.03-1 (Street Setback);
 - e) Clause 55.03-2 (Building Height);
 - f) Clause 55.03-3 (Site Coverage);
 - g) Clause 55.03-8 (Landscaping);
 - h) Clause 55.04-1 (Side and Rear Setbacks);

- i) Clause 55.04-2 (Walls on Boundaries);
 - j) Clause 55.04-6 (Overlooking);
 - k) Clause 55.04-8 (Noise Impacts);
 - l) Clause 55.05-5 (Solar Access to Open Space);
 - m) Clause 55.06-1 (Design Detail);
 - n) Clause 55.06-2 (Front Fences); and
 - o) Clause 55.06-4 (Site Services).
4. The proposal will have an adverse effect on the residential amenity of neighbouring land.

CARRIED UNANIMOUSLY

9.3 84-86 Walter Street, Ascot Vale (Lots 1 and 2 on TP590878S and Lot 9 on PS021853) - Construction of eight dwellings

File No: FOL/17/11
Author: Grant Michell
Senior Statutory Planner
Directorate: Planning & Development
Minute No. 2017/330

Council Resolution

Moved by Cr Sharpe, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/590/2016 for the construction of eight dwellings at 84-86 Walter Street, Ascot Vale (Lots 1 and 2 on TP590878S and Lot 9 on PS021853), 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 advertised plans but modified to show:
 - a) All stormwater treatment measures and BESS measures, their locations and associated annotations in accordance with the amended STORM and BESS Assessment reports as required by Conditions 3 and 4;
 - b) All vehicle crossings to be constructed in accordance with Council's Vehicle Crossing Policy with the accessways to align with the crossovers;
 - c) A notation stating that all habitable room windows within the north-western, south-western and south-eastern elevations to be screened in accordance with Clause 55.04-6 Standard B22 (Overlooking) of

the Moonee Valley Planning Scheme and to be restricted to opening no more than 150mm;

- d) Screening in accordance with Clause 55.04-7 Standard B23 (Internal Overlooking) of the Moonee Valley Planning Scheme to Dwellings 1 and 3;
- e) The provision of a 300mm trench grate at the bottom of the ramp;
- f) The access way must have an internal radius of at least 4 metres at the change of direction;
- g) The basement ramp must be a minimum 3.6 metres in width measured between walls;
- h) The basement ramp must have a gradient of 1:10 within 5 metres of the front boundary in accordance with Clause 52.06-9 of the Moonee Valley Planning Scheme;
- i) No garages doors are to open into the car spaces;
- j) A minimum clearance of 2.1 metres must be maintained for all car spaces located under stairways;
- k) A notation that visitor parking spaces are adequately signed and line marked in accordance with the relevant Australian Standards and Clause 52.06-8 of the Moonee Valley Planning Scheme;
- l) The bin location for Dwelling 1 and 2 to be relocated to the basement area; and
- m) Lighting bollards within the pedestrian walkway.

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. An amended BESS assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The BESS Assessment must obtain a minimum 50% to comply with Clause 21.04-3 (Ecologically Sustainable Development) of the Moonee Valley Planning Scheme.
- 5. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.

6. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's guideline and templates.

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

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

7. A maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:

- a) Inspection frequency;
- b) Cleanout procedures;
- c) As installed design details/diagrams including a sketch of how the system operates; and
- d) A report confirming completion and commissioning of all WSUD Response treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

8. Before the development starts, and before any trees or vegetation are removed a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and an electronic copy must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:

- a) Any changes as required by Condition 1 of this permit;
- b) A survey of all existing vegetation, abutting street trees, natural features and vegetation;

- c) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design;
- d) Planting on the land comprising trees and shrubs capable of:
 - i. Providing a complete garden scheme;
 - ii. Softening the building bulk;
 - iii. Providing some canopy trees capable of reaching a mature minimum height of 4 metres; and
 - iv. Minimising the potential of any overlooking between habitable rooms of adjacent dwellings;
- e) The proposed design features such as paths, paving, lawn and mulch;
- f) 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;
- g) The use of drought tolerant species;
- h) The provision of canopy trees within the frontage of the site;
- i) All trees on the land that are proposed to be removed or destroyed; and
- j) All planting within the pedestrian visibility splay to be no higher than 900mm.

