

Minutes

Ordinary Meeting of Council

Tuesday, 14 May 2019

6:30pm

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Minutes of the Ordinary Meeting of Council

Tuesday, 14 May 2019 at 6:30pm
held at the Moonee Valley Civic Centre

Present

Members:	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 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 Gil Richardson	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, 14 May 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 and Leave of Absence

Nil.

4. Confirmation of Minutes

Minute No. 2019/96

Council Resolution

Moved by Cr Surace, seconded by Cr Lawrence that the Minutes of the Ordinary Meeting of Council held on Tuesday, 23 April 2019 be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Cr Cam Nation declared an indirect conflict of interest in Item 11.1, due to conflicting duty, for reasons disclosed to the CEO prior to the meeting.

6. Presentations

Nil.

7. Petitions and Joint Letters

7.1 Joint Letter - Unsafe section of Maribyrnong Road between the Maribyrnong River and the corner of Epsom Road, Ascot Vale.

Author: Emily Chiles - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/97

Council Resolution

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

1. Receive and note the Joint Letter.
2. Refer this matter to the Director Planning and Development for investigation and reporting back to Council.
3. Advise the organiser accordingly.

CARRIED UNANIMOUSLY

8. Public Question Time

Nil.

9. Reports from Special Committees

Nil.

10. Reports

10.1 14 Walker Street, Moonee Ponds (Lot 1 on TP242796P) - Construction of six dwellings

Author: Grant Michell - Principal Statutory Planner

Directorate: Planning and Development

Minute No. 2019/98

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/611/2018 for the construction of six dwellings at 14 Walker Street, Moonee Ponds (Lot 1 on TP242796P), 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) All habitable room windows on the southern and eastern elevations to be screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
 - b) All tree protection requirements in accordance with the Arborist Report submitted with the application prepared by, Glenn Waters Arboriculture, dated 5 April 2017;
 - c) The relocation of the two bicycle spaces within the Walker Street frontage to a location easily accessible by residents and visitors of the site;
 - d) A notation that all vehicle crossovers are to be constructed in accordance with Council's Vehicle Crossing Design Standards and Vehicle Crossing Policy;
 - e) Trench grates with a width of 300mm in front of each garage;
 - f) The western façade of Dwelling 1 to Walker Street to include large window forms at all levels to address the streetscape;
 - g) A greater variation of materials and finishes within the Northern Elevation to Coats Street to minimise the visual dominance of the sheer wall forms;
 - h) All BESS annotations and measures in accordance with Condition 4;
 - i) All permeable and impermeable surfaces clearly noted and all WSUD treatment measures and associated annotations in accordance with the amended STORM report required by Condition 3; and
 - j) An amended Landscape Plan in accordance with Condition 7.

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 Water Sensitive Urban Design (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) All tree protection requirements in accordance with the Arborist Report submitted with the application prepared by, Glenn Waters Arboriculture, dated 5 April 2017;
- c) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
- d) The use of drought tolerant species;
- e) The provision of one small canopy tree within the front setback of each dwelling which are able to achieve a minimum mature height of 4 metres;
- f) Features such as paths, paving and accessways;
- g) All Environmentally Sensitive Design (ESD) design solutions in accordance with the successful STORM/BESS reports;
- h) All planting abutting the accessway and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and
- i) An appropriate irrigation system.

When approved the 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.

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 (Standard B22 Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

11. 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.
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. The existing street trees on Coats Street must not be removed or damaged as a result of the permitted development.
15. 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.
16. 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.

17. 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.
18. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
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.

CARRIED UNANIMOUSLY

10.2 **21 Argyle Street, Moonee Ponds (Lot 96 on Plan of Subdivision 002250) - Construction of four dwellings**

Author: Vi Neilsen - Senior Statutory Planner

Directorate: Planning and Development

Minute No. **2019/99**

Council Resolution

Moved by Cr Sipek, seconded by Cr Byrne that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/549/2018 for the construction of four dwellings at 21 Argyle Street, Moonee Ponds (Lot 96 on Plan of Subdivision 002250), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and 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) All nominated dimensions drawn to scale;
 - b) Deletion of the balcony to Dwelling 1 and the incorporation of ground floor roof form to all recessed areas, including above the garage;
 - c) The south facing family room wall to Dwelling 4 setback 3.0 metres from the Melrose Street front boundary with no changes to any other setbacks;
 - d) All habitable room windows of Dwelling 4 to be double glazed;
 - e) The headroom clearance to each garage door to be a minimum 2.1 metres in height with the garage door in an open position;
 - f) Pedestrian visibility splays along both sides of each driveway in accordance with Clause 52.06-9 (Car Parking) of the Moonee Valley Planning Scheme;
 - g) Notation stating 'the crossovers designed in accordance with Council's Vehicle Crossing Policy';
 - h) Provision of a 1.8 metre boundary fence to the service yard of Dwelling 4;
 - i) The bins to Dwelling 4 relocated from the garage and in an area that is not visible from the street;
 - j) The existing 2.1 metre high northern boundary fence be specified on the plans;
 - k) A revised External Materials and Finishes Schedule to incorporate greater reds, creams, greys, browns or greens tones to the external facades in accordance with the Garden Suburban 5 precinct profile;

