

Minutes

Ordinary Meeting of Council

Tuesday, 10 December 2019

6:30pm

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Minutes of the Ordinary Meeting of Council

Tuesday, 10 December 2019 at 6:30pm
held at the Moonee Valley Civic Centre

Present

Members:	Cr Samantha Byrne	Mayor
	Cr John Sipek	Deputy Mayor
	Cr Jim Cusack	
	Cr Rebecca Gauci Maurici	
	Cr Richard Lawrence	
	Cr Cam Nation	
	Cr Narelle Sharpe	
Officers:	Bryan Lancaster	Chief Executive Officer
	Vincent Cammell	General Manager City Development
	Jessie Keating	Group Manager Planning
	Allison Watt	Executive Manager Corporate Governance

1. Opening

The Mayor, Cr Byrne, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 10 December 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 Woi-wurrung 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

Leave of Absence

Minute No. 2019/286

Council Resolution

Moved by Cr Lawrence, seconded by Cr Gauci Maurici that Council grant Cr Andrea Surace leave of absence for this meeting.

CARRIED UNANIMOUSLY

Apology

Minute No. 2019/287

Council Resolution

Moved by Cr Sipek, seconded by Cr Nation that Cr Nicole Marshall's apology for this meeting, be noted.

CARRIED UNANIMOUSLY

4. Confirmation of Minutes

Minute No. 2019/288

Council Resolution

Moved by Cr Lawrence, seconded by Cr Sipek that the minutes of the Ordinary Meeting of Council held on Tuesday 26 November 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 10.5 on the agenda, for reasons previously disclosed in writing to the CEO.

6. Presentations

City of Moonee Valley City - 25th Anniversary

The Mayor, Cr Byrne, acknowledged that this week is the 25th anniversary of the formation of the City of Moonee Valley on 15 December 1994.

In 1994, the Jeff Kennett government restructured local government in Victoria, dissolving 210 councils and sacking 1600 elected councillors, and creating 78 new councils through amalgamations.

In suburban Melbourne 53 municipalities were reduced to 26. The new local government areas (LGAs) were headed by commissioners appointed by the State Government, democratically elected councils returned in 1996.

The 79th Council was created in 2002 when the Shire of Delatite was split into the Rural City of Benalla and the Shire of Mansfield.

7. Petitions and Joint Letters

- 7.1** **Removal of all parking restrictions on Albion Street, Essendon between Tennyson and Lawsons Streets; review of pedestrian crossing location on Albion Street; and removal of bus stops 10741 and 10542.**

Author: Emily Chiles - Governance Officer

Business Unit: Corporate Governance

Minute No. **2019/289**

Council Resolution

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

1. Receives and notes the petition.
2. Refers this matter to the relevant officer for investigation and reporting back to Council.
3. Advises the petition organiser accordingly.

CARRIED UNANIMOUSLY

- 7.2** **Speeding traffic along Phillip Road, Keilor East**

Author: Emily Chiles - Governance Officer

Business Unit: Corporate Governance

Minute No. **2019/290**

Council Resolution

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

1. Receives and notes the petition.
2. Refers this matter to the relevant officer for investigation and reporting back to Council.
3. Advises the petition organiser accordingly.

CARRIED UNANIMOUSLY

8. Public Question Time

The Mayor, Cr Byrne read the following question from Cheryl Tinney, as she could not be present at the meeting.

Cheryl Tinny, asked Council:

This question relates to a planning application at 24-42 Dunlop Avenue, Ascot Vale.

In relation to Endorsement condition 7 (e) - Planting of additional 6 large canopy trees to offset removal of trees 83, 84 and 66.

What species will be substituted and where will they be planted? Will one or more of these trees be planted in the spot where tree 83 is now?

Jessie Keating, Group Manager Planning responded If the application is approved, the species and location of the replacement planting will be determined once amended landscape plans have been submitted for endorsement in accordance with Condition 7.

Whether one of the trees will be planted where Tree 83 is currently located has not been determined due to the location of the basement, Buildings A and B and the secluded private open spaces of the ground floor dwellings of these buildings.

All replacement trees will be required to be of a species and appropriate location to Council's satisfaction to ensure their longevity.

Geoff Hurst asked Council:

The report's discussion, Construction of a dwelling to the rear of an existing shop and associated reduction in car parking requirements refers under 3.4:

When considering a reduction of car parking provisions, Council considers the site a good candidate for green travel due to its location in an Activity Centre, proximity to Strathmore Railway Station and other accessible public transport options.

Has the Strathmore Station area been re zoned as an Activity centre?

Jessie Keating, Group Manager Planning responded no, the subject site has not been rezoned as an Activity Centres Zone. The subject site is located within a Commercial 1 Zone.

Woodland Street and Pascoe Vale Road near Strathmore Railway Station is specifically listed under Clause 21.07 (Activity Centres) of the Moonee Valley Planning Scheme as a neighbourhood centre, hence, referenced within Section 3.4 of the Ordinary Council Report.

This policy has been within the Moonee Valley Planning Scheme since adoption on 5 March 2015 under Amendment C134.

Geoff Hurst asked Council:

The discussion in the Report: 29 Woodland Street, Essendon (Lot 15 on Plan of Subdivision 008229) - Construction of a dwelling to the rear of an existing shop and associated reduction in car parking requirements refers under 3.4:

8. Public Question Time

Does the proposal address the relevant car parking provisions.

The proposal is deemed to generally comply with the provisions of Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.

How much does a "deemed generally to comply with" provision differ from a "deemed to comply with" provision?

