

Minutes

Ordinary Meeting of Council

Tuesday, 25 February 2020

6:30pm

Report Index

The following reports were considered:

10. Reports

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Minutes of the Ordinary Meeting of Council

Tuesday, 25 February 2020 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 Nicole Marshall	
	Cr Cam Nation	
	Cr Narelle Sharpe	
	Cr Andrea Surace	
Officers:	Bryan Lancaster	Chief Executive Officer
	Kendrea Pope	General Manager Operations
	Vincent Cammell	General Manager City Development
	Allison Watt	Executive Manager Corporate Governance
	Vera Mitrovic-Misic	Senior Coordinator Statutory Planning
	Meghan Hopper	Senior Coordinator Governance and Advocacy

1. Opening

The Mayor, Cr Byrne, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 25 February 2020.

2. Reconciliation Statement

On behalf of Moonee Valley City Council, the Mayor 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 and Leave of Absence

Cr Lawrence has approved leave of absence for this meeting.

Minute No. 2020/17

Council Resolution

Moved by Cr Marshall, seconded by Cr Gauci Maurici that Council grant Cr Surace Leave of Absence for the period 29 April to 26 May 2020 inclusive.

CARRIED UNANIMOUSLY

4. Confirmation of Minutes

Minute No. 2020/18

Council Resolution

Moved by Cr Surace, seconded by Cr Sipek that the Minutes of the Ordinary Meeting of Council held on Tuesday, 11 February 2020 with an amendment to item 10.2 (4 Beaver Street Aberfeldie) to correct the planning permit application number to MV/309/2019 be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Cr Marshall declared a direct conflict of interest in Item 10.3 for reasons previously disclosed in writing to the Chief Executive Officer.

Cr Sharpe declared an indirect conflict of interest in Item 10.3 due to residential amenity.

6. Presentations

The Mayor advised that Council's Flemington Works Project is the winner of this year's Institute of Public Administration Australia - Victoria Leadership in the Public Sector Award for Human-Centred Service Delivery. The award was received at a ceremony which took place last week. Council won in a highly competitive field which is a testament to the quality of the program and its participants. The Mayor took the opportunity to thank the project funder the Victorian Government's Department of Jobs, Precincts and Regions and also to the local member Danny Pearson Member for Essendon for his invaluable support. Council also congratulated the participating community members and Council staff. This project is a three-way partnership between Council, the Victorian Government and community.

7. Petitions and Joint Letters

Nil.

8. Public Question Time

Rose Iser asked Council:

Last year, there was considerable angst across the Flemington community when Council officers recommended spending \$65m on the Flemington Hub and Debneys park precinct, and Council decided to allocate \$45m on the precinct dividing this into \$20m for the Hub and \$25m for the precinct in the longer term, and seek \$20m from external funding. Given that no external funding seems to be forthcoming, would it be financially feasible for Council to redistribute \$10m from the \$25m funding pool to allocate \$30m for the construction of the Flemington Hub, leaving \$15m for external works (that doesn't include the additional \$5m for storm water harvesting), and to amend tonight's resolution regarding the Hub to reflect this?

Vincent Cammell responded:

The \$20 million spend currently being planned for is as defined and directed by Elected Members by resolution at the General Council Meeting held 11 June 2019. Council has also allocated additional funds for the detailed design and tendering processes.

Rose Iser asked Council:

Thank you for responding to community concern about last year's proposed location and for including in the report a recommendation that the Hub be built "*adjacent to the current Community Hub and the existing sports pavilion (adjoining the current carpark).*" Would it be possible to include this specific reference to location in the recommendation itself at point a?

Vincent Cammell responded:

There is a report before Council tonight, about the Flemington Community Hub and it will be a matter for the Council if it wishes to make a change to the recommendation in the report.

Freia Carlton asked Council:

My questions relate to planning application MV/300/2019 at 957 Mt Alexander Rd Essendon.

