

Minutes

Ordinary Meeting of Council

Tuesday, 13 August 2019

6:30pm

Report Index

The following reports were considered:

7.	Petitions and Joint Letters	
7.1	Mascoma Street, Strathmore	5
10.	Reports	
10.1	19-21 Louis Street, Airport West (Lots 787 & 788 on LP12958) - Construction of a 10 storey mixed-use development comprising retail premises, a medical centre, office, education centre, dwellings and a reduction in car parking requirements	6
10.2	2 Vida Street, Aberfeldie (Lot 5 on Plan of Subdivision 066257) - Construction of a Residential Aged Care Facility, use and development of the land for a Retirement Village and reduction in bicycle requirements	17
10.3	MPAC to 2040: Moonee Ponds Activity Centre Local Plan - Extension of Interim Controls	28
10.4	Proposed sale of land from formerly discontinued road - 16 Emerald Street, Essendon	29
10.5	Proposed disposal of 27 Kittyhawk Court, Airport West.....	30
10.6	Mayoral Attendance at Wellbeing Cities Forum	31
10.7	Revision to the grading of 15 Clarence Street Flemington in Amendments C200moon and C201moon	32
10.8	Return of the 2019 General Revaluation.....	33
10.9	Notices of Motion Quarterly Report.....	34
11.	Notices of Motion	
11.1	Notice of Motion No. 21 - Managing CEO Employment.....	35

Minutes of the Ordinary Meeting of Council

Tuesday, 13 August 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	

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, 13 August 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

An apology was received from Cr Andrea Surace.

Minute No. 2019/179

Council Resolution

Moved by Cr Lawrence, seconded by Cr Byrne that Cr Andrea Surace's apology be noted.

CARRIED UNANIMOUSLY

4. Confirmation of Minutes

Minute No. 2019/180

Council Resolution

Moved by Cr Sipek, seconded by Cr Lawrence that the minutes of the Ordinary Meeting of Council held on Tuesday, 23 July 2019 be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Cr Gauci Maurici declared an indirect conflict of interest due to close association in item 10.3 as her parents in law reside in the activity centre.

Cr Marshall declared an indirect conflict of interest in item 10.3 due close association for reasons disclosed to the Chief Executive Officer in writing before the meeting.

6. Presentations

The Mayor acknowledged the new exhibition in the Council chambers featuring a series of posters profiling 10 sports women that were developed as part of the 'Ready, Set, Equity' project to increase the visibility, profile, representation and participation of girls and women in sport in Moonee Valley.

7. Petitions and Joint Letters

7.1 Mascoma Street, Strathmore

Author: Tracey Classon - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/181

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council resolves to:

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

CARRIED UNANIMOUSLY

8. Public Question Time

Nil.

9. Reports from Special Committees

Nil.

10. Reports

10.1 **19-21 Louis Street, Airport West (Lots 787 & 788 on LP12958) - Construction of a 10 storey mixed-use development comprising retail premises, a medical centre, office, education centre, dwellings and a reduction in car parking requirements**

Author: William Wheeler - Principal Statutory Planner

Directorate: Planning and Development

Minute No. **2019/182**

Council Resolution

Moved by Cr Byrne, seconded by Cr Sipek:

PART A

That Council includes the setback principle enshrined in the decision in PART B, in the considerations for the future Neighbourhood Plan/s for Airport West.

PART B

That Council issues a Planning Permit in relation to Planning Permit Application No. MV/984/2018 for the construction of a 10 storey mixed-use development comprising retail premises, a medical centre, office, education centre, dwellings and a reduction in car parking requirements at No.19-21 Louis Street, Airport West (Lots 787 & 788 on LP12958), 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 an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a. An increased setback of 5.0 metres to Louis Street, and subsequent built form changes, in accordance with revised 'without prejudice' plans prepared by Point Architects, Revision P3, dated 29 April 2019;
 - b. The ground floor loading bay relocated and designed to accommodate the full length of the waste collection vehicle, with no encroachment into the vehicle accessway, to ensure the safe and efficient collection of waste on site;
 - c. All internal privacy screening annotated as being at least 1.7m in height and suitably treated to avoid direct views between balconies associated with dwellings;
 - d. The bedroom directly adjacent to the communal rooftop terrace on Level 8 relocated and/or modified to avoid potential noise impacts from this communal open space area;

