



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 9 May 2017 at 6.33pm

Minutes

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9. Reports

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Minutes of the Ordinary Meeting of Council

Tuesday, 9 May 2017 at 6.33pm
held at the Moonee Valley Civic Centre

PRESENT :

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

Officers: Mr Bryan Lancaster Chief Executive Officer
Ms Natalie Reiter Acting Director City Services
Ms Kendrea Pope Director Organisational Performance
Ms Kate McCaughey Acting Director Planning & Development
Mr Gil Richardson Acting Director Planning & Development
Mr Petrus Barry Manager Statutory Planning
Mr Lee McSweeney Coordinator Governance

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 9 May 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

An apology for this meeting was received from Cr Lawrence and Cr Sharpe.

3. Confirmation of Minutes

Minute No: 2017/104

Council Resolution

Moved by Cr Sipek, seconded by Cr Gauci Maurici that the Minutes of the Ordinary Meeting of Council held on Wednesday, 26 April 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Bryan Lancaster declared a conflict of interest in relation to Item 9.7 – Communications on Buckley Street Level Crossing Removal.

5. Presentations

Nil.

6. Petitions and Joint Letters

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

Nil.

7. Public Question Time

Nil.

8. Reports by Mayor and Councillors

Nil.

9. Reports

9.1 **102a-104 Maribyrnong Road, Moonee Ponds (Lots 1 & 2 LP 46251) Demolition of the existing buildings and the use and development of the land for a four storey mixed use building (comprising 16 apartments, 2 retail tenancies), basement carpark, reduction in carparking and waiver of the vehicle loading requirements**

File No: FOL/17/11

Author: Matt Spozio
Team Leader, Statutory Planning

Directorate: Planning & Development

Ward: Myrnong

Minute No: 2017/105

Council Resolution

Moved by Cr Byrne, 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, that the decision would have been to issue a Notice of Decision to Grant a Permit in relation to Planning Permit application No. MV/419/2016 for the demolition of the existing buildings and the use and development of the land for a four storey mixed use building (comprising 16 apartments, 2 retail tenancies), basement carpark, reduction in car parking and waiver of the vehicle loading requirements at 102a-104 Maribyrnong Road, Moonee Ponds (Lots 1 and 2 LP 46251) subject to the following conditions;

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The balcony associated with Apartment 2.12 to be setback a minimum of 3.68 metres from the eastern boundary along with subsequent internal modifications;
 - b) A notation that all structures within the pedestrian visibility splays at the vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
 - c) A notation to indicate visitor bicycle spaces within the frontage to Union and Maribyrnong Roads, which are to be constructed to the satisfaction of the Responsible Authority;
 - d) Privacy screening along the eastern elevation in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning

Scheme;

- e) Relocation of the existing signs along Union Road;
- f) A schedule of all external material and finishes. The schedule must show the material, colour (including colour samples) and finishes of all external walls, roof, fascias, windows frames, fences and paving;
- g) A notation indicating the rainwater from roof area of 364m² is to be collected and discharged via a mechanically pumped or fully charged or gravity fed system into a 10,000L capacity rainwater tank which is to be connected to 20 toilets on Levels 1 & 2 for toilet flushing.
- h) A notation in accordance with Condition 26.

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

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
- 4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's 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.

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

similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

6. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
7. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
9. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

10. 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.
 - f) Be maintained and made available for such use; and
 - g) Not be used for any other purpose,
to the satisfaction of the Responsible Authority.
11. Before the building approved by this permit is occupied, concrete vehicular

crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

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

12. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by an traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:
 - a) Details as to how the car stackers are to be regularly maintained and serviced;
 - b) Details of time frames and measures to be undertaken, to reinstate the car stackers back to working order, if the car stackers becoming non-operational; and
 - c) Details of measures to be undertaken if the car stackers are not operational, so not to provide any additional on-street parking demand.

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

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

13. Bicycle parking spaces, access, lockers and compounds must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
14. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
15. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and manufacturers specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a

Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

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

16. Goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
17. The development must be provided with external lighting capable of illuminating access to each vehicle accessway, car parking space and pedestrian entrance. 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. Before the development starts, an acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail the noise attenuation measures required to all habitable rooms within each dwelling to ensure minimal impacts from noise sources external to that dwelling.

