

Minutes

Ordinary Meeting of Council

Tuesday, 26 March 2019

6:30pm

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Minutes of the Ordinary Meeting of Council

Tuesday, 26 March 2019 at 6:30PM
held at the Moonee Valley Civic Centre

Present

Members: Cr Narelle Sharpe Mayor
Cr Samantha Byrne
Cr Jim Cusack
Cr Nicole Marshall
Cr Cam Nation
Cr Andrea Surace

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr Steven Lambert Director City Services
Ms Kendrea Pope Director Organisational Performance
Ms Natalie Reiter Director Planning and Development
Mr Peter Gaffney Acting Director Asset Planning and Strategic Projects
Mr Petrus Barry Manager Statutory Planning
Ms Allison Watt Manager Governance and Communications

1. Opening

The Mayor, Cr Sharpe, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 26 March 2019.

2. Reconciliation Statement

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.

3. Apologies

Apologies were received from Crs Richard Lawrence, Rebecca Gauci Maurici and John Sipek.

Minute No. 2019/49

Council Resolution

Moved by Cr Surace, seconded by Cr Byrne that apologies from Crs Richard Lawrence, Rebecca Gauci Maurici and John Sipek be noted.

CARRIED UNANIMOUSLY

Leave of Absence

Minute No. 2019/50

Council Resolution

Moved by Cr Surace, seconded by Cr Byrne that Council grant Cr Cam Nation leave of absence from 2 April 2019 to 25 April 2019 inclusive and Cr John Sipek leave of absence for the period 26 March 2019 to 23 April 2019 inclusive.

CARRIED UNANIMOUSLY

4. Confirmation of Minutes

Minute No. 2019/51

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation that the Minutes of the Ordinary Meeting of Council held on Tuesday 12 March 2019, be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Cr Cam Nation declared an indirect conflict of interest in item 14.1 due to conflicting duty, for reasons disclosed to the CEO prior to the meeting.

6. Presentations

Christchurch victims minute silence

Mayor, Cr Narelle Sharpe, on behalf on behalf of Moonee Valley City Council, extended deepest sympathy to the people of Christchurch and victims of the 15 March 2019, tragedy.

The chamber observed one minutes silence as a mark of respect to the victims of Christchurch.

Moonee Valley Golden Age Women book launch

Council, through the community funding program, contributed \$5000 towards the creation of this special bilingual book, that documents Chinese community seniors' activities during the past 10 years in Flemington. This publication aims to share the journey of the Chinese community with the wider community, as a way of fostering community connections and as an educational tool.

7. Petitions and Joint Letters

7.1 **Recommencement of the Park and Ride shuttle bus service**

Author: Emily Chiles - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/52

Council Resolution

Moved by Cr Marshall, seconded by Cr Surace that Council resolves to:

1. Receive and note the petition.
2. Refer this matter to the City Services and Strategic Projects Directorate for investigation and reporting back to Council.
3. Advise the petition organiser accordingly.

CARRIED UNANIMOUSLY

7.2 **Paid parking along The Boulevard Moonee Ponds**

Author: Emily Chiles - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/53

Council Resolution

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

1. Receive and note the petition.
2. Refer this matter to the Director Asset Planning and Strategic Projects for investigation and reporting back to Council.
3. Advise the petition organiser accordingly.

For: Crs Byrne, Marshall, Nation, Sharpe, Surace

Against: Cr Cusack

CARRIED

8. Public Question Time

Doug Stevens asked Council:

I ask these questions in relation to the decision to implement paid car parking in The Boulevard Moonee Ponds. On the basis of Maribyrnong Park Football Club correspondence dated 11 March 2019 would Council Officers and or Councillors please advise what if any consultation was held with residents (rate payers) and or the Sporting Clubs who occupy the precinct to the impact such a decision will have on the various sporting clubs and their members?

In particular the football club that requires access to significant parking for the participants on Monday -Friday between the hrs of 4.30pm-8.30pm and on weekends from 8.00am -6.00pm on most Saturdays and Sundays during the winter season. On the basis of the 5,000 plus individuals who have signed a 'Change.org' petition currently lodged with council, opposing this decision and the impact it will have on our communities involvement in community sport, will Councillors revoke this decision, and arrange to have appropriate consultation with rate payers and the stakeholders on alternatives that may be explored through a consultation process with all stakeholders?

Natalie Reiter, Director Planning and Development responded, that on the IAP2 spectrum of public participation outlines engagement as ranging from informing to empowering.

On the matter of paid parking which is notoriously unpopular, engagement has only been at the 'inform' level, via letters to all known stakeholders.

Councillors will make a decision on paid parking along the Boulevard this evening.

Rose Iser asked Council:

Why has the location of the new Flemington Community Hub not been a topic for discussion with the Flemington Neighbourhood Advisory Group prior to a decision being made by officers?