- e. Provision of 300mm trench grates at the bottom of the ramp leading to the basement;
 - f. The existing cross fall and longitudinal fall maintained in the road reserve to prevent runoff into the proposed basement from Louis Street;
 - g. Provision of a DDA car parking space, designed in accordance with Australian Standard AS2890.6-2009;
 - h. The dimension of all columns within car parking areas in accordance with Diagram 1 of Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
 - i. Internal ramp section diagrams confirming a minimum headroom clearance of 2.2 metres is provided;
 - j. Ramp grades and section lengths clearly nominated;
 - k. Grades for drainage within car parking areas annotated as being provided as part of the detailed design stage;
 - l. Details regarding all mechanical parking structures, including gates and columns, as per the manufacturer's specifications within the traffic report;
 - m. All 'Ned Kelly' style wall mounted bicycle parking annotated as being staggered spaces;
 - n. The length and width dimensions of all horizontal rail bicycle parking spaces;
 - o. Any updates to the vehicle accessway and car parking areas required by the amended traffic report required under Condition 8 of this permit;
 - p. All stormwater treatment measures and associated annotations as a result of Condition 3;
 - q. All Sustainable Design Assessment and BESS annotations and measures in accordance with Condition 4;
 - r. A prominent note on all floor and elevation plans stating all noise attenuation measures are to be implemented as required by the endorsed acoustic report under Condition 5;
 - s. A landscape plan in accordance with Condition 6; and
 - t. A detailed schedule of all external materials and finishes. The schedule must show the specific material, colour (including colour samples) and finishes of all external walls, roofing, fascias, window frames, screening measures, soffits, vehicle access doors and paving.
- 2. When approved, these plans will be endorsed and will form part of this permit.
 - 3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Stormwater from the development must be treated to meet the water quality performance objectives set out in the *Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999 (Guidelines)*, as amended. The performance objectives of the Guidelines must be met entirely on site as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority; except that with the written consent of the Responsible Authority, up to 20% of treatment may be delivered offsite as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority.

4. An amended Sustainable Design Assessment, inclusive of BESS Report, must be submitted simultaneously with the submission of amended plans in accordance with Condition 1 of this permit. 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 Sustainable Design Assessment, inclusive of BESS Report, is to be implemented and appropriately managed during construction of the proposed building.
5. Before the development starts, an acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail the noise attenuation measures required to all habitable rooms within each dwelling to ensure minimal impacts from noise sources external to that dwelling (including noise sources within the development itself). The applicant must meet all costs associated with drafting and execution of the acoustic report, including those incurred by the Responsible Authority.

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

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

6. Before the development starts landscape plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plans must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and an electronic copy must be provided. The landscape plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Any changes as required by Condition 1 of this permit;
 - b) The location and details of street tree plantings within the nature strip along Louis Street;
 - c) Details for planter boxes, ensuring a minimum 750mm wide and 1m

deep, including drip irrigation and proposed plant species;

- d) 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;
- e) The use of drought tolerant species;
- 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, including irrigation and maintenance details for all planter boxes.

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

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

- 7. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' and must:
 - a) Be modified in accordance with Condition 1 of this permit; and
 - b) Include scaled waste management drawings showing waste collection vehicle access, including any associated turning circles.

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

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

- 8. An amended traffic report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The amended traffic report must be generally in accordance with the traffic report submitted and assessed with the application but modified to show provision of a SIDRA analysis (or similar) of the site access and nearby intersections. In particular, further information regarding the impact of the development on additional traffic volumes along Louis Street is required, due to the significant increase to peak hour traffic volumes.
- 9. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant with suitable qualifications to the satisfaction of the Responsible Authority, and must include:
 - a. A car parking layout generally in accordance with the relevant

requirements of the Australian Standards for Off-Street Car Parking AS/NZS 2890.1-2004 (including ramp grades and dimensions, column location, headroom clearance, etc.);