Jessie Keating, Group Manager Planning responded, council officers cannot state that the advertised plans are 'deemed to comply' as they currently do not meet the numerical requirements of Clause 52.06-9 of the Moonee Valley Planning Scheme. The scope of changes required to meet the numerical design standards allow the design to generally comply, subject to conditions on a permit. An example of this where a 2.1 metre head height clearance is required to be achieved at the point where the roller door is located in an open position.

Clause 52.06-3 of the Scheme also allows for a permit to be issued for a reduced number of car parking spaces afforded to the site. As discussed in the Officer's report, the statutory car parking rates of the site have not been achieved and seeks a reduction of one car space. The Officer's recommendations state it is 'deemed generally to comply with' the overarching purpose and scope of the policy and justifies the waiver.

As such, the Ordinary Council Report at Section 3.4 states the proposed is 'deemed to generally comply.'

Louise Taresch asked Council:

There appears to have been two significant errors in planning and or development allowed in our local shopping strip with developments and subdivision being allowed where restrictive covenants are in place, specifically at the chemist/ medical clinic no 23 Woodland St Essendon and at a three story development at 27 Woodland St Essendon.

If this is in fact the case, how does this happen and is there anything that can be done to rectify it or compensate the community?

Are there processes in place to prevent such instances happening again?

Jessie Keating, Group Manager Planning responded, in relation to 23 Woodland Street, the following summary is provided for clarity. The Supreme Court Order *Conlan v Benton & Ors* [2017] VSC 244 decided upon Section 84(1)(c) of the *Property Law Act 1958* identifies that the covenant can allow substitute for 'shop' the expression 'retail premises and offices' or 'shop, including retail premises of any kind or office'" at Concluding paragraph 127(b)(ii). Pursuant to Clause 73.03 of the Moonee Valley Planning Scheme, a medical centre is under the umbrella definition of 'office' therefore is considered an allowable use under the covenant associated with 23 Woodland Street Essendon. There is no breach of covenant identified at this site.

8. Public Question Time

In relation to 27 Woodland Street the Planning Permit MV/19742/2008 for the construction of a three storey building (including basement) for use as a shop and three dwellings and reduction in car parking requirements at 27 Woodland Street, the following response is provided. Council obtained legal advice prior to a decision made on 21 September 2009 to issue the planning permit. The legal advice was obtained and confirmed the proposal of one shop and three dwellings was not in breach of Covenant 1270442. At the time of the decision, there were no contradicting legal or planning matters of contention. This decision therefore was granted and no overruling through the Victorian Civil and Administration Tribunal was resultant.

In reference to 29 Woodland Street the contention associated with Covenant 1270442 dated 14 June 1926 associated with 29 Woodland Street are in relation to the attachment of an existing shop to a proposed dwelling. This is not discussed within the abovementioned Supreme Court ruling. As such, cannot be a reference nor weighted argument in relation to Planning Permit application MV/242/2019 for the construction of a double storey dwelling to the rear of an existing shop and associated reduction in car parking requirements.

Council's Statutory Planning Department have sought legal advice to interpret the wording of Covenant 1270442. The findings of this legal advice have formed its position as outlined within Section 3.6 of the Ordinary Council Report. There is no case law listing the proposed development at 29 Woodland Street, the subject site review for Council this evening, that indicates the application is in breach of Covenant.

9. Reports from Special Committees

Nil.

10. Reports

10.1 29 Woodland Street, Essendon (Lot 15 on Plan of Subdivision 008229) - Construction of a dwelling to the rear of an existing shop and associated reduction in car parking requirements

Author: Jennifer Kemp - Senior Statutory Planner

Business Unit: Planning

Minute No. **2019/291**

Council Resolution

Moved by Cr Sharpe, seconded by Cr Lawrence that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/242/2019 for the construction of a double storey dwelling to the rear of an existing shop and; associated reduction in car parking associated with the dwelling at No.29 Woodland Street, Essendon (Lot 15 on Plan of Subdivision 008229), in accordance with the following grounds of refusal:

1. The proposal would result in a contravention of the restrictive Covenant 1270442 that is registered against the property.
2. The sole access from the Right of Way in association with the dwelling fails to provide a safe, accessible and pleasant living environment for occupants.
3. The proposal fails to provide sufficient car parking spaces on site as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.
4. The proposal fails to satisfy the following standards contained within Clause 54 of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
 - a) Clause 54.03-3 (Site Coverage);
 - b) Clause 54.03-4 (Site Permeability);
 - c) Clause 54.04-1 (Side and Rear Setbacks);
 - d) Clause 54.04-2 (Walls on Boundaries);
 - e) Clause 54.05-2 (Solar Access to Open Space);

CARRIED UNANIMOUSLY

**10.2 24-42 Dunlop Avenue, Ascot Vale (Lot 1 on PS053601) -
Construction of six multi storey apartment buildings and
reduction in car parking in an Environmental
Significance Overlay Schedule 2**

Author: Grant Michell - Principal Statutory Planner

Business Unit: Planning

Minute No. **2019/292**

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation that Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/352/2019 for the construction of six multi-storey apartment buildings and reduction in car parking in an Environmental Significance Overlay Schedule 2 at 24-42 Dunlop Avenue, Ascot Vale (Lot 1 on PS053601), 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 northern elevations to be screened in accordance with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme in such a way as to maintain adequate outlook and solar access to these dwellings affected;
 - b) Dimensions of all front fencing and internal fencing to private open space areas;
 - c) All solar panels to be designed to not be visible from the streetscapes;
 - d) The details and location of bollard lighting within the pedestrian walkways and communal open space areas;
 - e) A notation that all vehicle crossovers are to be constructed in accordance with Council's Vehicle Crossing Design Standards and Vehicle Crossing Policy;
 - f) Trench grates with a width of 300mm at the bottom of each basement ramp;
 - g) The headroom clearance at the basement access with the security door in an open position of at least 2.1 metres in height;
 - h) A headroom clearance of at least 2.3 metres above the DDA car

spaces, 2.3 metres where waste collection is to occur and at least 2.1 metres anywhere else within the basement;

