

Minutes

Ordinary Meeting of Council

Tuesday, 24 July 2018

6.30pm

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Minutes of the Ordinary Meeting of Council

Tuesday, 24 July 2018 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT :

Members:	Cr John Sipek	Mayor
	Cr Samantha Byrne	
	Cr Jim Cusack (6.36pm)	
	Cr Rebecca Gauci Maurici	
	Cr Richard Lawrence	
	Cr Nicole Marshall	
	Cr Cam Nation	
	Cr Narelle Sharpe	
Officers:	Mr Bryan Lancaster	Chief Executive Officer
	Mr Steven Lambert	Director City Services
	Ms Natalie Reiter	Director Planning and Development
	Mr Petrus Barry	Acting Director Organisational Performance
	Mr Gil Richardson	Acting Director Asset Planning and Strategic Projects
	Ms Allison Watt	Manager Governance and Communications
	Ms Vera Mitrovic-Misic	Acting Manager Statutory Planning

1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 24 July 2018.

On behalf of Moonee Valley City Council, the Mayor welcomed all present and respectfully acknowledged the Traditional Custodians of the land on which Moonee Valley is located – the Wurundjeri People of the Kulin Nation; and paid respect to their Spirits, Ancestors, Elders and their Community Members past and present.

The Mayor also extended this respect to other Aboriginal and Torres Strait Islander Peoples who call Moonee Valley home.

2. Apologies

Cr Surace is on approved leave of absence for this meeting.

3. Confirmation of Minutes

That the minutes of the Ordinary Meeting of Council held on Tuesday, 10 July 2018 be confirmed.

CONFIRMED

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Nil.

6. Petitions and Joint Letters

Nil.

7. Public Question Time

Question 1

Ms Rosalie Steeger of Moonee Ponds, asked the following question:

Why is the council-designated walkway signed by Council as 'Cliff Allison Park Link' with a pedestrian sign being used for the entry/exit of some 50 or more cars from the proposed development MV/15/2018 – 1032-1036 Mt Alexander Road when a front entry/exit to Mt Alexander Road could be used as in all the newly built buildings from the lane right-of-way up to Sturt Road on Mt Alexander Road?

The lane would become a two-lane traffic thoroughfare with no safe pedestrian facility.

Response 1

Ms Natalie Reiter, Director Planning and Development provided the following response:

Mt Alexander Road is a major arterial road. New vehicle access points on these roads is generally discouraged to minimise impacts on the higher volumes of passing traffic, as well as on pedestrians using the footpath.

The use of abutting roads or laneways, which experience comparably less traffic, is encouraged where possible. Any such arrangement is subject to a detailed assessment of design and traffic volumes/capacity.

In this case, the development has the benefit of two abutting laneways. Subject to modifications to improve sight-lines, the location of the access point near the south-western corner of the site is considered to be appropriate. The forecasted number of vehicle movements to and from the site are within an acceptable level.

It is noted that other developments further north along Mt Alexander Road do not have the benefit of secondary road access. These buildings rely on sole access from Mt Alexander Road, and the design of the access points was subject to the conditions of VicRoads.

Question 2

Mr Darren Mitchell of Essendon, asked the following two questions:

Does Council believe that large scale developments for existing residential house blocks being approved in an adhoc, uncoordinated manner represent appropriate developments?

Response 2

Ms Natalie Reiter, Director Planning and Development provided the following response:

Council is required to assess and decide on any planning application that is submitted. This process is guided by the *Planning and Environment Act 1987* and the Moonee Valley Planning Scheme. The scheme provides policy guidance, design objectives and performance- based assessment tools relevant to an application for an apartment development.

The State and Local policy provides direction for developments through a variety of broad objectives and strategies. Where the site is located within an Activity Centre, more specific guidance is found in Activity Centre Structure Plans, developed to guide use and development of land in these areas.

A thorough assessment against these various policies and provisions is critical to ensuring the coordinated and orderly development of the area.

Question 3

Does Council believe that apartment developments for existing residential house blocks that are higher than preferred overlay guidelines represent appropriate developments?