- b. Arrangements for the provision and allocation of car spaces on site;
- c. The management of visitor parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances;
- d. Lighting of car parking areas, entries and exits;
- e. Proposed line marking, convex mirrors and signage to direct occupants and visitors to their designated spaces;
- f. Arrangements for the loading and unloading of goods and materials for the commercial uses;
- g. Entitlements to the use of the loading bay by all uses on the land, including the collection of waste by private waste collection vehicles;
- h. No charge being made for car parking without the consent of the Responsible Authority;
- i. Traffic calming measures for inclusion within the accessways and car parking areas on site, including rubber speed humps and speed restrictions as appropriate;
- j. The closure of any car parking areas a minimum of 30 minutes after the closure of the last use(s) approved on the land;
- k. The movements of trucks and other vehicles to the loading bay showing likely access routes and movements from adjacent roads;
- l. Details as to how the car stackers are to be regularly maintained and serviced;
- m. Details of timeframes and measures to be undertaken, to reinstate the car stackers back to working order, if the car stackers becoming non-operational; and
- n. Details of measures to be undertaken if the car stackers are not operational, so not to provide any additional on-street parking demand.

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

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

10. 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 Guidelines and Template.

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

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

11. 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 Guide or a Building Maintenance Guide.

12. 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.

13. A Council drain (minimum 300mm dia uPVC or FRC or RCP RRJ) must be constructed to reach the approved point of discharge. Before the development commences, Engineering Design Plans and a Drainage

Layout Plan (with computations) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The Engineering Design Plans and Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must accord with Council's Drainage Design Guidelines.

When approved, the Engineering Design Plans and Drainage Layout Plan will be endorsed and will form part of this permit.

The drainage must be constructed in accordance with the endorsed Engineering Design Plans and Drainage Layout Plan and the provisions, recommendations and requirements of the endorsed Engineering Design Plans and Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

After the drainage works have been constructed and before the building approved by this permit is occupied, as constructed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

14. Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the *Subdivision Act 1988*) the applicant must provide:
 - a. A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
 - b. A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. A Statement must state that the site is suitable for the use and development allowed by this permit.

All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

The applicant must enter into a Section 173 Agreement under the *Planning and Environment Act 1987* in relation to ongoing maintenance and/or monitoring in accordance with the Statement of Environmental Audit. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the *Subdivision Act 1988*. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the Responsible Authority.

Transport for Victoria Condition

15. The permit holder must avoid disruption to bus operation along Louis Street during the construction of the development. Foreseen disruptions to bus operations during construction and mitigation measures must be communicated to and approved by Public Transport Victoria and the Bus

Operator a minimum of eight (8) weeks prior by telephoning 1800 800 007 or emailing customerservice@ptv.vic.gov.au.

Development Conditions

16. The water sensitive urban design treatments as specified within the Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority must be implemented on site prior to the occupation of the development unless an alternative agreement is reached with the Responsible Authority.
17. Before the building approved by this permit is occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the occupier of the adjoining land allows access for the purpose.
18. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
19. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
20. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

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

21. 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.
22. Before the building approved by this permit is occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Available for use in accordance with the endorsed plans;
 - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
 - e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,

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

The area set aside for the parking of vehicles, together with the associated

driveways and access lanes as shown on the endorsed plans must:

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

to the satisfaction of the Responsible Authority.

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

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

24. Bicycle parking spaces, access, lockers and compounds, associated showers and change rooms, must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
25. 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.
26. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plan) must not be erected above the roof level of the building.
27. The development must be provided with external lighting capable of illuminating access to the vehicle accessway, loading bay, car parking spaces and pedestrian entrances. 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.
28. Before the development starts, the Applicant must obtain consent under the *Airports (Protection of Airspace) Regulations 1996* for any activity in the prescribed airspace for Essendon Fields Airport (i.e. buildings, antennas or cranes during construction).
29. Noise levels emanating from service equipment on the land must not exceed the permissible noise levels determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 (SEPP N-1).
30. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be

- connected to a security monitoring service.
31. The amenity of the area must not be detrimentally affected by the use of land, through:
- a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit or oil; and
 - d) Presence of vermin,
- or in any other way, to the satisfaction of the Responsible Authority.
32. All wastes, including liquid waste and waste water, must be disposed of to the satisfaction of the Responsible Authority.
33. 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.
34. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within two (2) years from the date of issue of this permit, or
 - b) The development is not completed within four (4) years from the date of issue of this permit.

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

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

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before 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.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land other than those which have been approved under a separate planning permit or are exempt from the need for a planning permit under the Moonee Valley Planning Scheme.

- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following: $C_w=0.4$, $t_c=10$ 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 $C_w=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- Before the development starts, separate approval must be obtained from Moonee Valley City Council in relation to the proposed planting of street trees. Please contact Council on 9243 8888 to speak with Council's Arborist.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- In the event that car parking spaces or storage cages are separately titled, a condition will be imposed on any further subdivision permit requiring the permit holder to enter into a Section 173 Agreement to ensure the on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.
- 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.

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

Against: Cr Marshall

CARRIED

10.2 2 Vida Street, Aberfeldie (Lot 5 on Plan of Subdivision 066257) - Construction of a Residential Aged Care Facility, use and development of the land for a Retirement Village and reduction in bicycle requirements

Author: Justin Scriha - Senior Statutory Planner

Directorate: Planning and Development

Minute No. **2019/183**

Council Resolution

Moved by Cr Sipek, seconded by Cr Byrne that Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/124/2019 for the use and development of the land for a Residential Aged Care Facility, Retirement Village and reduction in bicycle requirements at No. 2 Vida Street, Aberfeldie (Lot 5 on Plan of Subdivision 066257), 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) The setback of the second floor level of Building B01 from the northern title boundary increased to a minimum of 4.9 metres;
 - b) Any internal alterations to Building B01 as a result of Condition 1 a);
 - c) No further changes to the development footprint other than as required by Conditions 1 a) and b);
 - d) The entranceway footpath from Vida Street to the B01 lobby to be widened to a minimum of 1.8 metres;
 - e) The timber louvre screening to the north-facing habitable room windows and balconies at the first and second floor levels of Building B01 reoriented to a horizontal design;
 - f) All screening to the north-facing habitable room windows at the first and second floor levels of Building B01 to be permanent and no more than 25% transparent in accordance with Clause 53.17-3 (Residential Aged Care Facility – Development Requirements) of the Moonee Valley Planning Scheme;
 - g) The location, height and design of the proposed front fencing to Vida Street to be clarified and consistent on all relevant plans;
 - h) The provision of a 300mm trench grate at the bottom of the accessway ramp leading to the basement;
 - i) The dimension of headroom clearance along the accessway ramp to

be shown perpendicular from the ramp (i.e. 3.5 metres along the ramp to the loading/waste collection area and 3 metres to all other areas) on all relevant sectional drawings;

- j) A notation on the Ground Floor plan to stipulate the pedestrian visibility splay on the northern side of the accessway is to accord with Clause 52.06-9 (Design Standards for Car Parking) requirements;
- k) Dimensions for the proposed accessway adjacent to the pedestrian lobby and parallel car parking spaces to be shown on the Ground Floor plan;
- l) The length of the accessway ramp transitions to be annotated on the amended plans, including the ramp from the loading area to the carpark;
- m) The proposed crossover to be drawn in accordance with the requirements of Council's Vehicle Crossing Policy on the Ground Floor plan;
- n) A notation on the Ground Floor plan to stipulate that the proposed vehicle crossing will be constructed in accordance with Council's Vehicle Crossing Policy;
- o) The distance between the speed hump and any other on-street infrastructure on Vida Street and the proposed vehicle crossing dimensioned on the Ground Floor plan;
- p) The distance between the intersection kerb line of Vida and Knight Streets from the proposed crossover to be dimensioned on the Ground Floor plan;
- q) The provision of at least six (6) resident bicycle parking spaces;
- r) Dimensions for all bicycle parking spaces shown on all relevant plans in accordance with AS2890.3-2015 requirements;
- s) The boundary fencing to taper in at the north-western corner of the site in accordance with existing conditions;
- t) The deletion of the pedestrian gates to the right-of-way along the northern boundary;
- u) An amended WSUD report to account for the footprint changes required by Condition 1 a) in accordance with Condition 3;
- v) An amended Sustainable Design Assessment report to account for the footprint changes required by Condition 1 a) in accordance with Condition 4;
- w) An amended Landscape Plan in accordance with Condition 8; and
- x) A notation in accordance with Condition 22.

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 Water Sensitive Urban Design (WSUD) assessment report(s) must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The WSUD assessment must achieve best practice water quality performance objectives to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. A published and compliant Sustainable Design Assessment 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) Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
6. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's Guidelines and Template.

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

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

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

the approved report.