Natalie Reiter, Director Planning and Development responded, from an Urban Design perspective the neighbourhood interface precinct is overwhelmingly the superior precinct in which to locate the hub – providing a northerly aspect and terrific opportunities for optimising the hub's interaction with park uses.

The strong rationale for siting the hub in the neighbourhood interface precinct meant that all three concept options sit within this precinct.

This was not a decision by officers, but a deduction made by experts in the area based on an appropriate response to the site.

Rose Iser asked Council:

If Council isn't open to reconsidering facilities provided by the HUB (specified in Attachment C) or its location (specified in Attachment C), and if the \$40 million budget only covers the HUB component, not other sporting or park facilities, what aspects of the project will community be able to contribute to through consultation beyond the 'look' and design of the HUB?

9. Public Question Time continued

Natalie Reiter, Director Planning and Development responded, Council is absolutely open to responding to community feedback on facilities provided in the hub, and any feedback on the three siting options within the neighbourhood interface.

We are open to hearing about the non-hub aspects of the plan that will form part of the long term plan for Debneys Park, so there's much more than the look to talk about and for which to plan and we encourage everyone to have their say.

Gianni Gianangeli asked Council:

In relation to the proposed development at 1 St Leonards Road Ascot Vale, why did we not received amended plans for comment as promised at the 21 November 2018 consultation meeting?

Petrus Barry Manager Statutory Planning responded, at the meeting the permit applicants identified that amended plans may be provided following the consultation meeting addressing the objectors concerns. It was noted that depending on the scale of changes made, the amended plans would be formally amended with notice depending on the extent of changes.

The permit applicants did not formally prepare amended plans nor amend their application.

The without prejudice plans provided show the deletion of the studios from Dwellings 3 and 4 and highlight how the development would look in response to a potential condition requiring this change.

Additionally, there was no requirement to further distribute plans as the proposed amendments do not result in any further detriment to the adjoining properties or streetscapes and if formally amended, would not trigger formal notice requirements.

Gianni Gianangeli asked Council:

When the notice of the 26 March was sent, why was the officer's report not included?

Petrus Barry Manager Statutory Planning responded the Ordinary Council Meeting agenda is published on the Friday before the meeting and contains the officer report and all the relevant appendices.

Alison Gianangeli asked Council

In relation to the proposed development at 1 St Leonards Road Ascot Vale, at the consultation meeting held in November 2018, the developer agreed to consider colorbond roofing after consultation with neighbouring residents, why has this not been incorporated into the revised drawings?

Petrus Barry, Manager Statutory Planning responded, officers are unaware that the permit applicant proposed colorbond roofing and notes from the consultation meeting, do not reflect this undertaking either.

Further, the proposed tiled roof is generally consistent with the surrounding streetscapes.

10. Public Question Time continued

Alison Gianangeli asked Council

Excluding the 1m x 1.5m length fence on the corner of the laneway for visibility, why has the height of the fence on the St Leonards Road side of the property not been reduced to be consistent with the surrounding properties?

Petrus Barry, Manager Statutory Planning responded, the section of fencing within St Leonards Road with a height of 1.8 metres, provides screening to protect the amenity of the secluded private open space area of proposed Dwelling 4. This is generally consistent with developments on corner sites.

Peter Linke asked Council:

In regard to the proposed development at 1 St Leonards Road Ascot Vale, the Council report indicates that the developer should be exempted from having to meet minimum setback requirements which will impact the properties to the south and west. Why does Council think it is acceptable to not meet the minimum standards relating to overshadowing and also open space requirements for dwelling 4?

Petrus Barry Manager Statutory Planning responded, Council Officers consider that a variation to Clause 55.04-1 (Standard B17 Side and Rear Setbacks) of the Moonee Valley Planning Scheme is acceptable in this instance due to the laneway abuttal to the west and the location of the areas of non-compliance being located away from sensitive areas to the south.

The proposed development complies with Clause 55.04-5 (Standard B21 Overshadowing) of the Moonee Valley Planning Scheme. This Standard seeks to ensure that buildings do not significantly overshadow existing private open space. The private open space area of the adjoining property to the south maintains at least 5 hours of sunlight in accordance with this Standard and is only overshadowed at 3pm.

Dwelling 4 is provided with 60sqm of private open space, inclusive of an area of secluded private open space of over 25 square metres. This is fully compliant with Clause 55.05-4 (Standard B28 Private Open Space) of the Moonee Valley Planning Scheme.

Peter Linke asked Council:

Council Planning Scheme Clause 55.02 Standard B6 says when there is a corner site, the setback should be the same as the abutting dwelling or 9m whichever is the lesser. No 3 St Leonards Road has a setback of approximately 5.9m. Dwelling 4 of the proposal for 1 St Leonards Road has a setback of approximately 2m.