In acknowledging that the proposal exceeds the preferred height within Design and Development Overlay Schedule 3 and that the proposal does not meet rear setback requirements on land that abuts a General Residential Zone, how has Council taken into account concerns from Richardson St residents about an unreasonable loss of amenity from the construction of a 23.8 metre building with 13 west facing balconies that overlook not a park – like the developments on the east side of Mt Alexander Rd – but existing Richardson St homes?

Vera Mitrovic-Misic responded:

The overall height of the building and the proposed setbacks to the western property are considered to be an acceptable response to the Design and Development Overlay Schedule 3, its Commercial 1 Zone, and site context. The building has been sufficiently set back and designed to limit visual bulk impacts. The balconies within the western elevation are screened to a height of 1.7 metres above finished floor level to limit any unreasonable overlooking impacts into the adjoining properties.

Freia Carlton asked Council:

Why is Council approving multiple rear balconies at low levels that directly face into homes on Richardson St (a General Residential Zone) when high rear walls at the back of new apartments at 973 Mt Alexander Rd and 95 Rose St Essendon provide better noise and privacy protection to residents of Richardson St and Flower St whose homes border those developments?

Vera Mitrovic-Misic responded:

The balconies within the western elevation (rear) are screened to a height of 1.7 metres above finished floor level to limit any unreasonable overlooking impacts into the adjoining properties. Every site has an individual site context that influences the built form of a development, which is then assessed on its individual merits. There will be no unreasonable noise impacts as a result of the development above that typical of an established urban area.

John Kite asked Council:

My questions relate to planning application MV/300/2019 at 957 Mt Alexander Rd Essendon.

The Design and Development Overlay Schedule 3 (DDO 3) notes a height of 18 metres, however the proposed building is 23.8 metres incorporating 6 storeys plus one additional storey to lift, stairwell and communal area, effectively making it a 7 storey construction. From a physical structure it is 7 storey build.

The seventh storey has a large core of lift and stairway that provides access to a large communal area purely as a compensation for the reduced size in the balconies which is detrimental to the existing residents for the poor architectural design.

Why is the Moonee Valley Council endorsing a design that has a building height 5.8 metres over the recommended guidelines?

Vera Mitrovic-Misic responded:

Council officers have assessed the proposed height of the development against the provisions of the Design and Development Overlay Schedule 3, the decision guidelines of the Commercial 1 Zone and its site context and consider the height to be an appropriate response.

John Kite asked Council:

The average height of the 12 existing recently built residential developments that are referred to on the development advertised plans are an average of 4.41 stories (approx. 15.876 metres in height). Therefore the 957 Mt Alexander Road proposal has a height of 23.8 m which is on average over 8.0 metres higher than the existing buildings referred to.

Why is the Moonee Valley Council considering endorsing a large bulk mass design that has a direct impact on the health and amenity of the existing property owners in Richardson St and Mount Alexander Road?

Vera Mitrovic-Misic responded:

Council officers have assessed the proposed development against the provisions of the Design and Development Overlay Schedule 3, the decision guidelines of the Commercial 1 Zone and its site context and consider that the built form has appropriately managed the impacts upon the amenity of the adjoining properties in relation to visual bulk, overlooking and overshadowing.

Cathy Kite asked Council:

My questions relate to planning application MV/300/2019 at 957 Mt Alexander Rd Essendon.

Explain the proposal in the context of the existing residential properties currently occupying 949-953 and 963 Mt Mount Alexander Road and detail how the setbacks are sufficient to avoid overlooking and visual bulk issues for these existing properties.

Vera Mitrovic-Misic responded:

The development has been set back appropriately from the north and southern boundaries having regard to its location within a Commercial 1 Zone, the provisions of the Design and Development Overlay Schedule 3 and its site context.

Balconies and habitable room windows within the southern elevation facing 949-953 Mt Alexander Rd are appropriately screened to a height of 1.7 metres above finished floor level to limit unreasonable overlooking opportunities.