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

8. Before the development starts, or any trees or vegetation removed, an amended landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Any changes as required by Condition 1;
 - b) Enhanced landscaping to be demonstrated along the periphery of the entranceway footpath, with increased garden bed depth, and the provision of larger screening plants/trees;
 - 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) Sectional diagrams of the proposed raingardens in accordance with Melbourne Water's guidelines; and
 - e) The provision of canopy trees within the front setback capable of reaching a minimum mature height of 4 metres.

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

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

9. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant and must include:
 - a) A car parking layout generally in accordance with the relevant requirements of the Australian Standards for Off-Street Car Parking AS/NZS 2890.1-2004 (including ramp grades and dimensions, column location, headroom clearance, etc.);
 - b) Arrangements for the provision of 120 car spaces with these spaces allocated as follows:
 - i) 18 visitor car parking spaces;
 - ii) 72 retirement village car spaces (1 space per 1 or 2 bedroom dwelling and 2 spaces per 3 bedroom dwelling); and
 - iii) 30 residential aged care car spaces (assisted living units and aged care beds).
 - c) The management of visitor parking spaces and security arrangements for occupants of the development, including the

provision of an intercom system at the security entrances;

- d) Lighting of parking areas, entries and exits;
- e) Proposed signage to direct occupants and visitors to their designated spaces;
- f) Arrangements for the loading and unloading of goods and materials for the commercial uses;
- g) Entitlements to the use of loading dock areas by all retail and office uses on the land;
- h) No charge being made for car parking without the consent of the Responsible Authority;
- i) Traffic calming measures for inclusion within the accessways and car parking areas on site, including rubber speed humps and speed restrictions as appropriate; and
- j) The movements of trucks and other vehicles to the loading docks showing likely access routes and movements from adjacent roads.

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

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

End Endorsement Conditions

Contamination Condition

10. Prior to the commencement of the use of buildings and works associated with the use the applicant must provide:
- a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
 - b) A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. A Statement must state that the site is suitable for the use and development allowed by this permit.

All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the Responsible Authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

The applicant must enter into a Section 173 Agreement under the *Planning and Environment Act 1987* in relation to ongoing maintenance and/or monitoring in accordance with the Statement of Environmental Audit. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the *Subdivision Act 1987*. The applicant must meet all

costs associated with drafting and execution of the Agreement, including those incurred by the Responsible Authority.

End Contamination Condition

Use and Development Conditions

11. 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.
12. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
13. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
14. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
15. Before the building known as 'B01' approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 53.17-3 (Development Requirements - 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.

16. 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.
17. Parking areas, loading bays and access lanes must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.
18. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Available for use in accordance with the endorsed plans;
 - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
 - e) Line-marked or provided with another adequate means of ensuring

that the boundaries of all vehicle spaces are clearly indicated on the ground,

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

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

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

to the satisfaction of the Responsible Authority.

19. 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.

20. Before the use starts, at least 28 bicycle spaces must be provided on the land in a manner and in locations to the satisfaction of the Responsible Authority, so that 14 spaces are available for staff and 14 spaces are available for visitors.
21. The existing street tree on Vida Street must not be removed or damaged as a result of the permitted development.
22. All structures within the pedestrian visibility splays at each vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-9 (Design standards for car parking) of the Moonee Valley Planning Scheme.
23. 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.
24. Before the development starts, a Drainage Layout Plan, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must include computations and location of stormwater outlets and legal points of discharge.

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

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

25. Before the buildings approved by this permit are occupied, all boundary fencing is to be constructed in accordance with the endorsed plans at the cost of the permit holder to the satisfaction of the Responsible Authority.
26. The development must be provided with external lighting capable of illuminating access to each 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.
27. Once the use is commenced, the land may only be used for the permitted use and the use must be conducted to the satisfaction of the Responsible Authority.
28. 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.
29. Before the buildings approved by this permit are occupied, all landscaping, (including trees, shrubs and lawn) must be completed in accordance with the endorsed landscape plan to the satisfaction of the Responsible Authority.
30. The provisions, recommendations and requirements contained in the arborist report prepared by Axiom Tree Management P/L and dated Thursday 28 March 2019 must be implemented and complied with to the satisfaction of the Responsible Authority.
31. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
32. All wastes must be disposed of to the satisfaction of the Responsible Authority. Liquid waste or polluted waters must not be discharged into a sewer or storm water drainage system.
33. Noise levels associated with the use must at all times comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1). Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report prepared by a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority to demonstrate compliance, or which outlines any measures considered necessary to achieve compliance. The costs associated with the Acoustic Report shall be borne by the permit holder. The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible

Authority. The endorsed plans must be amended to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.