Response 3

Ms Natalie Reiter, Director Planning and Development provided the following response:

Preferred building heights within overlays are usually discretionary controls, as they apply to a variety of land sizes and configurations.

Any application for a building that exceeds the preferred maximum building height must still be consistent with the broader design objectives and decision guidelines within the relevant overlay control.

This requires a case-by-case assessment of the merits of any proposal to determine whether the overall height is appropriate. Commonly, consideration needs to be given to:

The extent of the encroachment above the preferred height limit;

The level of architectural merit achieved by the proposed building overall;

Whether appropriate building setbacks are provided, and whether these mitigate any visual and amenity impacts;

One of Council's Local Policy strategies, at Clause 21.06-4 of the Moonee Valley Planning Scheme, states 'in cases where a development seeks to exceed preferred maximum building heights it must clearly demonstrate a net community benefit to be delivered through this increased height, and an exemplary urban design outcome.

Question 4

Mr George Steeger of Essendon asked the following question:

How is it acceptable by Council that the solar access for a neighbouring new development is noted as very good and yet it severely impacts the solar access to the existing building as at 1028 Mt Alexander Rd which goes from excellent to poor?

Response 4

Ms Natalie Reiter, Director Planning and Development provided the following response:

The planning scheme sets out different assessment tools for the impact on daylight access to an existing building, and the level of daylight access achieved throughout a proposed building.

Despite the similarities in the nature of each issues, an acceptable outcome for one does not necessitate an acceptable outcome for the other – or vice versa.

The proposal has been assessed against the relevant objectives and decision guidelines for internal and external daylight access.

It is considered to represent an overall acceptable outcome in both cases.

Question 5

Mr Angelo Baronessa asked the following question:

In reference to tonight's meeting appendix on p 228, on 3 July 2018 the Level Crossing Removal Authority presented to council a traffic impact report. Can council elaborate what the report contained? If council can't comment, why not and when can comments be made?

Response 5

Mr Bryan Lancaster, Chief Executive Officer provided the following response:

An officer from the Level Crossing Removal Authority provided an update report to Councillors on Buckley Street Level Crossing Removal Project at a Strategic Briefing session on 3 July 2018.

As the meeting was confidential, full details of the presentation cannot be disclosed.

However, suffice to say that it was a PowerPoint presentation providing an update on a range of matters but did not provide the Traffic Impact Report per se.

8. Reports by Mayor and Councillors

File No. FOL/18/32

Council Resolution

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

CARRIED UNANIMOUSLY

9. Reports

9.1 16 Brees Road, East Keilor (Lot 179 on PS094984) - Construction of three dwellings

File No: FOL/18/32

Author: Grant Michell
Principal Statutory Planner

Directorate: Planning and Development

Minute No: 2018/135

Council Resolution

Moved by Cr Byrne, seconded by Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/762/2017 for the construction of three dwellings at 16 Brees Road, East Keilor (Lot 179 on PS094984), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted in an electronic format to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions. The amended plans must be generally in accordance with the plans submitted to Council and assessed with the application, but modified to show:
 - a) The sill heights of all windows;
 - b) The front porch for Dwelling 3 to be no more than 3.6 metres in height;
 - c) A Landscape Plan in accordance with Condition 4 of this permit;
 - d) A notation stating that all habitable room windows required to be screened are 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;
 - e) In accordance with Condition 3, a prominent note on all plans and elevations stating: 'Refer to endorsed BESS Report for all Environmental Sustainable Design, commitments and requirements';
 - f) All crossovers to be a maximum of 3 metres in width and construction in accordance with Moonee Valley Council's Vehicle Crossing Policy and to match the crossovers;
 - g) The annotation of all permeable surfaces in accordance with the submitted STORM report;
 - h) Details of the western boundary fence to the rear of the secluded private open spaces areas of Dwellings 1 and 2;
 - i) The Mona Lisa bicycle spaces to be a minimum of 1.5 metres above finished floor level; and
 - j) The ramp grades for the tandem car spaces of Dwellings 2 and 3 must be no steeper than 1:20 in the direction of parking and 1:16 in all other directions.

- k) Alterations to the fencing of Dwelling 1 in accordance with the discussion plans dated 19 July 2018, prepared by Your Design Group.