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

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

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

- 11. 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;

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.

12. Before the buildings approved by this permit are occupied, concrete vehicular crossings must be constructed to suit the proposed driveways in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing 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 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.

15. Before the development starts, a Drainage Layout Plan, 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 include computations and location of stormwater outlets and legal points of discharge.

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

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

16. Before the buildings approved by this permit are occupied, all boundary fencing is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority and at the cost of the permit holder.
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 land.
18. The street tree within Walter Street must not be removed or replaced without the prior written consent of the Responsible Authority. Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and the street tree replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.
19. 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.
20. This permit will expire if:
 - a) the development does not start within two (2) years of the date of issue of this permit, or
 - b) the development is not completed within four (4) years of the date of issue of this permit.

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

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee

Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.

- 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 levels within any road reserve or easement.
- No on-street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- Before the development starts, separate approval must be obtained from 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.

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

CARRIED

9.4 62-64 The Parade, Ascot Vale (Lot 1 TP700251J and Lot 1 TP692460M) - Construction of 10 dwellings and a reduction in car parking requirements

File No: FOL/17/11

Author: William Wheeler
Principal Statutory Planner

Directorate: Planning & Development

Minute No. 2017/331

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack, that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/246/2017 for the construction of 10 dwellings and a reduction in car parking requirements at No. 62-64 The Parade, Ascot Vale (Lot 1 TP700251J and Lot 1 TP692460M), in accordance with the following grounds of refusal:

1. The proposal fails to meet the overarching objective and strategies of Clause 15.01-5 (Cultural Identity and Neighbourhood Character) of the

- Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond and contribute to neighbourhood character;
2. The proposal fails to meet the objectives and strategies contained within Clause 15.03-1 (Heritage Conservation) and Clause 21.06-2 (Heritage) of the Moonee Valley Planning Scheme and would result in a development that is not sympathetic and does not integrate with surrounding heritage buildings;
 3. 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 1' precinct and fails to appropriately respond to its location and surrounding context;
 4. 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 55.03-1 (Street Setback);
 - d) Clause 55.03-2 (Building Height);
 - e) Clause 55.03-3 (Site Coverage);
 - f) Clause 55.03-4 (Permeability);
 - g) Clause 55.03-8 (Landscaping);
 - h) Clause 55.04-1 (Side and Rear Setbacks);
 - i) Clause 55.04-6 (Overlooking);
 - j) Clause 55.04-8 (Noise); and
 - k) Clause 55.06-1 (Design Detail).
 5. The proposal will have an adverse effect on the residential amenity of neighbouring land.

CARRIED UNANIMOUSLY

- 9.5 376 Pascoe Vale Road, Strathmore (Lots 1, 2 and 3 on TP 590642Y) - Use and development of the land for a five storey building comprising a shop and dwellings, reduction to the car parking requirement, waiver of the loading bay requirement and alteration (removal) of access to a road in a Road Zone**

File No: FOL/17/11
Author: Lachlan Orr
Senior Statutory Planner
Directorate: Planning & Development
Minute No. 2017/332

Council Resolution

Moved by Cr Lawrence, seconded by Cr Gauci Maurici that Council issue a Notice of Decision to Refuse to Amend a Permit in relation to Planning Permit

Application No. MV/1030/2015/A for the use and development of the land for a five storey building comprising a shop and dwellings, reduction to the car parking requirement, waiver of the loading bay requirement and alteration (removal) of access to a road in a Road Zone at 376 Pascoe Vale Road, Strathmore (Lots 1, 2 and 3 on TP 590642Y), on the following grounds:

1. The proposed building height, scale and massing fails to meet the overarching objective and the strategies of Clause 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to positively contribute to the local character and enhance the public realm;
2. The development would present a visually dominant and unsympathetic built form character to the area and will have an adverse effect on the residential amenity of neighbouring land;
3. The proposal will cause noise impacts which will adversely affect the residential amenity of neighbouring land;
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;
5. The waiver of the loading bay requirement is unacceptable and fails to meet the purpose of Clause 52.07 (Loading and Unloading of Vehicles); and
6. The proposal will result in adverse traffic impacts on the surrounding road network and the wider area, with impacts on vehicle and pedestrian safety that would be substantial and unreasonable.
7. The proposal represents an overdevelopment of the site.

CARRIED UNANIMOUSLY

**9.6 33-35 Raleigh Street, Essendon (Land in CP168626U) -
Demolition of existing buildings and construction of
buildings and works for a residential aged care facility in
a General Residential Zone and Heritage Overlay**

File No: FOL/17/11
Author: William Wheeler
Principal Statutory Planner
Directorate: Planning & Development
Minute No. 2017/333

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/297/2017 for the demolition of existing buildings and construction of buildings and works for a residential aged care facility in a General Residential Zone and Heritage Overlay at No.33-35 Raleigh Street, Essendon (Land in CP168626U), 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 ground and first floor levels constructed of predominantly red/brown face brickwork, to complement the predominant palette of materials and colours found within the streetscape and Garden Suburban 4 precinct profile;
 - b) The location and details of any Council drains and associated drainage infrastructure to the rear of the site, with a clear notation that any Council drains and associated drainage infrastructure on site is to be protected through the establishment of an easement in favour of Moonee Valley City Council;
 - c) All fixed louvre and planter screens ('SC' and 'PS') clearly annotated as being 'fixed to a height of 1,700mm above finished floor level' and a 'maximum of 25% transparent';
 - d) The provision of 300mm trench grates at the bottom of the basement ramp;
 - e) Deletion of the paved on-street vehicle drop off / pick up area, with this section of nature strip to be reinstated and retained;
 - f) The provision of pedestrian visibility splays on the Ground Floor Plan in accordance with the requirements of Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
 - g) Proposed and modified vehicle crossovers, including splays, designed in accordance with Council's 'Vehicle Crossings Policy' and to correctly match/align with the proposed vehicle accessways;
 - h) The redundant vehicle crossover reinstated to nature strip, kerb and channel in line with Council's 'Vehicle Crossings Policy';
 - i) Swept paths provided for a 7.2m CPAV ambulance entering/exiting the porte cochere, with any required modifications to the accessway, landscaping and front fencing shown on the plans;
 - j) Swept paths provided for a B99 car passing a B85 car at the bottom of the basement ramp, with any required modifications to the accessway and adjoining car parking area shown on the plans;
 - k) The suitable location of a security/intercom system for vehicles using the basement car parking area outside of typical business and visiting hours;
 - l) A notation on the plans that the vehicle access/security door along the basement ramp is to be closed outside of typical business and visiting hours;
 - m) Installation of a convex mirror at the bottom of the basement ramp to improve visibility;

- n) Car space 45 (visitor space) or car space 54 deleted with this area clearly signed and line marked as a “turn-around bay” only;
- o) All staff, visitor and disabled car parking spaces and loading/delivery bays line-marked and signed in accordance with the relevant Australian Standards;
- p) Any existing services/infrastructure within 1.0 metre of the proposed/modified vehicle crossovers to be modified or relocated to the satisfaction of the Responsible Authority;
- q) A prominent note on all floor and elevation plans stating: “Refer to endorsed Environmentally Sustainable Design (ESD) Report, and associated BESS Report, for all Environmentally Sustainable Design commitments and requirements”;
- r) Details and notations for all Water Sensitive Urban Design (WSUD) treatment measures within the approved STORM Rating Report, including further details regarding the ‘courtyard to buffer strip’ treatment measure (if this treatment measure is being retained);
- s) A Landscape Plan in accordance with Condition 29 of this permit;
- t) The location and details of all rooftop service and plant equipment;
- u) The second floor south-easternmost balcony treated/screened to a height of 1.70 metres above finished floor level, with a maximum 25% transparency, along the eastern elevation; and
- v) A detailed schedule of all external materials and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roofing, fascias, window frames, screening, fences, paving and vehicle access/security doors.