34. The amenity of the area must not be detrimentally affected by the use of land, through:
- a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil;
 - d) Presence of vermin; or in any other way,
- to the satisfaction of the Responsible Authority.
35. Once the use is commenced, the land may only be used for the permitted use and the use must be conducted to the satisfaction of the Responsible Authority.
36. Prior to the endorsement of the plans referred to in Condition 1, the owner of the land must enter into and execute an agreement with the Responsible Authority pursuant to Section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority and such agreement shall contain a covenant that the original purchaser and each successive purchaser of any independent living unit on the site acknowledges the fact that, at the time the construction of these independent living units were approved, the subject site was located adjacent to the IGA supermarket that was lawfully established and which, or the successors of which, may still operate and which were, at that time, conducting retail activities and activities that may at times be the source of potential noise nuisance for residents of the subject site.

The owner of the land, or other person in anticipation of becoming the owner of the land must pay all costs and expenses (including legal expenses) of, and incidental to, the agreement (including those incurred by the Responsible Authority).

End Use and Development Conditions

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

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

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land

may make a written request to the Responsible Authority to extend the expiry date.

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the land.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land without a planning permit (other than those which, under the Moonee Valley Planning Scheme are exempt from the need for a planning permit).
- 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 the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- It is the responsibility of the permit holder/developer to ensure that all necessary approvals are obtained and mitigation measures undertaken with regards to the removal of the existing electricity substation on the land as set out by the relevant service provider.
- In the event that car parking spaces or storage cages are separately titled, a condition will be imposed on any further subdivision permit requiring the permit holder to enter into a Section 173 Agreement to ensure the on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.
- 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.

- For more information on the A-SPEC requirements, please contact A-SPEC using one of the following methods:
Phone: +61 3 9877 6972
Email: info@gissa.com.au
Web: www.a-specstandards.com.au

For: Crs Sipek, Byrne, Cusack, Marshall, Nation

Against: Crs Gauci Maurici, Lawrence, Sharpe

CARRIED

Cr Gauci Maurici declared a conflict of interest in the next item and left the meeting at 7:10pm.

Cr Marshall declared a conflict of interest in the next item and left the meeting at 7:10pm.

**10.3 MPAC to 2040: Moonee Ponds Activity Centre Local Plan
- Extension of Interim Controls**

Author: Corina de Araujo - Senior Strategic Planner

Directorate: Planning and Development

Minute No. 2019/184

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation that Council resolves to request the Minister for Planning to exercise his powers of intervention under Section 20(4) of the *Planning and Environment Act 1987* to prepare and approve an amendment to the Moonee Valley Planning Scheme by amending Schedule 1 to Clause 37.08 (Activity Centre Zone), to extend the expiry date of the mandatory maximum building heights for Precincts 1-8 by a minimum of one year.

CARRIED UNANIMOUSLY

Cr Gauci Maurici returned to the meeting for the next item at 7:18pm.
Cr Marshall returned to the meeting for the next item at 7:18pm.

**10.4 Proposed sale of land from formerly discontinued road -
16 Emerald Street, Essendon**

Author: Trish Curcuruto - Property and Right of Way Officer

Directorate: Asset Planning and Strategic Projects

Minute No. 2019/185

Council Resolution

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

- a. Sell the formerly discontinued road contained in certificate of title volume 4015 folio 878 (Subject Land) to the owners of 16 Emerald Street, Essendon, for not less than the market valuation held by Council;
- b. Notify the adjoining owners of Council's decision to sell the Subject Land;
- c. Authorise the Chief Executive Officer to facilitate the sale of the Subject Land and execute all relevant documentation required to effect the sale of the Subject Land.