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

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. A published BESS report must be submitted simultaneously with the submission of amended plans and to be in accordance with Clause 21.04 (Sustainable Environment) of the Moonee Valley Planning Scheme.
4. 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 in an electronic format to and approved by the Responsible Authority. The landscape plans and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and show:
 - a) Any changes as required by Condition 1 of this permit;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) The use of drought tolerant species;
 - d) The provision of at least 2 canopy trees within the front setback of Dwelling 1, 1 canopy tree within the front setbacks of Dwellings 2 and 3, and 1 canopy tree within the rear of Dwelling 2 and Dwelling 3, which are able to achieve a minimum mature height of 4 metres;
 - e) Features such as paths, paving and accessways;
 - f) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
 - g) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and
 - h) An appropriate irrigation system.
 - i) Screen planting in front of the fence of the Secluded Private Open Space of Dwelling 1 within the College Parade frontage must be at least 1 metres high at planting and achieve a minimum height of 2 metres at maturity.

When approved, the landscape plans 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.

At all times, the landscaping plan must be maintained in good order in accordance with the endorsed landscape plan and schedule and to the satisfaction of the Responsible Authority.

5. 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 trees or shrub damaged, removed or destroyed must be replaced by a tree or shrub or similar size and variety to the satisfaction of the Responsible Authority.

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

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

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

8. 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 Building Maintenance Guide.

9. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for this purpose.
10. Floor levels shown on the endorsed plans must not be altered or modified without prior written consent of the Responsible Authority.

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

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

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

- a) Be maintained and made available for such use; and
 - b) Not be used for any other purpose, to the satisfaction of the Responsible Authority.
12. 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.
13. 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.
14. 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.
15. The street tree within College Parade 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.

16. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater downpipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
17. 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 of the date of issues 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.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculations: $C=0.4$, $t_c=5$ 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 Planning Scheme.
- 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.
- Council will not accept any modifications to the existing levels within the road reserve. Any changes in levels to match existing surface levels along property boundary lines must be made within the property boundary.
- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council's new online system at <http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-manattement-plans.aspx> or in person at 9 Kellaway Avenue, Moonee Ponds.
- No on street parking permits will be provided to the occupiers of the land.

CARRIED UNANIMOUSLY

9.2 1032-1036 Mt Alexander Road, Essendon (Lot 5 on LP 4120 and Lot 1 on TP 298948C) - Use and development of a multi-storey residential apartment building within a Design and Development Overlay (DDO3) and alteration of access to a road in a Road Zone, Category 1

File No: FOL/18/32

Author: Lachlan Orr
Senior Statutory Planner

Directorate: Planning and Development

Minute No: 2018/136

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Sharpe that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/15/2018 for the use and development of a multi-storey residential apartment building within a Design and Development Overlay (DDO3) and alteration of access to a road in a Road Zone, Category 1 at 1032-1036 Mt Alexander Road, Essendon (Lot 5 on LP 4120 and Lot 1 on TP 298948C) subject to the following conditions:

1. Before the building approved by this permit is occupied, an application must be made for the consolidation of Lot 5 on LP 4120 and Lot 1 on TP 298948C. Alternatively, an application for the subdivision of the land in accordance with the approved development layout must be made prior to the occupation of the building.
2. Before the development commences, 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 amendments to the car parking and access design and ESD notations as shown on the amended plans dated 16 May 2018 (Revision D);
 - b) The provision of a mountable island between the entry and exit lanes;
 - c) The extra car space must have a clearance height of less than 2.1 metres for no greater than the first 1 metre in length or alternatively must be designated as a small car space;
 - d) The material used below the south-facing habitable room windows on levels 1 and 2 to be clearly annotated;
 - e) Dimensions of all door openings, paths and the design of doors and circulation areas within accessible bathrooms to be clearly shown for at least 50% of dwellings in accordance with Table D4 and Standard D17 of Clause 58.05-1 (Accessibility) of the Moonee Valley Planning Scheme;
 - f) The provision of 300mm wide trench grates at the bottom of the basement ramps;
 - g) Any changes to the stormwater treatment measures and associated

annotations as a result of Conditions 4 and 5;

- h) Any changes as a result of Condition 8;
- i) A landscape plan as required by Condition 9; and
- j) The requirements of VicRoads (Condition 29).
- k) Deletion of level 2
- l) Provision for a pedestrian line marking along the laneway to allow for safe movements

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

3. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. An amended STORM Rating Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 2. The STORM Rating Report must correctly show the suitable treatment of stormwater from all balcony areas and obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) 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 Guidelines and Template.