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

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. An amended STORM Rating Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Rating Report must clarify and provide further details regarding the ‘courtyard to buffer strip’ treatment measure, or have this modified, and obtain a minimum rating 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 and/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 Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's guideline and templates.

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

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

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

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

7. Prior to demolition of the buildings on site an archival quality photographic survey must be prepared at the cost of the applicant and to the satisfaction of the Responsible Authority. The survey must include a brief historical assessment. Upon completion the survey will be donated to the Essendon and District Historical Society for retention.
8. Prior to the completion of the development, at the cost of the owner and to the satisfaction of the Responsible Authority, a plaque or an interpretive display be erected in a prominent location fronting Raleigh Street to recognise the history of the former Roselyn Court Homestead and the significance of its prior residents.
9. Before the building approved by this permit is occupied, all retaining 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.

10. 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.
11. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority.
12. 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.
13. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
14. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

15. 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.
16. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Available for use in accordance with the endorsed plans;
 - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
 - e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,

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

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

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

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

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. In addition, all vehicle access points must be located a minimum of 2.0 metres from any tree. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

18. Bicycle parking spaces, access, lockers and compounds, associated showers and change rooms must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
19. All structures within the pedestrian visibility splays at each vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
20. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
21. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

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

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

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

- to the satisfaction of the Responsible Authority.
22. Before the building approved by this permit is occupied, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
 23. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plans) must not be erected above the roof level of the building.
 24. The plant and equipment on the roof of the building must be screened in a manner to complement the appearance of the building and be to the satisfaction of the Responsible Authority.
 25. The development must be provided with external lighting capable of illuminating access to each vehicle accessway, car parking space and pedestrian walkway. 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.
 26. Noise levels emanating from service equipment on the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).
 27. 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.
 28. The provisions, recommendations and requirements of the 'Arboricultural Assessment' prepared by Tree Logic Pty Ltd and dated 22 June 2017 must be implemented and complied with to the satisfaction of the Responsible Authority.
 29. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Any changes as required by Condition 1 of this permit;
 - b) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
 - c) All planting abutting the vehicle accessways and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;

- d) The location of all existing street trees to be relocated/removed at the front of the site along Raleigh Street, with the location and details of all replacement street trees clearly shown; and
- e) An appropriate irrigation system.

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

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

- 30. 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.
- 31. Before the existing street trees at the front of the site (along Raleigh Street) are removed to facilitate the new/modified vehicle crossovers, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the street trees must be undertaken to the requirements and satisfaction of the Responsible Authority.
- 32. The existing street trees, at the front of the site along Raleigh Street, to be removed must be replaced with advanced street trees which are at least 2.0 metres high at the time of planting and of a species and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the replacement street trees including:
 - a) Method of mulching and mounding;
 - b) The species of the replacement planting;
 - c) The size of planting and its maturity; and
 - d) The location of the replacement planting.

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

- 33. Prior to the commencement of building and works, the Environmentally Sustainable Design (ESD) Report, inclusive of the BESS Report, prepared by 'LID Consulting' dated 20 April 2017 is to be modified in accordance with Condition 1 of this permit and submitted to the Responsible Authority for approval. The associated BESS Report must be a 'published' version to the satisfaction of the Responsible Authority. Once approved, the ESD Report, inclusive of the BESS Report, is to be implemented and appropriately managed during construction of the proposed development.
- 34. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended Waste Management Plan must be in accordance with the City of Moonee Valley's

‘Waste Management Plans – Guidelines for Applicants’ and must be:

- a) Modified in accordance with Condition 1 of this permit.