When approved, the acoustic report will be endorsed and will form part of the permit.

The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority.

19. 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).
20. The amenity of the area must not be detrimentally affected by the use of land, through:
 - a) transportation of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials;
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil;
 - d) presence of vermin; or
 - e) in any other way,to the satisfaction of the Responsible Authority.
21. The development must incorporate the sustainable design initiatives as outlined within the Sustainability Management Plan (SMP) prepared by 'NJM Design' dated 17 August 2016 to the satisfaction of the Responsible Authority.
22. Before the development starts, a Waste Management Plan to the

satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' and must:

- a) Be generally in accordance with the Waste Management Plan prepared by 'R B Waste Consulting Service' dated 2 August 2016.

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

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

23. 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 plans submitted with the application but modified to show:

- a) Any changes as required by Condition 1 of this permit;
- b) A planting schedule of all proposed vegetation (street trees and planter boxes) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
- c) Planting around the edges of the communal terrace that serves to reduce overlooking into the adjoining property to the east;
- d) The street trees located along the road reserve to have regard to the required site lines for the corner traffic signals.

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.

24. The street trees along Union and Maribyrnong Roads must not be planted without the prior written consent of the Responsible Authority. Planting of any new trees must be to the satisfaction of the Responsible Authority. All costs associated with the planting of the street trees must be borne by the permit applicant and must be completed to the satisfaction of the Responsible Authority before the building approved by this permit is occupied.
25. The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.

VicRoads Condition

26. All affected traffic signals must be reinstated to the satisfaction of, and at no cost to, the Roads Corporation prior to the commencement of construction of the buildings hereby approved.

End of VicRoads Condition

27. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within two (2) years from the date of issue of this permit, or
 - b) The development is not completed and the use is not commenced within four (4) years from the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme, are exempt from the need for a planning permit).
- No on street parking permits will be provided to the occupiers of the land.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- Before the development starts, separate approval must be obtained from Moonee Valley City Council in relation to the proposed planting of street trees. Please contact Council on 9243 8888 to speak with Council's Arborist.
- 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; $C=0.4$, $TC=5\text{mins}$, 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 works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.

- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- In the event that car parking spaces or storage cages are separately titled, a condition will be imposed on any future subdivision permit requiring the permit holder to enter into a Section 173 Agreement to ensure the on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or the development.

VicRoads Notes

- The proposed development requires reinstatement of affected traffic signals. Separate approval under the Road Management Act for this activity is required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
- It is suggested that any tree planting along the road reserve must have regard to the required sightlines for the traffic signals.

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

CARRIED

9.2 11 Ian Crescent, Airport West (Lot 1 on LP 83646) - Construction of twelve dwellings

File No: FOL/17/11
Author: Lachlan Orr
Senior Statutory Planner
Directorate: Planning & Development
Ward: Rosehill
Minute No: 2017/106

Council Resolution

Moved by Cr Byrne, seconded by Cr Sipek that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/634/2016 for the construction of twelve dwellings at 11 Ian Crescent, Airport West (Lot 1 on LP 83646), in accordance with the following grounds:

1. The proposal represents an overdevelopment of the land.
2. The proposal fails to comply with the following provisions of Clause 55 of the Moonee Valley Planning Scheme:
 - a) Clause 55.02-1 (Neighbourhood Character);
 - b) Clause 55.03-1 (Street Setback);

- c) Clause 55.04-1 (Side and Rear Setbacks).
3. The proposal would cause adverse traffic impacts on the surrounding area which will be substantial and unreasonable, and also cause traffic conflicts in the driveway and impact on passing traffic, as a result of the steep slope and narrow entrance, making it unsafe, contrary to the decision guidelines of Clause 52.06-9 of the Moonee Valley Planning Scheme.