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

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

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

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

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

8. Before the development commences, an amended Sustainable Management Plan (SMP) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The SMP must be generally in accordance with the SMP submitted with the application, and as amended on 16 May 2018, but modified as follows:
 - a) Any changes as required by Condition 2 of this permit; and
 - b) A corrected raingarden design detail.

Upon approval the SMP will be endorsed as part of this planning permit. The development must incorporate the sustainable design initiatives outlined in the endorsed SMP to the satisfaction of the Responsible Authority.

9. Before the development commences, and before any trees or vegetation are removed amended landscape plans prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The amended landscape plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Any changes as required by Condition 2 of this permit;
 - b) A complete and fully detailed planting schedule;
 - c) Design details of planter structures at the upper levels; and
 - d) An appropriate irrigation system for all ground and upper level planting.

When approved the amended landscape plans will be endorsed and will form part of this permit. Landscaping in accordance with the endorsed landscape plans must be completed before the development is occupied.

10. 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.
11. Before the development commences, the Waste Management Plan prepared by Leigh Design Pty Ltd dated 12 December 2017 is to be updated as required by Condition 2 and submitted to the Responsible Authority for endorsement. 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.

12. Before the development commences, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- a) A car parking layout generally in accordance with the relevant requirements of the Australian Standards for Off-Street Car Parking AS/NZS 2890.1-2004 (including ramp grades and dimensions, column location, headroom clearance, etc.);
 - b) Arrangements for the provision and allocation of car spaces to accord with the endorsed development plans;
 - c) The management of the residential and visitor parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances;
 - d) Lighting of parking areas, entries and exits;
 - e) Ventilation of parking areas;
 - f) Proposed signage to direct occupants and visitors to their designated spaces;
 - g) No charge being made for car parking without the consent of the Responsible Authority;
 - h) The entry point and exit point to be provided with appropriate signage and line marking; and
 - i) Traffic calming measures for inclusion within the accessways and car parking areas on site, including rubber speed humps and speed restrictions as appropriate.

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. Before the construction of the development authorised by this permit commences, other than demolition and works required by the environmental assessment process, a contamination assessment of the land must be submitted to and approved by the Responsible Authority. The assessment must be:
- a) Carried out by a suitably qualified environmental professional with suitable qualifications who is a member of the Australian Contaminated Land Consultants Association (Victoria);
 - b) Carried out in accordance with the Potentially Contaminated Land General Practice Note (Department of Sustainability and Environment June 2005) to the satisfaction of the Responsible Authority; and
 - c) Paid for by the owner or permit holder along with all costs and expenses associated with the preparation of the Site Contamination Assessment

Report and those incurred by the Responsible Authority to review the report.

The Site Contamination Assessment Report must include:

- a) A review of the site history, including previous land uses and activities that may have had the potential to cause contamination of the land, and including anything known about the likelihood and significance of any contamination of the land;
 - b) An assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
 - c) Details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
 - d) Recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970* (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
14. If the assessment required by Condition 13 results in a recommendation that an Environmental Auditor does not need to be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, and this recommendation is accepted by the Responsible Authority:
- a) The development authorised by this permit must not be undertaken unless the Site Contamination Assessment Report clearly states that the land is currently or following remediation or other works, will be suitable for the sensitive use for which the land is proposed to be developed;
 - b) The development authorised by this permit must not be undertaken until compliance is achieved with any provisions, recommendations and requirements that the Site Contamination Assessment Report states must be implemented and complied with before the development commences (pre-commencement conditions);
 - c) If there are any pre-commencement conditions, then before the construction of the development authorised by this permit commences, a letter prepared by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association (Victoria) which states that the pre-commencement conditions have been complied with must be submitted to the Responsible Authority;
 - d) The development authorised by this permit must not be occupied until compliance is achieved with the provisions, recommendations and requirements that the Site Contamination Assessment Report states must be implemented and complied with before the development is occupied (pre-occupancy conditions);
 - e) Before the development authorised by this permit is occupied, a letter prepared by a suitably qualified environmental professional who is a