- i) All dimensions within the basement levels in accordance with Diagram 1 of Clause 52.06-9 of the Moonee Valley Planning Scheme, including for all car spaces adjacent to the pump rooms;
- j) All above bonnet storage cages to be a minimum 1.5 metres above Finished Floor Level and to project no more than 1.0 metre into the car space;
- k) The installation of convex mirrors to the basement ramp of the eastern most basement to Rothwell Street to improve sightline of vehicles using the ramp;
- l) The crossover to Rothwell Street to be at least 1 metre from the existing electricity pole;
- m) No lift or stair access door is to open out into the aisles or circulation areas unless safety bollards are installed that do not impact upon the adjacent car parks;
- n) All dimensions to the bicycle space in accordance with AS2890.3-2105;
- o) The deletion of all the indented car spaces within Dunlop Avenue;
- p) Amended B85 swept path diagrams demonstrating waste vehicle access within the eastern most basement showing vehicles parking in the adjacent car spaces and any alterations as necessary;
- q) All details and measures in relation to the Green Travel Plan in accordance with Condition 11;
- r) All ESD annotations and measures in accordance with Condition 4;
- s) All permeable and impermeable surfaces clearly noted and all WSUD treatment measures and associated annotations in accordance with the amended WSUD report required by Condition 3; and
- t) 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 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 obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. Before the development starts, an amended Sustainable Management Plan (SMP) prepared by a suitably qualified professional, must be submitted to, and approved in writing by, the Responsible Authority. The amended SMP must set out all sustainable design initiatives within the

development and must be generally in accordance with the SMP report prepared by Meinhardt dated April 2019 but modified to include:

- a) Details and particulars of the Green Star points claimed in the “Green Star Design and As Built” scorecard/report being proposed to obtain the nominated certified rating.

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

The development must be constructed in accordance with the requirements/recommendations of the endorsed SMP to the satisfaction of the responsible authority.

Prior to the commencement of construction, evidence is to be provided to the satisfaction of the responsible authority confirming that the development and its Green Star commitments have been registered with the Green Building Council of Australia (GBCA).

Within 12 months of completion of the development a copy of the “Green Star Design and As Built” certification by the Green Building Council of Australia must be supplied to the Responsible Authority.

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 MUSIC 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 as required by Condition 1 of this permit;
- b) All street tree protection measures in accordance with Condition 20 of this permit;
- c) All tree protection measures in accordance with the relevant Australian Standard;
- d) A notation in accordance with Conditions 18 and 19 of this permit;
- e) The planting of an additional six (6) large canopy trees with a minimum height of 2 metres at planting above the number proposed within the submitted Landscape Plan prepared by Tract dated 7 December 2018 to offset the removal of Trees 83, 84 and 66;
- f) 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;
- g) The use of drought tolerant species;
- h) Features such as paths, paving and accessways;
- i) All Environmentally Sensitive Design (ESD) design solutions in accordance with the successful MUSIC and Green Star reports;
- j) 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
- k) 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.

9. 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' in relation to expected recycling rates and bin capacities.

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

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

10. Before the development starts, a Car Parking Management Plan (CPMP) prepared by a suitably qualified person or firm must be submitted in an electronic format and approved by the Responsible Authority. The CPMP must include, to the satisfaction of the Responsible Authority:
- a) All car spaces, loading areas, passing areas, etc to be signed and line marked;
 - b) All access controls, such as boom gates, roller doors etc;
 - c) Details of the allocation of all car parking spaces within the basement levels;
 - d) Lighting of parking areas, entries and exits;
 - e) All directional signage (occupants, visitors, pedestrians, cyclists etc) within the carpark;
 - f) On-site loading arrangements, including times, access, vehicle types, etc;
 - g) Any waste collection arrangements in accordance with the endorsed waste management plan; and
 - h) Traffic calming measures for inclusion within the accessways and car parking areas on site, including rubber speed humps as appropriate.

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

End Endorsement Conditions

Department of Transport Conditions

11. Before the occupation of the development or any part of the development, a Green Travel Plan must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The

Green Travel Plan must include, but not be limited to, the following:

- a) A description of the location in the context of alternative modes of transport and objectives for the Green Travel Plan;
- b) Outline Green Travel Plan measures for the development including, but not limited to:
 - i. Resident welcome packs (e.g. provision of Myki card);
 - ii. The promotion of various public transport smartphone applications, such as the Public Transport Victoria app and/or train or tram tracker;
 - iii. Tram, train and bus timetables be installed in prominent location in lifts and public areas (on noticeboards, etc);
 - iv. The installation of signs in prominent locations advising of the location of existing and proposed car-sharing scheme, bicycle parking facilities for residents and visitor, tram stops, taxi ranks, railway stations, bus stops and bicycle paths;
 - v. Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- c) A monitoring and review plan requiring annual review for at least 5 years.

End Department of Transport Conditions

Development Conditions

12. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. The existing street trees within Dunlop Avenue, with the exception of Trees 540 and 531 within Dunlop Avenue as noted within the submitted Landscape Plan prepared by Tract dated 7 December 2018 must not be removed or damaged as a result of the permitted development.
19. The street trees noted as Trees 540 and 531 within Dunlop Avenue within the submitted Landscape Plan prepared by Tract dated 7 December 2018, must not be removed or replaced without the prior written consent of the Responsible Authority. Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and the street tree replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.
20. The following street tree/nature strip protection measures must be undertaken:
 - a) The nature strip and street tree located within the Dunlop Avenue 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 tree located within the Dunlop Avenue 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.
21. 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.
22. 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.