The balconies and habitable room windows within the northern elevation facing 961 and 963 Mt Alexander Road are not screened as the adjoining property at 961 Mt Alexander Road is a medical centre and the overall distance between the proposed development and private open space areas of 963 Mt Alexander Road is well in excess of 9 metres. As such, there are no unreasonable overlooking impacts to these properties.

Cathy Kite asked Council:

Explain the overlooking and visual bulk aspects that the proposal creates for 38, 40 and 42 Richardson Street to the west of the proposal.

Vera Mitrovic-Misic responded:

The overall height of the building and the proposed setbacks to the western property are considered to be an acceptable response to the Design and Development Overlay Schedule 3, its Commercial 1 Zone, and site context. The building has been sufficiently set back and designed to limit visual bulk impacts. The balconies within the western elevation are screened to a height of 1.7 metres above finished floor level to limit any unreasonable overlooking impacts into the adjoining properties.

Beth Kite asked Council:

My questions relate to planning application MV/300/2019 at 957 Mt Alexander Rd Essendon.

Why is the proposed development removing a facility that provides a much needed respite place for our ageing population, what are the provisions for the existing residents and how does the council reconcile endorsing this town planning application for a residential development rather than the social needs of our community?

Vera Mitrovic-Misic responded:

The subject site is privately owned and the existing use and development of the site is not a planning consideration in the assessment of the proposed development of the site. The assessment of this application is limited to its response to the relevant provisions of the Moonee Valley Planning Scheme.

Chris Kite asked Council:

My questions relate to planning application MV/300/2019 at 957 Mt Alexander Rd Essendon.

How could the ordinary articulation and material changes of the proposal be improved to reduce the proposal's large size and bulkiness?

Vera Mitrovic-Misic responded:

Condition 1(c) which states: "The perforated screens on the front façade to be reduced in height to no more than 1.5 metre" has been included within the recommendation to reduce screening elements within the front elevation to reduce the perception of built form to the streetscape. Condition 1(a) requires alterations to the built form in accordance with the submitted 'Without Prejudice' plans. These conditions are appropriate and sufficient to reduce the visual dominance presented to the streetscape and adjoining properties.

Chris Kite asked Council:

Explain how the proposed development at 957 Mt Alexander Road Essendon has incorporated the new Green Star – Design and As Built v1.3?

Vera Mitrovic-Misic responded:

The permit applicant prepared a Sustainable Management Plan, including a BESS report for this application. Council's ESD Officer has reviewed this report and supports the development, subject to conditions which have been included. Green Star is an alternative tool that can be used to undertake an environmental sustainable design assessment.

Michael Whelan asked Council:

My questions relate to the North Park estate in Woodland Street, Strathmore. Regarding North Park Estate, planning is underway to sub divide and develop the property. The owners have applied to Heritage Victoria for approval and permit. Can Council submit an objection to Heritage Victoria?

Vera Mitrovic-Misic responded:

Council is aware of the application lodged to Heritage Victoria by the owners of North Park Estate (formally known as 45-69 Woodland Street, Strathmore). Council's Statutory Planning Department has received a formal referral from Heritage Victoria for comments on the application. A report will be prepared for Council's consideration.

Michael Whelan asked Council:

Would Council consider buying the property and using it for community activities?

Vera Mitrovic-Misic responded:

That would be a matter for Council to decide.

9. Reports from Special Committees

Nil.