- A. How is this consistent with Council's Planning Scheme?
- B. How does this accord with Council's Neighbourhood Character Study – Garden Suburban Precinct 4, which says that loss of consistent side and front setbacks should be avoided?

11. Public Question Time continued

Petrus Barry Manager Statutory Planning responded, Clause 55.03-1 (Standard B6 Street Setbacks) of the Moonee Valley Planning Scheme requires a front setback to The Crescent of at least 0.938 metres, which is consistent with the adjoining property to the south. As Dwelling 4 fronts The Crescent, the setback to the side street (being St Leonards Road) is required to be 2 metres. The proposed development fully complies with this Standard.

The siting and massing of the development is consistent with the pattern of development which has occurred in the immediate and wider area and is responsive to its site context. In particular, the spacing of the dwellings are consistent with the adjoining properties to the south and the properties on the opposite side of St Leonards Road to the north.

The setbacks of the dwellings from both street frontages maintain the setback rhythm in the streetscapes and the attached form of the development is appropriate in this instance as it maintains the existing built form pattern in this section of The Crescent and the wider area, which includes numerous terraced forms.

Ruth Spielman, asked Council

In regard to the proposed development at 1 St Leonards Road, Ascot Vale, the plans show that dwelling 4 faces St Leonards Road. There is a 1.8m paling fence part way along St Leonards Road. How does it meet Clause 55.02 Standard B5 of Council's Planning Scheme which has an objective of development integrating with the street and that high fencing in front of developments should be avoided if practicable?

Petrus Barry Manager Statutory Planning responded the proposed development is consistent with Clause 55.02-5 (Standard B5 Integration with the Street) of the Moonee Valley Planning Scheme as:

- Vehicular access is confined to the laneway along the western boundary and pedestrian access is located to The Crescent.
- The development has been oriented towards The Crescent, maintaining the streetscape rhythm set by the adjoining terrace dwellings to the south and maintained on the northern side of St Leonards Road.
- Front fencing has been limited to 1.2 metres within The Crescent frontage and only increases to 1.8 metres within St Leonards Road to provide practical and appropriate privacy to the Secluded Private Open Space area of Dwelling 4. This section of fence is limited in length and is consistent with developments on corner sites.

Ruth Spielman, asked Council

How does a 1.8m fence meet the Planning Scheme decision guidelines which require the responsible authority to consider any relevant neighbourhood character objective, policy or statement and the design response?

12. Public Question Time continued

Petrus Barry Manager Statutory Planning responded, the side fence to Dwelling 4 within the St Leonards Road frontage, while 1.8 metres in height is appropriate in this instance as it abuts the Secluded Private Open Space of this dwelling. This is consistent with this form of development on a corner site.

Mena and Anthony Sciuto asked Council:

In relation to the proposed development at 1 St Leonards Road Ascot Vale, what actions will the developers be taking to prevent the overshadowing of the main living area of 3 St Leonards Road that will be caused by the proposed development?

Petrus Barry Manager Statutory Planning responded The proposed development complies with Clause 55.05-3 (Standard B27 Daylight to New Windows) of the Moonee Valley Planning Scheme as the living room windows of Dwelling 3 have an area clear to the sky with the required minimum area of 3 square metres and a minimum dimension of 1 metre.

Mena and Anthony Sciuto asked Council:

What actions will the developers be taking to address the surface issues on the gravel laneway between 1 St Leonards Road and 3 St Leonards Road, given traffic will increase significantly as a result of the proposed development?

Petrus Barry Manager Statutory Planning responded In the agenda tonight, Condition 14 of the proposed recommendation to grant a permit, requires the construction of the laneway to Council's satisfaction for the length that it abuts the subject site, which will address the concerns with the surface of the laneway.

Caterina Gianangeli asked Council:

In relation to the proposed development at 1 St Leonards Road Ascot Vale, with regards to the fence on to St Leonards Rd - The fence height has only undergone minimal adjustment, there are still numerous points of concern:

- a. The reduced height in lieu of a splay only provides minimal visibility for pedestrians crossing the lane, people accessing the park, cars exiting the lane and cars driving down St Leonards road
- b. The fence height (on St Leonards Rd) is now uneven (multiple heights), and is inconsistent with the remainder of houses that span the length St Leonards Rd to Epsom Rd on that side
- c. The permit is for 1 St Leonards Rd, yet there is no access point from the adjoining residence on to St Leonards Rd (something that was discussed at the meeting in late last year
- d. Council advised in that same meeting that is had previous success at VCAT regarding fence height -being made consistent to adjacent lots (ie. in St Leonards Rd) -which the developer acknowledged.