23. 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/s approved by this permit is/are occupied, as constructed plans to the

satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

All costs associated with the preparation of the plans and installation and construction of the required drainage works must be borne by the permit holder.

24. 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.
25. The development must be provided with external lighting capable of illuminating access to each car parking space, communal open space area 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.
26. 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.

End Development Conditions

27. 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.
 - c) The approved easement variation and removal is not registered with the Land Titles Office, within two (2) years of the date 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

10.3 **165-169 Keilor Road, Essendon (Lot 1 LP7912, Land in CP155101 and Lot 1 TP869564Q) - Construction of a six storey building in a Commercial 1 Zone and Design and Development Overlay (DDO7 and DDO9), use of the land for dwellings, a reduction in car parking requirements, alteration of access to a road in a Road Zone, Category 1, and a staged subdivision creating two lots**

Author: William Wheeler - Principal Statutory Planner

Business Unit: Planning

Minute No. 2019/293

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Sharpe that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/439/2019 for the construction of a six storey building in a Commercial 1 Zone and Design and Development Overlay (DDO7 and DDO9), use of the land for dwellings, a reduction in car parking requirements, alteration of access to a road in a Road Zone, Category 1, and a staged subdivision creating two lots at No.165-169 Keilor Road, Essendon (Lot 1 LP7912, Land in CP155101 and Lot 1 TP869564Q), subject to the following conditions:

Endorsement Conditions

1. Before the use and development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy 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) Modified basement and ground floor levels, including provision of an on-site loading bay, modified bin storage areas, deletion of 'Apartment G05', modified retail and 'back of house' areas, increased bicycle parking, provision of additional street trees, relocation of gas meters and the front awning/canopy lowered in height in accordance with revised 'without prejudice' plans prepared by Rothe Lowman, Revision P1, dated 9 October 2019;
 - b) The layout of the Disability Discrimination Act (DDA) car space and adjoining shared area within Basement Level 1 in accordance with the layout shown within the revised memorandum and swept paths prepared by Traffix Group dated 11 October 2019;
 - c) Deletion of any reference to a loading zone along the site's frontage to Keilor Road;
 - d) A notation stating that the development will be constructed to comply with any noise attenuation measures required by Australian Standard 2021-2015;

- e) Deletion of the northern bedroom of 'Apartment G04', adjacent to the communal garden, with this additional area converted into additional communal open space with an improved entry/layout for the enjoyment of future occupants;
- f) The first and second floor east-facing balconies of Apartments 108 and 208 treated/screened to ensure no direct views into existing secluded private open space in accordance with the requirements of Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
- g) Further details and/or suitable treatment/screening between Apartments 202, 203 and 204;
- h) The bedrooms and living areas directly adjacent, or provided with an outlook, to the ground floor communal open space area designed or modified to avoid potential noise impacts from this communal area;
- i) The bedroom of 'Apartment G01', adjacent to the retail premises, designed or modified to avoid potential noise impacts from this non-residential use;
- j) The third, fourth and fifth floor bedrooms directly adjoining the communal waste chutes designed or modified to avoid potential noise impacts from this building service;
- k) Three of the one-bedroom dwellings (Apartment Type E) allocated one of the larger basement storage cages (minimum 3.8m³) and three of the three-bedroom dwellings (Apartment Type J) allocated one of the larger basement storage cages (minimum 4.5m³) in order to meet the 'total minimum storage volume' requirement specified in Table D6 of Standard D20 of Clause 58.05-4 (Storage) of the Moonee Valley Planning Scheme;
- l) Provision of 300mm trench grates at the bottom of the ramp;
- m) All objects and landscaping within the pedestrian sight triangle, provided on the exit side of the vehicle accessway, kept below 900mm in height and clearly annotated on the plans;
- n) The two adjoining car spaces located at the end of the aisle on Basement Level 2 (north-west corner) allocated to the same dwelling to better manage access, similar to a tandem car space arrangement;
- o) Inclusion of a sign at the site's vehicle access point reading "Right turn to Keilor Road", facing internally, to discourage vehicles from using Roberts Street (local road);
- p) The proposed vehicle crossing in accordance with Moonee Valley Standard Drawings and Council's Vehicle Crossings Policy, with all redundant vehicle crossings removed and reinstated with kerb, channel and nature strip, to the satisfaction of the Responsible Authority;

- q) The single sided bicycle rails within the nature strip along Keilor Road in accordance with the design requirements of Australian Standard 2890.3-2015 and to the satisfaction of the Responsible Authority;
- r) All stormwater treatment measures and associated annotations as a result of Condition 5;
- s) All Sustainability Management Plan and BESS annotations and measures in accordance with Condition 6;
- t) A landscape plan in accordance with Condition 7; and
- u) 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.

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

2. Before the plan of subdivision is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be generally in accordance with the plans submitted and assessed with the application, but modified to show:
 - a) The provision of an owners corporation and common property, as required to manage common services, to the satisfaction of the Responsible Authority.

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.
4. The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
5. 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.
6. An amended Sustainability Management Plan, inclusive of BESS Report, must be submitted simultaneously with the submission of amended plans in accordance with Condition 1 of this permit. The Sustainability Management Plan must be generally in accordance with the report prepared by NJM Design Pty Ltd (Revision 6 dated 11 October 2019) and be to the satisfaction of the Responsible Authority for approval. Once

approved the Sustainability Management Plan, inclusive of BESS Report, is to be implemented and appropriately managed during construction of the proposed building.