10. Reports

10.1 957 Mt Alexander Road, Essendon (Land in PC166733E) - Construction of a multi storey mixed use building in a Design and Development Overlay Schedule 3 and alterations to access in a Road Zone Category 1

Author: Grant Michell - Principal Statutory Planner

Business Unit: Planning

Minute No. 2020/19

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Marshall that Council issues a Notice of Decision to Grant a Planning Permit in relation to Planning Permit Application No. MV/300/2019 for the construction of a multi storey mixed use building in a Design and Development Overlay Schedule 3 and alterations to access in a Road Zone Category 1 at 957 Mt Alexander Road, Essendon (Land in PC166733E), 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) All changes in accordance with the 'Without Prejudice' plans prepared by R Architecture, revision E, dated 18 December 2019;
 - b) Further details regarding how the fire booster and gas/water meters will be screened;
 - c) The perforated screens on the front façade to be reduced in height to no more than 1.5 metres;
 - d) All above bonnet storage cages to be a minimum of 1.5 metre above Finished Floor Level and not extend more than 1.0 metre into the car space;
 - e) Provision of 300mm trench grates at the bottom of the ramps;
 - f) 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;
 - g) 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;

- h) Detailed section diagrams of all basement ramps, including all grades and transitions, to ensure that a minimum headroom clearance of 2.2 metres is achieved;
- i) Details of the pedestrian visibility splays in accordance with Clause 52.06-9 (Design Standards for car parking) of the Moonee Valley Planning Scheme;
- j) A grade of 1:200 towards the carpark discharge points for drainage purposes;
- k) The horizontal bicycle rails within the north-western corner of Basement Level 3 redesigned to accord with Australian Standard AS2890.3-2015;
- l) All stormwater treatment measures and associated annotations as a result of Condition 3;
- m) All Sustainability Management Plan and BESS annotations and measures in accordance with Condition 4;
- n) A landscape plan in accordance with Condition 5
- o) Any changes as a result of the Waste Management Plan in accordance with Condition 6;
- p) Any changes as a result of the Car Parking Management Plan in accordance with Condition 7;
- q) Any changes as required by VicRoads in accordance with Conditions 12-16;
- r) 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; and
- s) The deletion of Level 3, with no change in the setbacks of the upper levels as a result of the deletion, ensuring the maximum height is not greater than 18m.

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 Frater dated 8 July 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. 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; and
 - d) Provision of planter bed details, including irrigation and pebble mulch.

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.

6. Before the development starts, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended Waste Management Plan must be in accordance with the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants' and must:
 - a) Be modified in accordance with Condition 1 of this permit.

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.

7. 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) Details of all devices and treatments to improve vehicle visibility within the basement levels;
- c) Arrangements for the provision and allocation of car spaces on site;
- d) 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;
- e) Lighting of car parking areas, entries and exits;
- f) Proposed line marking, convex mirrors and signage to direct occupants, residents and staff to their designated car spaces;
- g) Arrangements for the loading and unloading of goods and materials for the commercial uses; and
- h) Entitlements to the use of the loading bay by all uses on the land, including the collection of waste by private waste collection vehicles.

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.

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 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.

9. A minimum 30 days prior to any building or works commencing, all WSUD Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
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.

VicRoads Conditions

12. The crossover and driveway must be constructed to the satisfaction of and at no cost to the Roads Corporation and/or the Responsible Authority, prior to the commencement of the use or occupation of the building approved by this permit.
13. All disused or redundant vehicle crossings must be removed, and the area reinstated to the kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the commencement of the use.
14. The crossover/driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.

15. Any security boom, barrier, gate or similar device controlling vehicle access to the premises must be located inside the property to allow vehicles to store clear of the Mt Alexander Road pavement and footpath.
16. Construction works must be undertaken in a manner not to compromise safety and efficient operation of Mt Alexander Road, Essendon.

Development Conditions

17. 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.
18. The following street tree/nature strip protection measures must be undertaken;
 - a) The nature strip and street tree located within the Mt Alexander Road 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 Mt Alexander Road frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and
 - c) No building materials are to be stacked and/or dumped on any nature strip during construction.
19. 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.
20. 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.
21. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
22. 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.
23. 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.

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

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

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

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

to the satisfaction of the Responsible Authority.

25. 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.

26. Bicycle parking spaces, including 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.
27. 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.
28. 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.