- member of the Australian Contaminated Land Consultants Association (Victoria) which states that all pre-occupancy conditions have been complied with must be submitted to the Responsible Authority;
- f) If any provision, recommendation or requirement of the Site Contamination Assessment Report requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the responsible authority pursuant to Section 173 of the *Planning and Environment Act 1987* (Agreement). The Agreement must:
- i. Provide for the undertaking of the ongoing maintenance and monitoring as required by the Assessment Report; and,
 - ii. Be executed before the sensitive use for which the land is being developed commences;
- g) The owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
15. If the assessment required by Condition 13 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- a) A Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
 - b) A Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement);
- and the Certificate or Statement must be provided to the Responsible Authority.
16. If, pursuant to Condition 15, a Statement is issued:
- a) The development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
 - b) The development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
 - c) Before the construction of the development authorised by this permit commences, a letter prepared by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association (Victoria) which states that the pre-commencement conditions have been complied with must be submitted to the Responsible Authority;

- d) The development authorised by this permit must not be occupied until compliance is achieved with the provisions, recommendations and requirements that the Statement states must be implemented and complied with before the development is occupied (pre-occupancy conditions);
 - e) Before the development authorised by this permit is occupied, a letter prepared by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association (Victoria) which states that all pre-occupancy conditions have been complied with must be submitted to the Responsible Authority;
 - f) If any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the responsible authority pursuant to Section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
 - i. Provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
 - ii. Be executed before the sensitive use for which the land is being developed commences;
 - g) The owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).
17. Before the building approved by this permit is occupied, all retaining walls and boundary walls/structures must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
18. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
19. 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.
20. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
21. 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.
22. 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.

23. 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 crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel to the satisfaction of the Responsible Authority.

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits and on-street parking bays. 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.

24. 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.

25. 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.

26. The plant area and equipment on the roof of the building must be screened in a manner to complement the appearance of the building and be to the satisfaction of the Responsible Authority.
27. 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.
28. The development must be provided with external lighting capable of illuminating access to each vehicle accessway, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.

VicRoads condition

29. The crossover and driveway must be constructed to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of use hereby approved.

End of VicRoads condition

30. 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 on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following: $C_w=0.4$, $t_c=10\text{mins}$, $t_{so}=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development C_w or $C_w=0.80$.

- 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.
- 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.
- 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.
- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council's new online system at <http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx> or in person at 9 Kellaway Ave, Moonee Ponds.
- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.

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

Against: Crs Sipek, Lawrence

CARRIED

9.3 **Reviewing Statutory Planning Protocols**

File No: FOL/18/32

Author: Petrus Barry
Acting Director Organisational Performance

Directorate: Planning and Development

Minute No: 2018/137

At its meeting on 10 July 2018 Council resolved that the matter be deferred to the meeting to be held on 24 July 2018.

Council Resolution

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

1. Adopts the updated Statutory Planning Protocols (July 2018) **Appendix A** (separately circulated).
2. Updates its Instrument of Delegation pursuant to the *Planning and Environment Act 1987* provisions to ensure consistency with the updated Statutory Planning Protocols.
3. Through the Statutory Planning and Technical Services Departments, provides information to the planning community and update the Council website, official forms and correspondence regarding the following:
 - a) Facilitation of complaints in relation to construction activities in general and updated information on the status of Construction and Site Management Plans; and
 - b) Provision of improved information, advice and examples regarding: matters that do and do not constitute a legal planning objection, the procedures following the lodgement of an objection and information regarding applications and decisions similar to the list in 5.4.1 of the Protocols.
4. By July 2023 undertakes a review of the Statutory Planning Protocols (July 2018) as outlined in section 5.1 of the document.