7. Before the development starts, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plan must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Any changes as required by Condition 1 of this permit;
 - b) Features such as paths, paving and accessways with specific materials and colours clearly nominated, including deletion of the words 'to later detail';
 - c) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems;
 - d) Planting details along the full extent of the 'proposed basement driveway';
 - e) All planting abutting the vehicle accessway and land frontage along Roberts Street 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;
 - f) The inclusion of advanced (100L) street tree planting along the Keilor Road frontage, with species to match existing street trees to the satisfaction of the Responsible Authority;
 - g) Façade greenery (climbing plant) details, including climbing support structures;
 - h) Planting in the ground floor 'communal garden' area to feature shade tolerant plants (i.e. reconsider substituting Cycads, *Correa alba*, etc.); and
 - i) Further details regarding which gardens are irrigated, if the irrigation water is roof runoff or potable, and whether adequate drainage is provided (especially above structure/basement, as no drainage point is apparent on the plans).

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

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

8. 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 generally in accordance with the memorandum prepared by Leigh Design Pty Ltd dated 11 October 2019; and
- b) Be modified in accordance with Condition 1 of this permit.

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.

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 car 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, residents and staff to their designated car 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 and/or details regarding appropriate access to the site, including hours that the vehicle access gate/door will be open; and
 - k) The movements of trucks and other vehicles to the loading bay 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.

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. Thirty (30) days prior to the commencement of works, a civil plan showing new footpath levels within the road reserve fronting the development must be provided and approved to the satisfaction of the Responsible Authority.
13. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and 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.

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.

VicRoads Condition

15. Prior to the commence of use hereby approved, all redundant vehicle crossings at Keilor Road must be removed and the area re-instated to kerb and channel to the satisfaction of and no cost to the Roads Corporation.

Essendon Fields Airport Conditions

16. Prior to the commencement of works (except for demolition and bulk excavation), the landowner must:

- a) determine whether it requires approval from the Secretary of the Department of Infrastructure, Transport, Cities and Regional Development in relation to the construction of the development, including approval for controlled activities in prescribed airspace pursuant to the Airports (Protection of Airspace) Regulations 1996 (Cth); and
- b) if approval is required from the Secretary of the Department of Infrastructure, Transport, Cities and Regional Development pursuant to Condition 16(a) of this permit, obtain the approval and provide a copy to the Responsible Authority and Essendon Fields Airport.

No other works (except for demolition and bulk excavation) can be commenced pursuant to this permit until the matters in this Condition 16 are resolved.

- 17. Prior to the commencement of works (except for demolition and bulk excavation), the landowner must provide, to the satisfaction of the Responsible Authority, an assessment that the building will not create an unacceptable risk to aircraft operations from building induced windshear and air turbulence.
- 18. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) must be prepared and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The CEMP must include, but not be limited to the following:
 - a) Proposed working hours;
 - b) Haulage routes to the site;
 - c) Methods of dust suppression;
 - d) Sediment control and gross pollutant management;
 - e) Procedures to ensure that no significant adverse environmental impacts occur as a result of the development;
 - f) Earthworks (Consistent with Construction Techniques for Sediment Pollution Control (EPA, 1991);
 - g) Showing where stockpiling, machinery wash down, lay down, storage and personnel rest areas occur;
 - h) Vehicle exclusion areas;
 - i) Weed management measures to be undertaken during and post construction; and
 - j) Procedures to ensure that no controlled activities as defined by Section 182(1) of the Airports Act 1996 (Cth) occur without approval. Alternatively, if an approval has been issued by the Secretary of the Department of Infrastructure, Regional Development and Cities pursuant to the Airports (Protection of Airspace) Regulations 1996, the procedures to ensure compliance with the approval.

19. The development allowed by this permit must be constructed to comply with any noise attenuation measures required by Australian Standard 2021-2015. Any noise attenuation measures must also be maintained to the satisfaction of the Responsible Authority.
20. Lighting of all areas within the site shall be located and designed with suitable shields and baffles so that no glare is emitted outside the site to the satisfaction of the Responsible Authority.

Head, Transport for Victoria Conditions

21. The permit holder must avoid disruption to tram operation along Keilor Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty five days (35) prior.
22. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

City West Water Conditions

23. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
24. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.
25. Prior to certification, the Plan of Subdivision must be referred to City West Water in accordance with Section 8 of the Subdivision Act 1988.

Use and Development Conditions

26. 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.
27. Before the building approved by this permit is occupied, all retaining walls and 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.
28. 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.
29. 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.

30. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
31. 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.

32. 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.
33. 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.
34. 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.
35. Bicycle parking spaces, access, lockers and compounds must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
 36. The existing street trees must not be removed or damaged as a result of the permitted development, unless with the written consent of the Responsible Authority.
 37. The proposed street trees to be planted along Keilor Road must be to the satisfaction of the Responsible Authority. All costs associated with the planting of the street trees must be borne by the permit applicant and be completed to the satisfaction of the Responsible Authority before the building approved by this permit is occupied.
 38. 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.
 39. Before the building approved by this permit is 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.
 40. 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.
 41. 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.
 42. 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).
 43. 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.
 44. 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; or
 - d) Presence of vermin,
 - e) or in any other way, to the satisfaction of the Responsible Authority.
45. All wastes, including liquid waste and waste water, must be disposed of to the satisfaction of the Responsible Authority.
46. 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.

Subdivision Conditions

47. The owner of the land must enter into an agreement with:
- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
48. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
49. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities,

electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

50. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
51. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
52. Before a Statement of Compliance is issued, the Responsible Authority must be provided with written advice in accordance with Section 20A of the Subdivision Act 1988.

Expiry Conditions

53. This permit, as it relates to use and development, will expire if:
 - 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.