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

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

35. All wastes must be disposed of to the satisfaction of the Responsible Authority. Liquid waste or polluted waters must not be discharged into a sewer or storm water drainage system.
36. This permit will expire if:
- a) The development does not start within two (2) years of the date of issue of this permit, or
- b) The development is not completed within four (4) years of the date of issue of this permit.

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

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- This land is located within a Heritage Overlay control area. Planning permission is required for any additional works to the land in accordance with Clause 43.01 of the Moonee Valley Planning Scheme.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme, are exempt from the need for a planning permit).
- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation: $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development

Works as prepared by Moonee Valley City Council.

- Before the development starts, separate approval must be obtained from Moonee Valley City Council in relation to the proposed removal and/or replacement of the nominated street trees. Please contact Council on 9243 8888 to speak with Council's Arborist.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council's Asset Permit and Protection 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 levels within any road reserve or easement.

CARRIED UNANIMOUSLY

9.7 Strathmore Community Garden - Lease Renewal

File No: FOL/17/11

Author: Morgan Brown
Commercial Property Officer

Directorate: Financial Services

Minute No. 2017/334

Council Resolution

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

1. Endorses a Deed of Lease Renewal with Strathmore Community Garden Inc. over part of Boeing Reserve for a three year term commencing 1 February 2018 for the purposes of a community garden and associated community, recreational and educational activities.
2. Authorises the Chief Executive Officer to negotiate and finalise the Deed of Lease Renewal with Strathmore Community Garden Inc. and execute the deed on behalf of Council.

CARRIED UNANIMOUSLY

9.8 Councillor Appointments to External Bodies and Other Committees

File No: FOL/17/11

Author: Kate Evans
Governance Officer

Directorate: Organisational Performance

Minute No. 2017/335

Council Resolution

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

1. Reaffirm the appointment of Councillors to their existing Portfolio Advisory Committees, as per the schedule outlined in **Appendix A**
2. Appoint representatives to external bodies, and other committees for the period November 2017 to October 2018, as follows:
 - a) Audit Committee
Cr Cusack, Cr Gauci Maurici, Cr Byrne
 - b) Place Naming Committee:
Cr Sipek and Cr Byrne
 - c) Essendon Airport/Essendon Fields Council Working Group:
Cr Sharpe, Cr Lawrence and Cr Gauci Maurici
 - d) Municipal Emergency Management Planning Committee:
Cr Sipek
 - e) Farnham Street Neighbourhood Learning Centre Committee of Management
Cr Cusack and Cr Marshall
 - f) Wingate Avenue Community Centre Committee of Management
Cr Cusack and Cr Marshall
 - g) Municipal Association of Victoria:
Cr Sharpe and Cr Sipek (sub)
 - h) Australian Mayoral Aviation Council:
Cr Sipek and Cr Lawrence (sub)
 - i) Leadwest:
Cr Byrne and Cr Surace (sub)
 - j) Metropolitan Local Government Waste Forum:
Cr Sipek and relevant Council Officer
 - k) Metropolitan Transport Forum:
Cr Surace and relevant Council Officer

- l) Royal Agricultural Society of Victoria Consultative Group:
Cr Cusack and Cr Marshall
- m) Victorian Local Governance Association:
Cr Nation and Cr Gauci Maurici (sub)
- n) Shareholder Rep for Regional Kitchen P/L
Cr Sipek
- o) Western Melbourne Tourism Board:
Cr Lawrence and Manager City Planning
- p) CACG Essendon Airport Community Aviation Consultation Group
Cr Sharpe Cr Lawrence (sub), Cr Gauci Maurici (sub)
FOR: Crs Byrne, Cusack, Gauci Maurici, Lawrence, Marshall, Nation,
Sharpe, Sipek
AGAINST: Cr Surace

CARRIED

10. Urgent Business

Nil.

12. Confidential Reports

Minute No. 2017/336

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:

12.1 Possible Property Acquisitions

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.

Minute No. 2017/337

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 8.36pm

**CR JOHN SIPEK
CHAIRPERSON**