CARRIED UNANIMOUSLY

9.4 Draft Nature Strip Policy

File No: FOL/18/32

Author: Natalie Reiter

Director Planning and Development

Directorate: Planning and Development

Minute No: 2018/138

Council Resolution

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

1. Endorses the Nature Strip Landscaping Policy **Appendix A** (separately circulated), noting that minor corrections may be made, if necessary, prior to public exhibition.
2. Authorises the Chief Executive Officer to publicly exhibit the Nature Strip Landscaping Policy for 30 days and receive submissions.
3. Provides a further report to Council, following the exhibition period.

CARRIED UNANIMOUSLY

9.5 Environmental Upgrade Finance Program

File No: FOL/18/32

Author: Brendan McDonagh
Senior Sustainability Officer

Directorate: City Services

Minute No: 2018/139

Council Resolution

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

1. Supports the establishment of Environmental Upgrade Agreements (EUAs);
2. Establishes the Environmental Upgrade Finance Program, commencing the first quarter of the 2018/2019 financial year;
3. Approves the appointment of the Sustainable Melbourne Fund (SMF)/Better Building Finance (BBF) to administer and support the delivery of EUAs; and
4. Notes the Chief Executive Officer has delegated authority to enter into Environmental Upgrade Agreements under this program.

CARRIED UNANIMOUSLY

9.6 Review of Right of Way Policy Abutting Developments

File No: FOL/18/32

Author: Andrew Ryan
Development Engineer

Directorate: Planning and Development

Minute No: 2018/140

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council defers consideration of Review of Right of Way Policy Abutting Developments to an upcoming Ordinary Meeting of Council.

CARRIED UNANIMOUSLY

9.7 Return of the 2018 General Revaluation

File No: FOL/18/32

Author: Damian Hogan
Manager Finance

Directorate: Organisational Performance

Minute No: 2018/141

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation that Council receives and adopts the return of the 2018 General Revaluation of all properties within the municipality.

CARRIED UNANIMOUSLY

9.8 Draft Gifts, Benefits and Hospitality Policy

File No: FOL/18/32

Author: Allison Watt
Manager Governance and Communications

Directorate: Organisational Performance

Minute No: 2018/142

Council Resolution

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

1. Adopts the Gifts, Hospitality and Benefits Policy provided as Appendix A with the following changes:

On page 8 under 'Hospitality' include the following formatting for the definition of official capacity.

Official capacity is:

- The Mayor or Councillor receives the invitation in the name of the Mayor or Councillor and the invitation is received by the Council or via the Councillors' official e-mail;
- It includes a formal role such as presenting an award, delivering a speech or unveiling a plaque; and
- In all such instances Councillors must wear their Councillor name badge.

Remove the following sentence under 'Procedure' on page 10

Gifts declined in the presence of the gift giver do not need to be disclosed.

2. Notes the policy will be presented to the next Audit Committee Meeting on Monday 27 August 2018.
3. Makes the Policy publicly available on Council's website.

CARRIED UNANIMOUSLY

9.9 Draft Meeting Procedure Protocol

File No: FOL/18/32

Author: Allison Watt
Manager Governance and Communications

Directorate: Organisational Performance

Minute No: 2018/143

Council Resolution

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

1. Adopts the draft Meeting Procedure Protocol as provided in **Appendix A** with the following changes:
 - a) The addition of a new part under 6.8: If the questioner is not present in the gallery the question will not be read.
 - b) Under 6.11 a Notice of Motion must have been announced at a Councillor Briefing Session by the Councillor who is proposing to move it at least one week (seven days) prior to the Ordinary Council Meeting at which it is proposed to be moved.
 - c) Under 8.6 add the words: If the vote is unanimous, the minutes will record it as such.
 - d) Change the sub heading 9.3 to read Debate of Motion or Amendment and delete sub heading 9.4.
 - e) Under 10.2 amend the text to read: A Councillor must not be interrupted except by the Chairperson or upon a point of order or point of clarification. If a Councillor is interrupted by the Chairperson or upon a point of order or point of clarification, he or she must remain silent until the Chairperson has ceased speaking or the point of order or point of clarification has been determined.
 - f) Under 10.6 amend the first sentence to read: A Councillor may move that the meeting disagree with the Chairperson's ruling.
2. Instructs officers to correct any referencing anomalies in the protocol.
3. Publishes a notice of the revised Meeting Procedure Protocol in the Victorian Government Gazette, in accordance with Section 112 of the *Local Government Act 1989*.
4. Receives a further report on rules to govern the conduct and proceedings of public forums.