54. This permit, as it relates to subdivision, will expire if:
 - a) The plan of subdivision is not certified within two years of the date of this permit; or
 - b) The registration of the subdivision is not completed within five years of the date of certification of the plan of subdivision.

The Responsible Authority may extend the time to certify the plan of subdivision if a request is made in writing before the permit expires or within six (6) months afterwards

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 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 the nominated 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.
- The need for a public open space contribution may be required through any future subdivision application for each stage accordingly.
- The proposal comprises of works associated with the re-instatement of kerb and channel which require separate approval under the Road Management Act 2004. Please contact VicRoads/DoT prior to commencement any works.

CARRIED UNANIMOUSLY

10.4 **8-24 Everage Street, Moonee Ponds (Land in PS347399D)
- Construction of a 16 storey building comprising food
and drink premises (excluding hotel and tavern), offices
and dwellings with a reduction in car parking
requirements**

Author: William Wheeler - Principal Statutory Planner

Business Unit: Planning

Minute No. **2019/294**

Council Resolution

Moved by Cr Nation, seconded by Cr Sharpe that Council issues a Planning Permit in relation to Planning Permit Application No. MV/2/2019 for the construction of a 16 storey building comprising food and drink premises (excluding hotel and tavern), offices and dwellings with a reduction in car parking requirements at No.8-24 Everage Street, Moonee Ponds (Land in PS347399D), 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) Modified ground floor, basement and office levels, including relocation of the car lift, provision for a loading bay area, a reduction in car spaces, increase in bicycle spaces and improved ESD and sustainability measures in accordance with revised 'without prejudice' plans prepared by Arcadia, Revision C, dated 9 October 2019;
 - b) All walls, balconies and windows within the title boundaries of the site, including all basement levels;
 - c) At least 50% of dwellings clearly and correctly designed in accordance with the requirements of Standard D17 of Clause 58.05-1 (Accessibility) of the Moonee Valley Planning Scheme;
 - d) Improved pedestrian connectivity between the ground floor loading bay and foyer areas, including wider pedestrian doors/access through the 'visitor bikes' room to allow for the efficient movement of goods and furniture;
 - e) Confirmation of amenities to be provided within the proposed outdoor kitchen associated with the roof terrace;
 - f) Further details regarding how the fire booster and gas/water meters will be screened with stone cladding along each streetscape;

- g) A reduction in the width of the proposed ground floor awning to a maximum 1.5m overhang, with reconsideration of the proposed material due to the collection of leaf litter and maintenance issues from future street tree canopies under the Draft MPAC Streetscape and Public Spaces Plan;
- h) Provision of 300mm trench grates at the bottom of ramps;
- i) Section diagrams of the car parking levels demonstrating satisfactory headroom clearance is achieved, specifically for the car stackers;
- j) Pedestrian visibility splays at the vehicle accessway, with the access location offset from the property boundary to achieve adequate sightlines to pedestrians;
- k) Standard at-grade car spaces provided in lieu of dependent car stackers or, alternatively, an independent car stacker system (i.e. shuffle system) in lieu of dependent car stackers;
- l) A minimum headroom clearance of 2.5m for the DDA car space and adjoining shared area, with provision of a bollard centrally located within the adjoining shared area in accordance with the design requirements of Australian Standard AS2890.6-2009;
- m) Dimensions shown for the column locations and clearance to structures in accordance with the requirements of 'Diagram 1' of Clause 52.06-9 (Design standards for car parking) of the Moonee Valley Planning Scheme;
- n) A grade of 1:200 towards the carpark discharge points for drainage purposes;
- o) Confirmation that 19 of the 38 car stacker spaces have a headroom clearance height of 1.9m (50%);
- p) The manufacturer specifications for the car lift provided and confirmed, including lift shaft and lift cabin dimension requirements;
- q) The vehicle crossing shown in accordance with Council's Standard Drawings and Vehicle Crossings Policy, as well as Council's Draft MPAC Streetscape and Public Spaces Plan;
- r) The horizontal bicycle rails within the north-western corner of Basement Level 3 redesigned to accord with Australian Standard AS2890.3-2015;
- s) All stormwater treatment measures and associated annotations as a result of Condition 3;
- t) All Sustainability Management Plan and BESS annotations and measures in accordance with Condition 4;
- u) Any design modifications and changes to the built form as a result of recommendations within the amended Wind Impact Assessment required under Condition 5;
- v) A landscape plan in accordance with Condition 6; and

- w) 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.

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. 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 Sustainability Management Plan, inclusive of BESS Report, must be submitted simultaneously with the submission of amended plans in accordance with Condition 1 of this permit. The Sustainability Management Plan must be generally in accordance with the report prepared by ADP Consulting Pty Ltd (Revision 9 dated 14 October 2019) and be to the satisfaction of the Responsible Authority for approval. Once approved the Sustainability Management Plan, inclusive of BESS Report, is to be implemented and appropriately managed during construction of the proposed building.
5. Concurrent with the submission of Condition 1 plans, an amended Wind Impact Assessment must be submitted to and approved by the Responsible Authority. The amended Wind Impact Assessment must undertake a comprehensive scale model wind tunnel test of the proposed development and surrounding properties to the satisfaction of the Responsible Authority. The amended Wind Impact Assessment report must clearly reference all relevant development plans and be prepared by a suitably qualified expert to the satisfaction of the Responsible Authority. In addition to this, a separate wind consultant is to be engaged at the cost of the permit holder to repeat the scale model wind tunnel tests and assessments to ensure integrity of this process.

When approved, the amended Wind Impact Assessment will be endorsed and will form part of the permit.