- l) The driveway of Dwelling 1 to be aligned with the 3 metre wide vehicle crossover;
- m) A prominent note on all floor and elevation plans stating: “Refer to endorsed Sustainable Design Assessment, and associated BESS Report, for all Environmentally Sustainable Design (ESD) commitments and requirements”;
- n) The location and details of all Water Sensitive Urban Design (WSUD) treatment measures outlined within the successful STORM Rating Report, including provision of a roof plan indicating all WSUD rainwater collection areas; and
- o) An amended Landscape Plan in accordance with Condition 7.

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 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.
- 4. A minimum 30 days prior to any building or works commencing, a WSUD Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

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

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

6. A BESS Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1 and the provisions of Clause 21.04-3 (Ecologically Sustainable Development) of the Moonee Valley Planning Scheme. The BESS Report must be a 'published' version, achieve all minimum requirements, meet best practice standards and be to the satisfaction of the Responsible Authority for approval. Once approved the BESS Report is to be implemented and appropriately managed during construction of the proposed dwellings.
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 an electronic copy must be provided. The amended landscape plan and schedule must be generally in accordance with the development plans submitted with the application but modified to show:
 - a) Any changes in accordance with Condition 1 of this permit;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) The use of drought tolerant species;
 - d) The provision of a canopy tree within the rear setback of each dwelling which are able to achieve a minimum mature height of 3 metres;
 - e) Provision of additional and low scale planting within the front and rear setback;
 - f) Features such as paths, paving and accessways;
 - 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 52.06-9 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and
 - h) An appropriate irrigation system.

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.

End of Endorsement Conditions

Development Conditions

8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
9. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
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 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.
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. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
15. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

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

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

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.

16. 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.
17. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
18. The following street tree/nature strip protection measures must be undertaken;
 - a) The nature strip and street trees located within the Argyle and Melrose Street frontage of the land must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder;

- b) No pruning of the nature strip and street trees located within the Argyle and Melrose Street frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and
 - c) No building materials are to be stacked and/or dumped on any nature strip during construction.
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.
- 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 drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- 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.
- No on street parking permits will be provided to the occupiers of the land.

For: Crs Sipek, Byrne, Gauci Maurici, Lawrence, Sharpe, Surace

Against: Crs Cusack, Marshall, Nation

CARRIED

10.3 Exclusion of 2 Curtis Street, Essendon from Amendments C200moon and C201moon

Author: Christina Colia - Strategic Planner

Directorate: Planning and Development

Minute No. 2019/100

Council Resolution

Moved by Cr Lawrence, seconded by Cr Sipek that Council resolves to:

- a. Consider the specific circumstances outlined in this report pertaining to 2 Curtis Street, Essendon.
- b. Request the CEO to write to the Minister for Planning to request 2 Curtis Street, Essendon, be excluded from the previously requested Ministerial Amendment, Amendment C201moon, to the Moonee Valley Planning Scheme under Section 20(4) of the Planning and Environment Act 1987, which proposes to apply an interim Heritage Overlay to various heritage places within the City of Moonee Valley.
- c. Authorise officers to request deletion of 2 Curtis Street, Essendon, from Council's previous request for Authorisation to prepare Amendment C200moon to the Moonee Valley Planning Scheme, which would apply permanent heritage controls to the property and various other heritage places within the City of Moonee Valley.
- d. Notify the owner of 2 Curtis Street, Essendon, of Council's requests to exclude the property from proposed Amendments C200moon and C201moon.

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

Against: Cr Byrne

CARRIED

10.4 Update on VicRoads Children's Crossing Supervisor Subsidy program

Author: James Kempen - Traffic and Transport Engineer

Directorate: Planning and Development

Minute No. 2019/101

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council resolves to allocate a crossing supervisor to Cashmere Street, near Mangalore Street, Travancore whilst Council officers consider traffic management improvements for this site.