CARRIED UNANIMOUSLY

10.5 Proposed disposal of 27 Kittyhawk Court, Airport West

Author: Jaci Underwood - Senior Commercial Property Officer

Directorate: Asset Planning and Strategic Projects

Minute No. 2019/186

Council Resolution

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

- a. Dispose of 27 Kittyhawk Court, Airport West, being the land contained in certificate of title volume 10159 folio 668 (Land) by public auction or by private sale.
- b. Authorise the Chief Executive Officer to prepare the Land for sale and execute all relevant contract and transfer documents on behalf of the Council.
- c. Notify the party that made a submission under section 223 of the *Local Government Act* 1989 of Council's decision to sell the Land.
- d. Note that the proceeds of any sale will be allocated to Open Space Reserve fund in accordance with section 20 of *Subdivision Act* 1988.

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

Against: Crs Cusack, Marshall, Nation

CARRIED

Cr Nation left the meeting at 7:38pm.

Cr Nation returned to the meeting at 7.39pm before the vote on the next item.

10.6 Mayoral Attendance at Wellbeing Cities Forum

Author: Kate McCaughey - Manager Community Planning

Directorate: Planning and Development

Minute No. **2019/187**

Council Resolution

Moved by Cr Sipek, seconded by Cr Byrne that Council resolves to receive and note the report from the Mayor Cr Narelle Sharpe, on her attendance at the Wellbeing Cities Forum in Canada in mid-June 2019.

CARRIED UNANIMOUSLY

Cr Lawrence left the meeting at 7:48pm.

Cr Lawrence returned to the meeting at 7.50pm before the vote on the next item.

10.7 Revision to the grading of 15 Clarence Street Flemington in Amendments C200moon and C201moon

Author: Christina Collia - Strategic Planner

Directorate: Planning and Development

Minute No. 2019/188

Council Resolution

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

1. Considers the specific circumstances outlined in this report pertaining to 15 Clarence Street, Flemington.
2. Confirms its position of requesting a contributory grading for 15 Clarence Street, Flemington in proposed HO461 in 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.
3. Confirms its position of requesting a contributory grading for 15 Clarence Street, Flemington in proposed HO461 in 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.

For: Crs Cusack, Gauci Maurici, Marshall, Nation

Against: Crs Sipek, Byrne, Lawrence, Sharpe

LOST ON THE CASTING VOTE OF THE MAYOR

10.8 Return of the 2019 General Revaluation

Author: Damian Hogan - Manager Finance

Directorate: Organisational Performance

Minute No. 2019/189

Council Resolution

Moved by Cr Sipek, seconded by Cr Lawrence that Council resolves to adopt the return of the 2019 General Revaluation of all properties within the municipality.

CARRIED UNANIMOUSLY

10.9 Notices of Motion Quarterly Report

Author: Rosie Ferreira - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/190

Council Resolution

Moved by Cr Cusack, seconded by Cr Sipek that Council resolves to receive and note the report on the endorsed Notices of Motion that are currently in progress or ongoing, for the period 10 November 2016 to 9 July 2019.

CARRIED UNANIMOUSLY

11. Notices of Motion

11.1 Notice of Motion No. 21 - Managing CEO Employment

From: Councillor Nicole Marshall

Minute No. 2019/191

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack take notice that at the Ordinary Meeting of Council to be held on 13 August 2019, it is my intention to move:

That Council resolves to:

1. Receive a report at a 2019 Ordinary Council meeting detailing:
 - a) how Council's existing practices compare with the recommendations and issues raised in the Local Government Inspectorate report "Protecting integrity: Leading the way, Managing the employment cycle of a council CEO" dated February 2019; and
 - b) where Council is not engaged in best practice or compliance with the recommendations, proposals to address those deficiencies.
2. A draft document for consideration setting out a clear process for dealing with complaints relating to a CEO of the Council, the policy to consider all relevant issues including:
 - a) ensuring all parties to a complaint have procedural fairness;
 - b) obligations under any applicable legislation, policies or contract;
 - c) how to ensure all councillors have appropriate access to information relevant to the complaint and its management, including legal advice (and the ability to request councillors be briefed by legal advisers) and measures to ensure that information remains confidential;
 - d) the role of the CEO Performance Review Special Committee in the management of any complaint.

For: Crs Cusack, Gauci Maurici, Marshall, Nation

Against: Crs Sipek, Sharpe, Byrne, Lawrence

LOST ON THE CASTING VOTE OF THE MAYOR

12. Urgent Business

Nil

13. Delegates Reports

Nil.

14. Confidential Reports

Nil.

15. Close of Meeting

The meeting concluded at 8.11pm

**CR NARELLE SHARPE
CHAIRPERSON**