The provisions, recommendations and requirements of the endorsed Wind Impact Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

6. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and an electronic copy must be provided. The landscape plan must be generally in accordance with the plans submitted with the application but modified to show:
- a) Any changes as required by Condition 1 of this permit;
 - b) A planting schedule of all proposed vegetation (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) Features such as paths, paving and accessways;
 - e) Provision of planter bed details, including irrigation and pebble mulch;
 - f) Inclusion of raised planters on balconies, with greenery shown only where planters are proposed;
 - g) Planters with trees a minimum of 1m deep;
 - h) The location of street trees along Everage Street and Homer Street as shown in the Draft MPAC Streetscape and Public Spaces Plan;
 - i) Kerb and channel along Homer Street to be a two-pitcher bluestone channel;
 - j) Kerb and channel along Everage Street to be a one-pitcher bluestone channel;
 - k) The pedestrian pathways for Homer Street and Everage Street accented by 1m x 0.5m sawn bluestone paving, similar to the City of Melbourne standard footpath paving. 250mm x 250mm vehicle grade sawn bluestone should be used where a crossover is required with a transition line perpendicular to the kerb. Pram ramps in bluestone paving should also be bluestone with white granite tactile pavers;
 - l) Only include bollards where there is no barrier kerb (100mm diameter brushed stainless steel tube bollard with flat top is the preferred product);
 - m) Bluestone pavers (1m x 0.5m pavers) to extend into building entrance/lobby up to the door to create a more seamless entry; and
 - n) An appropriate irrigation system, including drip irrigation for all raised planters.

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.

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 generally in accordance with the report prepared by Leigh Design Pty Ltd dated 2 October 2019; and
 - b) Be modified in accordance with Condition 1 of this permit.

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. 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 car 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, residents and staff to their designated car 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 and/or details regarding appropriate access to the site, including hours that the vehicle access gate/door will be open;

- 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 lift and car stackers are to be regularly maintained and serviced;
- m) Details of timeframes and measures to be undertaken, to reinstate the car lift and car stackers back to working order, if the car lift or car stackers becoming non-operational;
- n) Details of measures to be undertaken if the car lift or car stackers are not operational, so not to provide any additional on-street parking demand; and
- o) Details regarding use of the car lift for waste management, including the marshalling of commercial bins to/from the ground floor temporary storage area by the building manager outside of peak hours.

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.

9. 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.

10. 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.

11. 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.

Development Conditions

12. 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.
13. 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.
14. 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.
15. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. 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).
25. 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.
26. 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; or
 - d) Presence of vermin,or in any other way, to the satisfaction of the Responsible Authority.
27. All wastes, including liquid waste and waste water, must be disposed of 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. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within three (3) years from the date of issue of this permit, or
 - b) The development is not completed within five (5) 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: $C_w=0.4$, $t_c=10\text{mins}$, $t_{so}=5\text{mins}$, 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 Moonee Valley City Council.
- 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.
- 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, Lawrence, Nation, Sharpe

Against: Crs Byrne, Cusack, Gauci Maurici

CARRIED

Cr Gauci Maurici left the meeting at 7.23pm, due to her declared conflict of interest in the next item.

10.5 Amendment 207moon - MPAC to 2040: Moonee Ponds Activity Centre Local Plan

Author: Corina de Araujo - Senior Strategic Planner

Business Unit: Planning

Minute No. **2019/295**

Council Resolution

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

- a. Note the informal consultation undertaken on the *MPAC to 2040: Moonee Ponds Activity Centre Local Plan* (Attachment A – separately circulated), suite of background documents and planning controls, and recognise these documents respond to the submissions made by the Moonee Valley community.
- b. Adopt the *MPAC to 2040: Moonee Ponds Activity Centre Local Plan* (Attachment A – separately circulated) and the suite of background documents for public exhibition.
- c. Endorse Version 1 of Amendment C207moon based on the current structure of the Moonee Valley Planning Scheme, to be lodged with the Minister for Planning for authorisation should the current structure of the Moonee Valley Planning Scheme still apply at the time of lodgement.
- d. Endorse Version 2 of Amendment C207moon based on the new Planning Policy Framework structure proposed by Amendment C193moon (currently being considered for approval by the Minister for Planning), to be lodged with the Minister for Planning for authorisation should the new structure of the Moonee Valley Planning Scheme be introduced by DELWP prior to lodgement.
- e. Request the Minister for Planning to authorise Amendment C207moon to the Moonee Valley Planning Scheme, pursuant to Section 8A(3) of the *Planning and Environment Act 1987*, and place Amendment C207moon on exhibition pursuant to Section 19 of the *Planning and Environment Act 1987*.
- f. Allow Council officers to make minor editing and typographical changes as required.
- g. Receive a further report following the public exhibition of Amendment C207moon outlining all submissions received and Council officers' responses to the issues raised.
- h. Receive a further report regarding the collection and distribution mechanism for affordable housing uplift contributions to be enacted by Moonee Valley City Council, in relation to contributions received as a part of the MPAC to 2040 work.

CARRIED UNANIMOUSLY

Cr Gauci Maurici returned to the meeting for the next item at 7.32pm.

10.6 Response to Notice of Motion 2019/24: Declaration of climate emergency

Author: Allison Watt - Manager Governance and Communications

Business Unit: Corporate Governance

Minute No. 2019/296

Council Resolution

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

- a. Note the costs and issues associated with bin stickers and confirm that no further action be taken to implement bin stickers in Moonee Valley at this stage.
- b. Note that Council will continue to implement ongoing waste education communications for Moonee Valley residents in order to reduce contamination rates from our kerbside waste collection including the distribution of the 2020 waste calendar and a social media campaign.