13. Public Question Time continued

Why has the developer not made the necessary height adjustments for the fence in St Leonards Rd to enable the lot to remain in keeping with the entire length of the street (including consistency in height for the length of the property) and most importantly safe for pedestrian and vehicular traffic - remembering that there is extensive traffic (foot/bike/car) due to the proximity of the train station?

Petrus Barry Manager Statutory Planning responded the fences along St Leonards Road range in height from 1.2 metres at the corner of St Leonards Road and The Crescent, 1.8 metres along St Leonards Road before reducing in height to 1 metre at the intersection with the laneway.

Further, in the agenda tonight, Condition 1(c) in the Recommendation for the item requires the provision of a 1m by 1m splay at the interface with the laneway, which addresses the concerns regarding movements and safety.

Caterina Gianangeli asked Council:

Linked to the lack of access at 1 St Leonards Rd to the adjacent property, can the responsibility for maintaining the lawn outside the property on St Leonards rd. be included in the section 32, or plan/rules for that lot? This is a concern because with long grass and up to 12 bins on the nature strip -there is bound to be a trip hazard, forcing pedestrians to walk on the road to access the train station (particularly concerning with the advanced demographic age of the area).

Further is there a waste management plan that can be documented in the section 32 or development rules to ensure the smell of 12 is not overwhelming for residents?

Petrus Barry Manager Statutory Planning responded given the scale of the development proposed, waste collection will be undertaken by Council Collection.

The assessment concludes that the proposed development complies with Clause 55.03-1 (Standard B6 Street Setback) of the Moonee Valley Planning Scheme and is consistent with development on a corner site.

10. Reports

10.1 **1 St Leonards Road, Ascot Vale (Land in PC169257U) - Construction of four dwellings and reduction in car parking**

File No: Fol/18/2958

Author: Grant Michell - Principal Statutory Planner

Directorate: Planning and Development

Minute No. **2019/54**

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack That Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/520/2018 for the construction of four dwellings at 1 St Leonards Road, Ascot Vale (Land in PC169257U), subject to the following conditions:

Endorsement 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 be in an electronic format. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Alterations in the built form in accordance with the Discussion Plans dated 14 December 2018, Revision C;
 - b) The location of all street furniture and features within road reserve/s on all floor plans;
 - c) A 1 metre by 1 metre splay to the northwest corner of the site at the intersection with the laneway and associated alteration to the location of the waste storage for Dwelling 4;
 - d) The existing splay on Title on the north-eastern corner to The Crescent and St Leonards Road to be infilled with grasscrete pavers;
 - e) Swept path diagrams, prepared by a suitably qualified person, that demonstrates that a B85 vehicle can enter and existing garages appropriately and exit the laneway in a forwards direction with no alteration in the rear setbacks;
 - f) Setback dimensions on all floor plans from the relevant title boundary and all wall heights and maximum overall heights on all elevation plans;
 - g) All overlooking screening measures and details of all first floor habitable room windows in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme, including a notation that all obscured glazed windows are fixed up to

1.7 metres above Finished Floor Level;

- h) All vehicle crossovers constructed in accordance with Council's Vehicle Crossing Design Standards and Vehicle Crossing Policy;
- i) All BESS annotations and measures in accordance with Condition 4;
- j) All permeable and impermeable surfaces clearly noted and all Water Sensitive Urban Design (WSUD) treatment measures and associated annotations in accordance with the amended STORM report required by Condition 3;
- k) An amended Landscape Plan in accordance with Condition 7; and
- l) The 1.5 metre high timber paling fence along St Leonards Road of Dwelling 4 to be setback 500mm from the northern boundary and appropriately landscaped.

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

- 2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
- 4. A published BESS report (or equivalent) must be submitted simultaneously with amended plans in accordance with Condition 1 and must comply with Clause 21.04-3 (Ecologically Sustainable Development) of the Moonee Valley Planning Scheme.
- 5. A minimum 30 days prior to any building or works commencing, all WSUD Design 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 maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the system operates; and
 - d) A report confirming completion and commissioning of all WSUD Response treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this

permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

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

7. Before the development starts, and before any trees or vegetation are removed an amended landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and in an electronic format. The amended landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Any changes in accordance with Condition 1 of this permit;
 - b) The use of drought tolerant species;
 - c) Features such as paths, paving and accessways;
 - d) All Environmental Sustainable Design (ESD) design solutions in accordance with the successful STORM/BESS report/s;
 - e) 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;
 - f) An appropriate irrigation system; and
 - g) Screen planting in front of the timber paling fence of Dwelling 4 within the St Leonards Road frontage must be at least 1.5 metres high at planting and achieve a minimum height of 2 metres at maturity with the purpose of the landscaping to screen the fence.

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

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

8. 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.

End Endorsement Conditions

Development Conditions

9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
10. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

11. 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.
12. 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.

13. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Available for use in accordance with the endorsed plans;
 - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving),

in accordance with the endorsed plans to the satisfaction of the

Responsible Authority.