CARRIED UNANIMOUSLY

9.10 Notices of Motion Quarterly Report

File No: FOL/18/32

Author: Rosie Ferreira
Governance Officer

Directorate: Organisational Performance

Minute No: 2018/144

Council Resolution

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

1. Receives and notes the report on the progress of all endorsed Notices of Motion for the period 10 November 2016 to 26 June 2018 as **Appendix A** (separately circulated).
2. Notes that there has been one Notice of Motion for the period 8 May 2018 to 26 June 2018 requesting Council writes to a Member of Parliament or Government agency; a copy of this letter is provided as **Appendix B**.

CARRIED UNANIMOUSLY

9.11 Report on Assemblies of Councillors - June to July 2018

File No: FOL/18/32
Author: Kate Evans
 Governance Officer
Directorate: Organisational Performance
Minute No: 2018/145

Council Resolution

Moved by Cr Nation, seconded by Cr Lawrence that Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the following assemblies of Councillors:

Assembly	Land acquisition update, 5 June 2018 at 5.45pm Committee Room, Civic Centre	
Matters considered	Potential property acquisitions	
Councillors present	Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Nicole Marshall Cr Cam Nation arrived at 5.55pm Cr Narelle Sharpe	
	Leave of Absence: Cr Jim Cusack, Cr Rebecca Gauci Maurici, Apologies: Cr Richard Lawrence, Cr Andrea Surace	
Staff present	Mr Bryan Lancaster (CEO) Mr Steven Lambert Mr Petrus Barry Ms Natalie Reiter arrived at 5.55pm	Mr Gil Richardson Ms Allison Watt Ms Vera Mitrovic – Misic Ms Melanie Odendaal
Conflict of interest	Nil	
Assembly	Committee Meeting to hear Budget Submissions, 5 June 2018 at 6pm Council Chamber , Civic Centre	
Matters considered	<ul style="list-style-type: none"> • Ed Castenmiller – Drivelink program • Graeme Sharman-Penleigh and Essendon Grammar School • John Breen – Doutta Stars sports club • Rose Iser – Representing concerned residents 	

	<ul style="list-style-type: none"> • Ania Mortellaro – President Moonee Valley Toy Library • Cameron McDonald – Victorian Masters Athletics 	
Councillors present	Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Richard Lawrence Cr Nicole Marshall Cr Cam Nation Cr Narelle Sharpe	
	Leave of Absence: Cr Jim Cusack and Cr Rebecca Gauci Maurici Apology: Cr Andrea Surace	
Staff present	Bryan Lancaster (CEO) Steven Lambert Petrus Barry Natalie Reiter Gil Richardson	Allison Watt Damian Hogan Colleen Seymour Vera Mitrovic–Mistic Jim Karabinis
Conflict of interest	Nil	
Assembly	Strategic Briefing 5 June 2018 at 7pm Council Chamber, Civic Centre	
Matters considered	<ul style="list-style-type: none"> • Clocktower Activation • Disability Services Tender • East Keilor Leisure Centre Redevelopment program update • Community funding review • 12 June 2018 OCM Agenda 	
Councillors present	Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Nicole Marshall Cr Cam Nation Cr Narelle Sharpe Cr Andrea Surace	
	Leave of Absence: Cr Jim Cusack and Cr Rebecca Gauci Maurici, Apology: Cr Richard Lawrence	
Staff present	Bryan Lancaster (CEO) Steven Lambert Petrus Barry	Jim Karabinis Paul Bennett Maria Weiss