CARRIED UNANIMOUSLY

10.7 **2019/20 Capital Works Program Update**

Author: Nikhil Aggarwal - Coordinator Program Management Office

Business Unit: Project Delivery

Minute No. **2019/297**

Council Resolution

Moved by Cr Sharpe, seconded by Cr Cusack that Council resolves to authorise requested 2019/20 Capital Works Project variations as per Section A of Attachment A.

CARRIED UNANIMOUSLY

10.8 Crown Street Stables 2018/19 Highlights

Author: Jasmine Graham - Senior Coordinator Access and Inclusion

Business Unit: Community Services

Minute No. 2019/298

Council Resolution

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

- a. Endorse the Crown Street Stables Annual Report 2018/19.
- b. Endorse to receive future Crown Street Stables updates within Councils Annual Report.

CARRIED UNANIMOUSLY

10.9 Proposed Lease Renewal - Strathmore Tennis Club

Author: Kenton Shue - Commercial Property Officer

Business Unit: Project Delivery

Minute No. 2019/299

Council Resolution

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

- a. Endorse a Deed of Renewal of Lease for the Strathmore Tennis Club Inc. at 44 Loeman Street, Strathmore for a further 4-year term commencing 1 November 2019 for the purposes of a tennis club and associated recreational purposes (as approved by Council).
- b. Authorise the Chief Executive Officer's under delegation to negotiate and finalise the Deed of Lease Renewal with the Strathmore Tennis Club and execute the Deed on behalf of Council

CARRIED UNANIMOUSLY

10.10 Proposed Road Discontinuance - Abutting rear of 22 Church Street and 35 and 37 Bryant Street, Flemington

Author: Trish Curcuruto - Property and Right of Way Officer

Business Unit: Project Delivery

Minute No. 2019/300

Council Resolution

Moved by Cr Nation, seconded by Cr Cusack that Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989* (Act):

- a. resolves that the statutory procedures be commenced to discontinue the road contained in certificate of title volume 1469 folio 763, being lot 1 on plan of subdivision 941524C (Road);
- b. directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Moonee Valley Leader weekly newspaper;
- c. inform persons who wish to be heard in support of their submission that they will be heard at a committee of Council (if required), comprising of ward Councillors, in accordance with section 223 of the Act;
- d. resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the abutting property owners for market value; and
- e. Receive a further report following the completion of the public notice process to determine whether or not Council proceed with the proposal to discontinue the Road and sell to abutting property owners.

CARRIED UNANIMOUSLY

10.11 Authorisations and Delegations of Council - Update 2019

Author: Lee McSweeney - Coordinator Governance

Department: Corporate Governance

Minute No. 2019/301

Council Resolution

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

- a. Having undertaken a review of its delegations in accordance with Section 98 of the *Local Government Act 1989*, resolves that:
 - i. The powers, duties and functions set out in the Instrument of Delegation, provided as Attachment A be delegated to members of Council staff subject to the conditions and limitations specified in that instrument.
 - ii. The Instrument of Delegation provided as Attachment A be signed and sealed, and come into force immediately upon the common seal of the Council being affixed to the instrument, with all previous corresponding instruments to be revoked.
 - iii. The duties and functions set out in these Instruments of Delegation must be executed in accordance with any guidelines or policies that are adopted by the Council from time to time.
- b. In the exercise of the powers conferred by Section 147(4) of the *Planning and Environment Act 1987* and Section 232 of the *Local Government Act 1989*, resolves that:
 - i. The Instrument of Appointment and Authorisation to members of Council staff referred to in Attachment B be revoked.
- c. Endorse the revised Charter to the following Section 86 Special Committees of Council:
 - i. Grant Assessment Special Committee (Attachment C)
 - ii. Land Acquisition Committee (Attachment D)
- d. The Instrument of Delegation to the Land Acquisition Special Committee provided as Attachment E be signed and sealed, and come into force immediately upon the common seal of the Council being affixed to the instrument, with all previous corresponding instruments to be revoked.

CARRIED UNANIMOUSLY

11. Notices of Motion

11.1 Notice of Motion No. 2019/26 - Returning the Moonee Valley Bee program

From: Councillor John Sipek

Minute No. 2019/302

Council Resolution

Moved by Cr Sipek, seconded by Cr Sharpe that Council receives a report about returning the Moonee Valley Bee program, how it can include community groups, clubs and how it can be funded in the future.

CARRIED UNANIMOUSLY

11.2 Notice of Motion No. 2019/27 - Potential improvements to Moonee Valley City Council's gateways and gateway signage

From: Councillor Cam Nation

Minute No. 2019/303

Council Resolution

Moved by Cr Nation, seconded by Cr Lawrence that the Chief Executive Officer brings a report back to Council detailing potential improvements to Moonee Valley City Council's gateways and gateway signage, in particular refreshing current signage, ensuring Moonee Valley City Council gateway signage acknowledges the traditional owners of the land, as well as looking at alternative gateway options to signage (such as plantings, lighting, etc).

CARRIED UNANIMOUSLY

11.3 Notice of Motion No. 2019/28 - Proposed relocation of the Bunyip Garden in Woodlands Park, Essendon

From: Councillor Narelle Sharpe

Minute No. 2019/304

Council Resolution

Moved by Cr Sharpe, seconded by Cr Gauci Maurici that Council authorises the Chief Executive Officer to stop the removal and relocation of the Bunyip Garden in Woodlands Park and use any available budget to restore and reinvigorate the space.

CARRIED UNANIMOUSLY

12. Urgent Business

Nil.

13. Delegates Reports

Nil.

14. Confidential Reports

Nil

15. Close of Meeting

The meeting concluded at 8.19pm.

**CR SAMANTHA BYRNE
CHAIRPERSON**