CARRIED UNANIMOUSLY

10.5 Moonee Ponds Activity Centre Special Rate and Charge Declaration

Author: Nadine Muscat - Business Development Officer

Directorate: Planning and Development

Minute No. 2019/102

Council Resolution

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

- a. Having considered all submissions received and taken account of all objections lodged and complied with the requirements of sections 163A, 163B and 223 of the *Local Government Act 1989 (Act)*, and otherwise according to law, hereby declares a Special Rate and Charge under section 163(1) of the Act for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Moonee Ponds Rate Levy Association (Traders Association), with funds, subject always to the approval, direction and control of Council, are to be used for the purposes of funding a part-time Shopping Centre Coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved by Council and agreed to from time to time between Council and the Traders Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Moonee Ponds Activity Centre (Activity Centre).
- b. To endorse the criteria which form the basis of the declaration of the Moonee Ponds Special Rate and Charge, being the ownership and the capital improved value of rateable land used, or reasonably capable of being used, for commercial retail or professional purposes, situated within the geographical area of the Moonee Ponds Activity Centre.
- c. That in declaring the Moonee Ponds Special Rate and Charge, Council is performing functions and exercising powers in relation to peace, order and good government of the municipal district of the City of Moonee Valley, in particular the encouragement of commerce, retail activity and employment opportunities within the area for which the Moonee Ponds Special Rate and Charge is declared.
- d. To endorse the total cost of the performance of the function and the exercise of the power by Council (in relation to activities associated with the encouragement of commerce, retail activity and employment opportunities in the area for which the Moonee Ponds Special Rate and Charge is declared); and confirm the total amount of the Special Rate and Charge to be levied by Council is referable to an amount of \$190,000 in the first year and increase in \$10,000 increments, for a five year period (year five will collect \$230,000) collecting a total of \$1.05 million over the five year period.
- e. To set the period for which the Moonee Ponds Special Rate and Charge is

declared for a period of five years commencing 1 July 2019 and ending on 30 June 2024.

- f. To note amounts have respectively been assessed by:
 - a) an 80 per cent special rate component calculated and assessed by multiplying the capital improved value of each property in the boundary by a rate in the dollar (adjusted annually);
 - b) a 20 per cent fixed special charge component assessed as a flat charge of \$68.84 in the first year;
 - c) all properties not located on Puckle Street will have their rate component discounted by 20 per cent; and
 - d) the Special Rate and Charge will be capped at a maximum amount of \$5,000 per rated property.
- g. To define the area for which the Moonee Ponds Special Rate and Charge is declared, as all of the land referred to as the Activity Centre, as identified and shown on the plan set out in the attachment forming a part of this declaration (Attachment B – separately circulated).
- h. To define the land in relation to which the Moonee Ponds Special Rate and Charge is declared as all that rateable land described in the listing of rateable properties set out in the attachment forming a part of this declaration (Attachment B – separately circulated).
- i. To levy the Special Rate and Charge by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Rate and Charge, which will require that the Special Rate and Charge must be paid by one instalment, to be paid by the date which are fixed by Council in the notice.
- j. To consider cases of financial and other hardship and possibly reconsider other payment options for the Moonee Ponds Special Rate and Charge.
- k. To endorse that no incentives will be given for payment of the Moonee Ponds Special Rate and Charge before the due date for payment.
- l. To consider there will be a special benefit to the persons required to pay the Moonee Ponds Special Rate and Charge, because there will be a benefit to those persons that is over and above, or greater than, the benefit available to persons who are not subject to the Special Rate and Charge, and directly and indirectly as a result of the expenditure of the Special Rate and Charge the viability of the Activity Centre as a business, commercial and retail area, and the value and the use, occupation and enjoyment of the properties and the businesses included in the Moonee Ponds Special Rate and Charge will be maintained or enhanced through increased economic activity.
- m. That for the purposes of having determined the total amount of the Moonee Ponds Special Rate and Charge to be levied under the scheme, further consider and formally determine for the purposes of sections 163(2)(a), (2A) and (2B) of the Act, that the estimated proportion of the total benefits of the Scheme to which the performance of the function and

the exercise of the power relates (including all special benefits and community benefits), that will accrue as special benefits to all of the persons who are liable to pay the Special Rate and Charge is in a ratio of 1:1 (100 per cent). This is on the basis that, in the opinion of Council, all of the services and activities to be provided from the expenditure of the Moonee Ponds Special Rate and Charge are marketing, promotion and advertising related and will accordingly only benefit those properties and businesses included in the scheme that are used, or reasonably capable of being used, for retail, commercial or professional purposes.