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

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

to the satisfaction of the Responsible Authority.

14. Before the building/s approved by this permit is/are occupied, a right of way is to be constructed for 24.7 metres in accordance with the Moonee Valley City Council Drawing No. 34/43 (Standard Reinforced Concrete Paving/Asphalt for Right of Ways). All costs associated with the survey, design and construction of the right of way must be borne by the permit holder.

Before the development starts, detailed engineering drawings to show the construction of the right of way are to be submitted to and approved by the Responsible Authority. The right of way is to be surveyed by a licensed surveyor and designed by a civil engineer with suitable qualifications to the satisfaction of the Responsible Authority. The plans are to indicate existing surface levels, proposed surface levels and construction of the right of way in accordance with Moonee Valley City Council Drawing No. 34/43.

Before the buildings approved by this permit are occupied, construction of the right of way as specified in this permit must be completed to the satisfaction of the Responsible Authority.

Following the completion of the right of way, and before the buildings approved by this permit are occupied, as constructed plans must be submitted to and approved by the Responsible Authority.

The right of way must be constructed and properly drained to the satisfaction of the Responsible Authority.

15. The existing street tree on St Leonards Road must not be removed or damaged as a result of the permitted development.
16. 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.
17. 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.

18. Prior to the issue of an Occupancy Permit, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
19. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
20. This permit will expire if:
 - a) The development does not start within two (2) years of the date of issue of this permit, or
 - b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

Permit Notes:

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the land.
- 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.

- 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: $C_w=0.4$, $t_c=10$ mins, $t_{so}=5$ 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 $C_w=0.80$.
- 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 CSMP's are required to be made via Council's online system at <http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx> or in person at 9 Kellaway Avenue, Moonee Ponds.
- An application under Section 106(c) of the *Transfer of Land Act 1958* should be made to extinguish the 'Right' over the land marked E-1 on Title Plan 457894Q.

CARRIED UNANIMOUSLY

10.2 8 Janet Street, Keilor East (Lot 116 on Plan of Subdivision 052639) - Construction of three double storey dwellings

Author: Vi Neilsen - Senior Statutory Planner

Directorate: Planning and Development

Minute No. **2019/55**

Council Resolution

Moved by Cr Byrne, seconded by Cr Surace that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/358/2018 for the construction of three double storey dwellings at 8 Janet Street, Keilor East (Lot 116 on Plan of Subdivision 052639), in accordance with the following grounds:

1. The proposal does not achieve the mandatory 35% Garden Area in accordance with Clause 32.08-4, General Residential Zone of the Moonee Valley Planning Scheme.
2. The proposal fails to achieve acceptable outcomes in terms of neighbourhood character, in particular it does not respond appropriately to the design guidelines of the Garden Court 4 Precinct under the Moonee Valley Neighbourhood Character Study 2012 in relation to:
 - a. Building height, form and layout; and
 - b. Building materials, design and details.
3. The proposal fails to comply with the following provisions of Clause 55 of the Moonee Valley Planning Scheme:
 - c. Clause 55.03-1 (Standard B6, Street setback);
 - d. Clause 55.04-3 (Standard B19, Daylight to existing windows);
 - e. Clause 55.04-6 (Standard B22, Overlooking); and
 - f. Clause 55.05-5 (Standard B29 Solar access to open space).
4. The first floor layout provides poor internal amenity for the future occupants of the dwellings.
5. The tandem car parking space of Dwelling 3 creates poor amenity from the living room of Dwelling 2.

CARRIED UNANIMOUSLY

Cr Surace left the chamber at 7.28pm and returned at 7.30pm before the vote on the following item.

10.3 Flemington Community @Debneys Park - Draft Concept Options

Author: Ruth Robles McColl - Major Community Facilities Program Manager

Directorate: Planning and Development

Minute No. 2019/56

Council Resolution

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

1. Approve the release of the three concept options for community consultation from 27 March 2019 for a period of six weeks, noting the \$40 million budget available for the project is sufficient to cover only the Hub component of the broader, long-term plan.
2. Acknowledge the significant work and input to date on the Hub from the Flemington Neighbourhood Advisory Group.
3. Note the consultation to be conducted will include, without limitation:
 - a) providing information for members of the FNAG and Flemington Association to distribute amongst their networks;
 - b) sessions in languages other than English;
 - c) online participation through surveys;
 - d) a presentation to the Flemington Association at a date and time to be agreed with the FA;
 - e) drop in sessions at the Flemington Community Centre, the Flemington Library and other local venues; and
 - f) providing information at the Flemington Library, Farnham St, Crown St Stables, the Flemington Community Centre and other local venues.