CARRIED UNANIMOUSLY

9.3 9 Buckley Street, Moonee Ponds (Lot 59 on Plan of Subdivision 001286) - Construction of two dwellings

File No: FOL/17/11
Author: Duarte Martins
Statutory Planner
Directorate: Planning & Development
Ward: Myrnong
Minute No: 2017/107

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/282/2016 for the construction of two dwellings at 9 Buckley Street, Moonee Ponds (Lot 59 on Plan of Subdivision 001286), 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) Any WSUD measures and notations as a result of Condition 3.
 - b) The pipes associated with the raingardens to be concealed with the exception of the feeder pipes.
 - c) The side boundary and internal dividing fences to taper to a maximum of 1.2 metres in height within the front yards of each dwelling.
 - d) The vehicular crossover associated with Dwelling 1 to be constructed as a double crossover with the adjoining property and to be a maximum width of 3.0 metres when measured from the north-eastern title boundary.
 - e) The vehicular crossover associated with Dwelling 2 to be constructed as a double crossover with the adjoining property and to be a maximum width of 3.0 metres when measured from the north-western title boundary.

- f) The driveways to taper to the vehicular crossovers modified as a consequence of Condition 1) c) and d).
- g) The southern boundary fence to be a minimum of 1.8 metres in height.
- h) A colour and materials schedule which accords with Clause 55.06-1 (Standard B31 – Design Detail) and Moonee Valley Neighbourhood Character Precinct Profiles 2012 (Garden Court 5) to the satisfaction of the Responsible Authority.
- i) A written consent from the Relevant Authority to relocate or modify the existing pit with any modification or relocation to the pit to be graphically shown on the plans and be constructed in accordance to the requirements of the relevant authorities.

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. Two STORM Assessment reports must (one for each dwelling) be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme and be practically located to ensure that all measures are fully functional.
- 4. A minimum 30 days prior to any building or works commencing, all WSUD Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections &/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 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 Site Management Plan must be carried out 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 & commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM 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 have been completed and implemented in accordance with the approved report.

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

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

- 9. 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.
- 10. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:

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

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

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

- e) be maintained and made available for such use; and
- f) not be used for any other purpose.

to the satisfaction of the Responsible Authority.

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

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

12. The existing street tree on Buckley Street must not be removed or damaged as a result of the permitted development.
13. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and electronic copies must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Plans to accord with Condition 1 of this permit.
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) The use of drought tolerant species;
 - d) The provision of two canopy trees within the front setback of each dwelling which is able to achieve a minimum mature height of 4 metres;
 - e) The existing tree in the private secluded open space area of Dwelling 1 must not be removed or damaged as a result of the permitted development.
 - f) Additional garden beds in the frontage of each dwelling.
 - g) Features such as paths, paving and accessways;
 - h) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
 - i) 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

- j) 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.

14. 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.
15. Before the buildings approved by this permit are occupied, a fence of a minimum 1.8 metres in height must be erected along the southern boundary to the satisfaction of the Responsible Authority.
16. This permit will expire if one of the following circumstances applies:
 - a) the development is not commenced within two (2) years from the date of issue of this permit; or
 - b) the development is not completed within four (4) years from the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the land.

CARRIED UNANIMOUSLY

**9.4 27 River Avenue, Ascot Vale (Lot 415 on TP 000934) -
Construction of four dwellings with basement car
parking**

File No: FOL/17/11

Author: Justin Scriha
Senior Statutory Planner

Directorate: Planning & Development

Ward: Myrnong

Minute No: 2017/108

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/1026/2015 for the construction of four double storey dwellings with basement car parking at 27 River Avenue, Ascot Vale (Lot 415 on Plan of Subdivision 000934) 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 21.06 (Built Environment) 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.
2. The proposal fails to comply with the following provisions of Clause 55 of the Moonee Valley Planning Scheme:
 - a) Clause 55.02-1 (Neighbourhood Character);
 - b) Clause 55.03-1 (Street Setback);
 - c) Clause 55.03-3 (Site Coverage);
 - d) Clause 55.04-1 (Side and Rear Setbacks);
 - e) Clause 55.04-2 (Walls on Boundaries);
 - f) Clause 55.04-4 (North-facing Windows);
 - g) Clause 55.05-4 (Private Open Space);
 - h) Clause 55.06-1 (Design Detail); and
 - i) Clause 55.06-2 (Front Fences).
3. The proposal would cause adverse traffic and carparking impacts on the surrounding area and in particular exacerbate the safety concerns in Tregunter Street, contrary to the decision guidelines of Clause 52.06-9 of the Moonee Valley Planning Scheme.