	Natalie Reiter Gil Richardson Allison Watt Patricia Keenan Matthew Pope	Peter Gaffney Mandy Bodman Kate McCaughey Nina Stanwell Sarah Edwards
Conflict of interest	<p>Cr Cam Nation declared an indirect conflict of interest in the East Keilor Leisure Centre Redevelopment Program Update due to reasons previously disclosed in writing to the CEO and left the meeting at 9.15pm and returned at the completion of the item at 10.04pm.</p> <p>Cr Narelle Sharpe declared an indirect conflict of interest in the Footpath Trading Policy due to a conflicting duty as a result of her place of work; this item was not discussed.</p>	
Assembly	OCM Pre Meet, 12 June 2018 at 6.00pm Committee Room, Civic Centre	
Matters considered	<ul style="list-style-type: none"> • 12 June 2018 OCM agenda • NDIS alternate motion 	
Councillors present	<p>Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Richard Lawrence arrived at 6.05pm Cr Nicole Marshall Cr Cam Nation arrived at 6.14pm Cr Narelle Sharpe Cr Andrea Surace</p> <p>Leave of Absence: Cr Jim Cusack and Cr Rebecca Gauci Maurici</p>	
Staff present	Bryan Lancaster (CEO) Steven Lambert Natalie Reiter Gil Richardson	Allison Watt Carey Patterson Brooke Ranken Vera Mitrovic - Mistic
Conflict of interest	Cr Narelle Sharpe declared an indirect conflict of interest in item 9.5 Footpath Trading Policy due to a conflicting duty as a result of her place of work and left the room at 6.15pm prior to the discussion and returned at 6.17pm once the discussion had concluded.	
Assembly	OCM Pre Meet, 26 June 2018 at 5.48pm Committee Room, Civic Centre	

Matters considered	OCM Agenda
Councillors present	Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence (arrived at 5.57pm) Cr Nicole Marshall Cr Cam Nation (arrived at 5.55pm) Cr Narelle Sharpe Cr Andrea Surace
Staff present	Bryan Lancaster (CEO) Steven Lambert Petrus Barry Jessie Keating Kate Heissenbuttel Damian Hogan Kate McCaughey Vera Mitrovic - Misic Nikhil Aggarwal Allison Watt
Conflict of interest	Nil.
Assembly	Strategic Briefing 3 July 2018 at 6.10pm Council Chamber, Civic Centre
Matters considered	<ul style="list-style-type: none"> • LXRA Buckley Street Upgrade • Environmental Upgrade Finance Program • Meeting Procedures Protocol • Gifts Policy • EKLC Update • Draft OCM Agenda 10 July 2018
Councillors present	Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Narelle Sharpe
	Leave of Absence: Cr Marshall, Cr Surace Apology: Cr Nation

Staff present	Bryan Lancaster (CEO) Steven Lambert Petrus Barry Gil Richardson Jessie Keating Peter Gaffney	Vera Mitrovic - Mistic Paul Bennett Melanie Lorback Stephanie Mitten Brendan Mc Donagh Allison Watt
Externals	Michael Caink - LXRA Jo Lewis - LXRA Adam Neville - LXRA	
Conflict of interest	The Mayor, Cr Sipek declared an indirect conflict of interest in Item 9.1 454-470 Racecourse Road, Flemington due to a close association as the applicant is known to him. A written disclosure was provided to the Chief Executive outlining the reasons for this conflict. Cr Sipek left the chamber at 7.04pm and returned after the discussion had concluded at 7.19pm.	
Assembly	OCM Pre Meet, 10 July 2018 at 6.00pm Committee Room, Civic Centre	
Matters considered	10 July 2018 OCM agenda items 9.2, 9.3, 9.4, 9.5, 9.6, 9.7 9.8 and 12.1	
Councillors present	Cr John Sipek (Mayor) Cr Samantha Byrne (Deputy Mayor) Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Cam Nation Cr Narelle Sharpe	
	Leave of Absence: Cr Nicole Marshall, Cr Andrea Surace.	
Staff present	Bryan Lancaster (CEO) Steven Lambert Natalie Reiter Gil Richardson Petrus Barry Vera Mitrovic – Mistic Allison Watt	
Conflict of interest	Nil.	

CARRIED UNANIMOUSLY

10. Notices of Motion

Nil

11. Urgent Business

Nil.

12. Confidential Reports

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall 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 Phone Replacement Proposal

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

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 7.49pm

**CR JOHN SIPEK
CHAIRPERSON**