For: Crs Cusack, Marshall, Nation, Sharpe, Surace

Against: Cr Byrne

CARRIED

**10.4 Welcoming Cities Network and supporting Diversity
Statement update**

Author: Kate McCaughey - Manager Community Planning

Directorate: Planning and Development

Minute No. 2019/57

Council Resolution

Moved by Cr Nation, seconded by Cr Surace that Council resolves to:

- a. Note the status of recent Council actions in support of cultural diversity as outlined in Attachment B.
- b. Become a member of the Welcoming Cities network.
- c. Write to the Welcoming Cities organisation advising them of this decision, including signing the commitment form outlined in Attachment C.

CARRIED UNANIMOUSLY

10.5 2018/19 Capital Works Program Update

Author: Nikhil Aggarwal - Coordinator Program Management Office

Directorate: Asset Planning and Strategic Projects

Minute No. **2019/58**

Council Resolution

Moved by Cr Cusack, seconded by Cr Surace that Council resolves to authorise requested 2018/19 Capital Works Project variations as per Section A.1 of Attachment B.

CARRIED UNANIMOUSLY

10.6 Response to NoM 2018/08 - Local Arts Display Trial

Author: Patricia Keenan - Senior Coordinator Performing and Visual Arts

Directorate: Planning and Development

Minute No. 2019/59

Council Resolution

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

- a. Exhibit artworks by local artists at key Council facilities and expand the program to other Council owned facilities such as leisure and aquatic facilities and community centres.
- b. Continue the exhibition program in the Council chambers and support civic recognition of artists and their work with Mayoral acknowledgement at the commencement of Ordinary meetings.
- c. Exhibit a revised display of Councillor photographs within the Chamber including a compilation of Councillors photographs for each term.

CARRIED UNANIMOUSLY

Cr Nation left the meeting at 8:05pm.

Cr Nation returned to the meeting before the vote on the next item at 8:07pm.

10.7 Review of the Advocacy Strategy

Author: Meghan Hopper - Advocacy Coordinator

Directorate: Organisational Performance

Minute No. **2019/60**

Council Resolution

Moved by Cr Cusack, seconded by Cr Byrne that Council resolves to adopt the Advocacy Strategy 2019-2021 as detailed in Attachment B.

CARRIED UNANIMOUSLY

10.8 Independent Member Re-Appointment to Council's Audit Advisory Committee

Author: Damian Hogan - Manager Finance

Directorate: Organisational Performance

Minute No. 2019/61

Council Resolution

Moved by Cr Byrne, seconded by Cr Cusack that Council resolves to re-appoint Mr Stephen Horne as an independent member of the Audit Advisory Committee for a period of three years from 1 April 2019.

CARRIED UNANIMOUSLY

10.9 Attendance at 2019 ALGA National General Assembly of Local Government

Author: Allison Watt - Manager Governance and Communications

Directorate: Organisational Performance

Minute No. 2019/62

Council Resolution

Moved by Cr Nation, seconded by Cr Surace that Council resolves to:

1. Endorse the attendance of Councillors Narelle Sharpe, John Sipek, Jim Cusack and Richard Lawrence at the Australian Local Government Association (ALGA) 2019 National General Assembly to be held in Canberra from 16-19 June 2019 in accordance with the Councillor Expenses and Reimbursement Policy.
2. Authorise the Mayor to seek and appoint an alternate Councillor/s in the event that any of the Councillors as appointed in a) above are unable to attend.
3. Note that all Councillors who are approved to attend an interstate event must provide a written report for Council by the third Council meeting after their return from travel outlining the following:
 - purpose of conference, seminar, event or study tour
 - learning outcomes
 - applicable benefits to Council
 - issues for consideration of Council or Councillors
 - conclusion and recommendations

CARRIED UNANIMOUSLY

10.10 Assemblies of Councillors

Author: Tracey Classon - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/63

Council Resolution

Moved by Cr Surace, seconded by Cr Byrne that Council resolves to receive the following records of Assemblies of Councillors in accordance with section 80A(2) of the *Local Government Act 1989*.

Assembly	Public Forum held on Tuesday 19 February 2019 at 6.00pm. Council Chamber, Civic Centre	
Matters considered	<ol style="list-style-type: none"> 1. Questions without notice from a resident regarding nature strip trees overhanging private property in Federation Street, Ascot Vale. 2. Questions without notice from a resident about the future of the Disco Inferno program for people with disabilities 	
Councillors present	Cr Narelle Sharpe (Mayor) Cr John Sipek (Deputy Mayor) Cr Samantha Byrne Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall Cr Andrea Surace Cr Cam Nation	
Staff present	Bryan Lancaster Natalie Reiter Kendrea Pope Steven Lambert Gil Richardson	Allison Watt Malcolm Ward
Conflict of interest	Nil.	