CARRIED UNANIMOUSLY

Cr Sipek and Cr Gauci Maurici left the meeting at 7.18pm.

Cr Sipek and Cr Gauci Maurici returned to the meeting at 7.20pm.

9.5 Media and Issues Management Policy Review

File No: FOL/17/11

Author: Letitia Duncan
Team Leader Media & Communications

Directorate: Organisational Performance

Ward: Municipal

Minute No: 2017/109

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council approve the Media and Issues Management Policy (2017), provided as **Appendix A**, with the following amendments:

1. Reword the existing disclaimer at 3.1 to read 'The comments and opinions expressed on this page are mine as an individual councillor and do not necessarily represent the views of the elected councillor group or Moonee valley city council'.
2. Delete the word 'personal' in the sentence immediately following the disclaimer. Then amend the next dot point to delete the word 'personal '
3. Insert the following at the end of the first dot point in section 3.2 of the Social Media Guidelines for councillors:
'This includes ensuring that Councillors avoid statements (whether oral or in writing) or actions that will or are likely to mislead or deceive a person.'

CARRIED UNANIMOUSLY

9.6 General Revaluation 2018 and Valuer's Declaration of Impartiality

File No: FOL/17/11

Author: Damian Hogan
Manager Finance

Directorate: Financial Services

Ward: Municipal

Minute No: 2017/110

Council Resolution

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

1. Undertake a General Revaluation of all rateable and non-rateable properties within the City of Moonee Valley, and that the valuation is to be returned at the levels of value as at 1 January 2018.
2. Provide written advice of Council's resolution to cause a general revaluation to be made to be sent to the Valuer General, State Revenue

Office and neighbouring rating authorities.

3. Note receipt of the Contract Valuer's statutory declaration.

CARRIED UNANIMOUSLY

The Mayor, Cr Surace vacated the Chair to move item 9.7 and appointed the Deputy Mayor as Temporary Chairperson.

Having declared an indirect conflict of interest, Mr Bryan Lancaster, Chief Executive Officer left the meeting at 7.30pm.

Suspension of Standing Orders

Minute No: 2017/111

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Byrne that standing orders be suspended to seek advice on meeting procedure.

CARRIED UNANIMOUSLY

Minute No: 2017/112

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Byrne that standing orders be resumed.

CARRIED UNANIMOUSLY

9.7 Buckley St Level Crossing – Update

File No: FOL/17/11

Author: Natalie Reiter

Director Planning & Development

Directorate: Planning & Development

Ward: Myrnong

Minute No: 2017/113

Council Resolution

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

1. Disagrees with the decision of the State Government to proceed with the LXRA's Road under Rail option in a way which has denied the community proper and transparent engagement as required by the *Transport Integration Act, 2010*.
2. Objects to the lack of clarity brought about by the Minister for Transport's decision to proceed with a Road under Rail option in the absence of fully resolved planning, environmental and construction matters, including the absence of a fully calibrated and complete Traffic Impact Assessment that indicates the position of VicRoads, Transport for Victoria (PTV), Yarra Trams, local bus companies, and Essendon Fields, on the proposed impacts, and restrictions on the future of Essendon Transport interchange.