- n. To authorise the Chief Executive, or the person for the time being acting in that position, for the purposes of paragraph 14 of this resolution, to prepare the funding agreement between Council and the Traders Association by which administrative arrangements in relation to the Moonee Ponds Special Rate and Charge are confirmed, such agreement being to ensure that at all times, and as a precondition to the payment of any fund by Council to the Traders Association. Council is and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Moonee Ponds Special Rate and Charge in accordance with its obligations under the Local Government Act 1989 to do so, and such funding agreement to be submitted to Council for sealing.
- o. To enter into a funding agreement with Moonee Ponds Rate Levy Association to enable the administration of proceeds of the Moonee Ponds Special Rate and Charge for the period of the Special Rate and Charge.
- p. To give notice to all owners and occupiers of properties included in the Moonee Ponds Special Rate and Charge and all persons who have lodged a submission and/or objection in writing of the decision of Council to declare and levy the Moonee Ponds Special Rate and Charge commencing on 1 July 2019, and the reasons for the decision.
- q. To confirm that for the purpose of paragraph p, the reasons for the decision of Council to declare the Moonee Ponds Special Rate and Charge are that:
 - a. There is minimal objection to the Scheme and it is otherwise considered that there is a broad level of support for the Special Rate and Charge from all property owners and occupiers;
 - b. Council considers that it is acting in accordance with the functions and powers conferred on it under the Local Government Act 1989, having regard to its role, purposes and objectives under the Act, particularly in relation to the encouragement of commerce, retail activity and employment opportunities in and around the Scheme area;
 - c. All persons who are liable or required to pay the Moonee Ponds Special Rate and Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of an enhancement or maintenance in land values and/or a maintenance or enhancement in the use, occupation and enjoyment of the properties; and

- d. The basis of distribution of the Moonee Ponds Special Rate and Charge amongst those persons who are liable or required to pay the Special Rate and Charge is considered to be fair and reasonable
- r. To advise the Traders Association of the matters specified in paragraphs a., n. and o. of this resolution.

CARRIED UNANIMOUSLY

10.6 Financial Performance Report March 2019

Author: Damian Hogan - Manager Finance

Directorate: Organisational Performance

Minute No. 2019/103

Council Resolution

Moved by Cr Surace seconded by Cr Cusack that Council resolves to:

- a. Receive and note the Financial Performance report for the period 1 July 2018 to 31 March 2019.
- b. Receive and note the 2018/19 Capital Works Program – monthly report to 31 March 2019.
- c. Receive and note the Grants Register Status report for March 2019.
- d. Receive and note NoM 2016/26 – Open Space Contribution. The open space contribution register by suburb is included at section 5 in the Executive Summary of the Quarterly Financial Report.

CARRIED UNANIMOUSLY

10.7 **2018/19 Capital Works Program Update**

Author: Nikhil Aggarwal - Acting Manager Assets Planning, Property
and Procurement

Directorate: Asset Planning and Strategic Projects

Minute No. **2019/104**

Council Resolution

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

CARRIED UNANIMOUSLY

Cr Nation left the chamber due to a declared conflict of interest in the next item at 7.22pm and did not return to the meeting.

11. Notices of Motion

11.1 Notice Of Motion No. 2019/13 - Queen's Park outdoor pool

From: Councillor Nicole Marshall

Minute No. 2019/105

Council Resolution

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

Receive a report at an upcoming ordinary council meeting considering opportunities to increase the hours and dates of usage of Queen's Park outdoor pool/s, including options for enclosure and/or heating during cooler months in light of:

1. Council's overarching policy of planning on a neighbourhood basis;
2. The large increase in population projected for Moonee Ponds over the coming years;
3. The closure of the East Keilor Leisure Centre while it is being rebuilt;
4. Other municipalities and countries being able to provide extended usage for outdoor pools (include Brimbank Council).

CARRIED UNANIMOUSLY

11.2 Notice Of Motion Report No. 2019/14 - Newmarket Bridge

From: Councillor Nicole Marshall

Minute No. 2019/106

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack take notice that at the Ordinary Meeting of Council to be held on 14 May 2019, it is my intention to move:

That Council resolves to write to the relevant State Ministers, the State Member for Essendon, VicTrack and other relevant authorities:

1. Outlining the safety, aesthetic and other issues encountered in relation to the Newmarket Bridge (including the repeated truck collisions with the Bridge); and
2. Requesting advice and action in relation to the mitigation and resolution of these issues.

CARRIED UNANIMOUSLY

12. Urgent Business

Nil

13. Delegates Reports

Cr Andrea Surace reported on her activities as Council delegate to the Metropolitan Transport Forum.

Cr Narelle Sharpe reported on her attendance at the Australian Mayoral Aviation Council conference.

14. Confidential Reports

Nil

15. Close of Meeting

The meeting concluded at 7.47pm

CR NARELLE SHARPE
CHAIRPERSON