Assembly	Strategic Briefing held on Tuesday 19 February 2019 at 6.29pm. Committee Room, Civic Centre	
Matters considered	<ol style="list-style-type: none"> 1. Moonee Ponds Activity Centre update 2. Christmas in Moonee Valley program debrief 3. Review of Advocacy Strategy 4. East Keilor Leisure Centre construction tender 5. Review of draft agenda for Ordinary Council Meeting on 26 February 2019 6. Chief Executive update 7. Other business 	
Councillors present	Cr Narelle Sharpe (Mayor) Cr John Sipek (Deputy Mayor) Cr Andrea Surace	

	Cr Cam Nation(6.35pm) Cr Samantha Byrne Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall	
Staff present	Bryan Lancaster Natalie Reiter Kendrea Pope Steven Lambert Gil Richardson Allison Watt Peter Gaffney Jessie Keating	Paul Bennett Peter Gaffney Mel Lorback Corina de Araujo Malcolm Ward Meghan Hopper Damir Agic Rui Seguchi-Vosy
External	Leanne Hodyl (Hodyl and Co)	
Conflict of interest	Cr Nation declared an indirect conflict of interest in item 1.4 East Keilor Leisure Centre due to conflicting duty.	

Assembly	Ordinary Council Meeting pre-meet held on Tuesday 26 February 2019 at 6.00pm. Committee Room, Civic Centre	
Matters considered	Ordinary Council Meeting agenda to be held 26 February 2019.	
Councillors present	Cr Narelle Sharpe (Mayor) Cr John Sipek (Deputy Mayor) Cr Samantha Byrne Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Cam Nation Cr Nicole Marshall	
	Apologies: Crs Jim Cusack and Andrea Surace	
Staff present	Bryan Lancaster (CEO) Steven Lambert Kendrea Pope Gil Richardson	Natalie Reiter Petrus Barry Allison Watt
Conflict of interest	Cr Samantha Byrne declared an indirect conflict of interest in item 10.4, due to conflicting duty. This item was not discussed, Cr Byrne was not required to leave the meeting.	

Assembly	Strategic Briefing held on Tuesday 5 March 2019 at 6.00pm. Cross Keys Reserve, Bridge Street Essendon	
Matters considered	<ol style="list-style-type: none"> 1. Ascot Vale Leisure Centre 2. Gender Equity Workshop 3. 2017 Heritage Study – stage 3 4. MPAC – Streetscapes and Transport 	

	<p>5. Proposed on-call Hard Waste Collection 6. 2019-20 draft Budget – Operating and Capital 7. Review of the Draft Agenda for the Ordinary Meeting to be held 12 March 2019 8. Chief Executive update</p>	
Councillors present	<p>Cr Narelle Sharpe (Mayor) Cr Samantha Byrne Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall</p>	
	<p>Apologies: Crs Andrea Surace, John Sipek and Cam Nation</p>	
Staff present	<p>Bryan Lancaster Natalie Reiter Kendrea Pope Steven Lambert Gil Richardson Allison Watt Petrus Barry Jim Karabinis Dino De Milos Damian Hogan</p>	<p>Kate McCaughey Jessie Keating Damir Agic Fiona McDougall Corina de Araujo David Basil Rui Seguchi-Vos Andrew Kelly Nikhil Aggarwal</p>
External	<p>Ruth McGowan (consultant)</p>	
Conflict of interest	<p>Cr Gauci Maurici declared an indirect conflict of interest on item 2.3 (MPAC) due to close association as family members live in the area. Cr Marshall declared a conflict of interest in relation to item 2.1 on the Strategic Briefing Agenda/10.4 on the draft OCM Agenda (2017 Heritage) Study because of a direct interest, as declared to the CEO in writing. Cr Marshall also declared a conflict of interest in relation to item 2.3 (MPAC) because of an indirect interest, as declared to the CEO in writing.</p>	
Assembly	<p>Ordinary Council Meeting pre-meet held on Tuesday 12 March 2019 at 6.00pm. Committee Room, Civic Centre</p>	
Matters considered	<p>Ordinary Council Meeting agenda to be held 12 March 2019.</p>	
Councillors present	<p>Cr Narelle Sharpe (Mayor) Cr John Sipek (Deputy Mayor) Cr Samantha Byrne Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Andrea Surace Cr Jim Cusack (6.05pm) Cr Nicole Marshall (6.08pm)</p>	

	Apologies: Cr Cam Nation	
Staff present	Bryan Lancaster (CEO) Steven Lambert Kendrea Pope Gil Richardson	Natalie Reiter Petrus Barry Allison Watt
Conflict of interest	Cr Marshall declared a direct conflict of interest in Item 10.4 for reasons disclosed previously to the CEO. This item was not discussed, Cr Marshall was not required to leave the meeting.	