3. Endorses the concerns of community about the intended reliance on the successful contractor to deliver the project and to be accountable for managing all aspects of the design, planning, environmental and construction outcomes.
4. Writes to the Minister for Transport, **Appendix A** outlining the issues and concerns raised at the public forum on Saturday 29 April 2017 at the Clocktower Centre, Moonee Ponds including;
 - a) outlining Council's continued preference for a Rail under Road Option, and the issues raised by the community;
 - b) seeking a Government commitment that, in the event that a Road-Under-Rail Option is delivered, a full suite of public realm and public transport improvements be included (tram, bus, bicycles), and that the community are fully engaged in development outcomes for VicTrack land (car park sites);
 - c) requesting full details of VicRoads' engagement in the decision of the LXRA's decision making process to announce a preference for a Road under Rail outcome;
 - d) requesting details into the process for the development of the Integrated Development Opportunity (IDO) Sites (i.e. VicTrack carpark land), and seeking: understanding of how these sites will be integrated into the final outcomes; and key safety upgrades in the vicinity of the Essendon Junction including Mount Alexander Road/Grice Street intersection and tram stops
 - e) seeking a Government commitment to have Park Street and Puckle Street level crossings included as part of the level crossing removal program.
5. Write to the Minister for Planning, **Appendix B** requesting advice on the process to be undertaken to facilitate the level crossing removal, and timing for any future Amendments to the Moonee Valley Planning Scheme relating to the Buckley Street level crossing.
6. Write to the Office of the Victorian Government Architect (OVGA), **Appendix C** seeking the views of OVGA on the proposed Road under Rail option.
7. Requests further reports be brought to Council advising of the response from the Minister for Transport, and the LXRA in relation to the above.
8. Write to the Victorian Auditor – General (VAGO) to draw his attention to the inadequate and incomplete analysis and benchmarking undertaken by the LXRA in comparing the road-under-rail option and rail-under-road options prepared by the LXRA itself and by Council (including civil engineering requirements, pedestrian and vehicle traffic effects, heritage effects, local and neighbourhood amenity effects, land value degradation, land value uplift, land acquisition if any, compatibility with future grade-separation of nearby level crossings, and related issues) with the result that it is currently not possible to determine relative value for money or relative effectiveness of the LXRA's preferred option and the comparison

options; and to seek the Auditor General's Performance Audit of the LXRA's choice of proposal process in the project as a matter of urgency.

9. That Council obtain legal advice regarding:
- a) The process by which Council could be engaged in legal proceedings to achieve a more optimal solution for the community and the cost and likelihood of success of any such application.
 - b) If the Council was to initiate such proceedings, the likelihood of success and cost of any such proceedings, likely remedies in the event such proceedings were successful and likely damages or other awards against Council in the event the proceedings were not successful.

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

CARRIED

Mr Bryan Lancaster, Chief Executive Officer returned to the meeting at 8.21pm.

Mr Bryan Lancaster, Chief Executive Officer left the meeting at 8.22pm.

10. Urgent Business

Suspension of Standing Orders

Minute No: 2017/114

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that standing orders be suspended to seek advice on meeting procedure.

CARRIED UNANIMOUSLY

Minute No: 2017/115

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Cusack that standing orders be resumed.

CARRIED UNANIMOUSLY

10.1 Buckley Street Level Crossing – Advocacy Plan

Moved by Cr Gauci Maurici, seconded by Cr Nation

Motion

Buckley Street Level Crossing – Advocacy Plan

Motion withdrawn at the request of the mover.

Mr Bryan Lancaster, Chief Executive Officer returned to the meeting at 8.34pm.

10.2 MAV State Council Motions

Minute No: 2017/116

Council Resolution

Moved by Cr Nation, seconded by Cr Sipek that Council accepts a matter of Urgent Business in regards to Council's stance to motions being presented to MAV State Council.

CARRIED UNANIMOUSLY

Minute No: 2017/117

Council Resolution

Moved by Cr Nation, seconded by Cr Sipek that the Officer comments in regards to motions for MAV State Council May 2017 as tabled.

CARRIED UNANIMOUSLY

12. Confidential Reports

Minute No: 2017/118

Council Resolution

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

**12.1 8-10 Sturt Street, Essendon (All land in Strata Plan 9301)
- Consideration of an agreement reached in relation to a
planning application at a VCAT Compulsory
Conference**

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.

12.2 Community Chef - Financial Performance

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

CARRIED UNANIMOUSLY

Minute No: 2017/121

Council Resolution

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

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 8.40pm

**CR ANDREA SURACE
CHAIRPERSON**