Assembly	Strategic Briefing held on Tuesday 19 March 2019 at 6.10pm. Council Chamber	
Matters considered	<ol style="list-style-type: none"> 1. East Keilor Leisure Centre redevelopment update 2. Flemington Community at Debneys Park 3. Riverside Netball 4. Moonee Ponds Activity Centre – planning controls and informal consultation 5. Review of the draft agenda for the Ordinary Meeting to be held 26 March 2019 6. Other business / proposed Notices of Motion 	
Councillors present	Cr Narelle Sharpe (Mayor) Cr Samantha Byrne Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall Cr Cam Nation Cr Andrea Surace (6.36pm-8.15pm)	
	Apology: Cr Sipek	
Staff present	Bryan Lancaster(CEO) Natalie Reiter Kendrea Pope Steven Lambert Gil Richardson Allison Watt Jim Karabinis	Peter Gaffney Melanie Lorback Kate Heissenbuttel Jim Karabinis Frances Hoban Ruth Robles McColl
Conflict of interest	Cr Marshall declared an indirect conflict of interest due to close association in item 1.4 for reasons previously disclosed in writing to the CEO. Cr Gauci Maurici declared an indirect conflict of interest due to close association in item 1.4 for reasons previously disclosed in writing to the CEO. Cr Nation declared an indirect conflict of interest due to conflicting duty in tem 1.1 and arrived at briefings after the discussion on this item.	

CARRIED UNANIMOUSLY

11. Notices of Motion

11.1 Notice of Motion No. 2019/07 - Advocacy for increased tree canopy on Department of Education and Training sites

From: Councillor John Sipek

Minute No. 2019/64

Council Resolution

Moved by Cr Marshall, seconded by Cr Byrne that Council writes to the Minister for Education, The Hon James Merlino MP, to advocate for an increase in the planting of trees on Department of Education and Training sites in Moonee Valley, in support of Council's vision to increase the tree canopy across the city from 11 per cent to 30 per cent by 2040.

CARRIED UNANIMOUSLY

11.2 Notice of Motion No. 2019/08 - Review of Secondary College zones

From: Councillor Samantha Byrne

Minute No. 2019/65

Council Resolution

Moved by Cr Byrne, seconded by Cr Surace that the Mayor writes to the Minister for Education, the Hon James Merlino and the State Member for Niddrie, the Hon Ben Carroll requesting:

1. A review of the secondary college zones covering Avondale Heights;
2. That the review addresses the requirement for Avondale Heights residents travelling to Braybrook College or Sunshine College to travel through multiple suburbs and cross the Maribyrnong River; and
3. A formal response to Council indicating when and how the changing of the school zones can occur.

CARRIED UNANIMOUSLY

11.3 Notice of Motion No. 2019/09 - Immediate halt to the installation of parking meters along The Boulevard, Moonee Ponds

From: Councillor Cam Nation

Minute No. 2019/66

Motion

Moved by Cr Nation, seconded by Cr Marshall that Council acknowledges the considerable concerns of local community organisations and community members and resolves not to proceed with the proposal to install parking meters in the Maribyrnong River precinct (including The Boulevard, Moonee Ponds).

Meeting adjournment

Minute No. 2019/67

Council Resolution

Moved by Cr Surace, seconded by Cr Byrne that Council adjourn the meeting for five minutes.

For: Crs Byrne, Marshall, Nation, Sharpe, Surace

Against: Cr Cusack

CARRIED

The meeting was adjourned at 8.57pm.

The meeting resumed at 9.04pm

The Mayor vacated the chair and Cr Andrea Surace assumed the Chair at 9.07pm.

Amendment

Moved by Cr Byrne, seconded by Cr Sharpe that Council acknowledges the considerable concerns of local community organisations and community members and resolves not to proceed with the proposal to install parking meters.

For: Crs Byrne, Marshall, Nation and Sharpe

Against: Cr Cusack, Surace

CARRIED

The Mayor resumed the Chair at 9.24pm

Council Resolution

Moved by Cr Nation, seconded by Cr Marshall that Council acknowledges the considerable concerns of local community organisations and community members and resolves not to proceed with the proposal to install parking meters.

For: Crs Byrne, Nation, Marshall and Sharpe

Against: Crs Cusack, Surace

CARRIED

Cr Marshall left the meeting at 9:36pm.

12. Urgent Business

Nil.

13. Delegates Reports

Nil.

14. Confidential Reports

Minute No. 2019/68

Council Resolution

Moved by Cr Surace, 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:

14.1 East Keilor Leisure Centre redevelopment progress update

Item 14.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

14.2 Riverside Netball

Item 14.2 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

14.3 Replacement of Community Strengthening's Client Management System

Item 14.3 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

10.4 Tender Evaluation Report for Crown Street Stable Accessible Works

Item 10.4 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

15. Close of Meeting

The meeting closed to the public at 9.37pm.

**CR NARELLE SHARPE
CHAIRPERSON**