29. 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.
30. 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).
31. 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.
32. 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.
33. All wastes, including liquid waste and waste water, must be disposed of to the satisfaction of the Responsible Authority.
34. 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.
35. 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 within Council's website or in person at 9 Kellaway Avenue, Moonee Ponds.

VicRoads Notes

- Separate approval under the *Road Management Act* for this activity may be required from Roads Corporation (VicRoads). Please contact VicRoads prior to commencing any works.

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

CARRIED ON THE CASTING VOTE OF THE MAYOR

10.2 Flemington Community Hub Renewal Project

Author: Vincent Cammell - General Manager City Development

Business Unit: City Development

Minute No. 2020/20

Motion

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

- a. Proceed with delivering a new Flemington Community Hub at Debneys Park on Council owned land (Option B).
- b. Endorse the design for the Flemington Community Hub based on the following broad inclusions and ensure that in providing appropriate spaces for use by the whole community, that the requirements for people from diverse cultures are included and that, the Flemington Community Hub specifically includes a dedicated space to foster employment opportunities via development of micro business and other vocational initiatives. The new Flemington Community Hub will include:
 - i. Community hall and a range of multi-purpose rooms of different sizes
 - ii. Display areas for art exhibitions and installations and a foyer space
 - iii. Kitchen / café / kiosk that can also facilitate or augment vocational training
 - iv. Training rooms
 - v. Art room (wet/dry space)
 - vi. Offices
 - vii. Storage spaces
 - viii. Dedicated spaces provided for children, youth and older people and special interest groups that require specific space eg a prayer room
 - ix. Consultation suites
 - x. Sport pavilion spaces to service two outdoor fields that are accessible for people of all ages, abilities, cultural backgrounds and sex
 - xi. A design that optimises the connection of the building to its outside surrounds by creating varied access/entrance points to maximise its use by community and special interest groups
 - xii. Incorporate renewable energy, materials and landscape design within the building design to maximise environmental and sustainable outcomes and extend the use of the building as an accessible model for the promotion of these design principles in other large and small developments and houses.
 - xiii. Ensuring that the technology specified for the building supports high level communication and digital technology and that this is accessible both indoors and outdoors to maximise activation of these spaces. (Noting that the multi purposing of spaces in the Hub will require lighting, power, and technology installation to support a variety of complex events such as, theatre performances, art installations and meetings of various sizes and purposes.)
 - xiv. The design response must address and maximise community safety in addition to those mandated by legislation
 - xv. The design of the building (inside and outside) will be a welcoming and respectful place for Aboriginal and Torres Strait Islander people and the diverse communities and cultures of inner Melbourne.

- c. Provide \$1.454M in the 2020/21 Capital Works Program to allow awarding of Architectural Services Tender.
- d. Consult and keep the community informed throughout the concept design phase, ensuring project communications are designed to encourage information to be easily shared across the community, particularly those living on the Flemington Public Housing Estate and other marginalised or disadvantaged individuals or groups.
- e. Authorise the Chief Executive Officer to award the contract for the provision of Architectural consultancy Services for the Flemington Community Hub.
- f. Continue Council's advocacy for this project to engage State and Federal representatives to access opportunities for funding and support.

Minute No. 2020/21

Amendment

Moved by Cr Sipek, seconded by Cr Sharpe that an additional point be added that a space be set aside to recognise the history of the Flemington community

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

Against: Crs Cusack, Gauci Maurici

CARRIED

Minute No. 2020/22

Council Resolution

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

- a. Proceed with delivering a new Flemington Community Hub at Debneys Park on Council owned land (Option B).
- b. Endorse the design for the Flemington Community Hub based on the following broad inclusions and ensure that in providing appropriate spaces for use by the whole community, that the requirements for people from diverse cultures are included and that, the Flemington Community Hub specifically includes a dedicated space to foster employment opportunities via development of micro business and other vocational initiatives. The new Flemington Community Hub will include:
 - xvi. Community hall and a range of multi-purpose rooms of different sizes
 - xvii. Display areas for art exhibitions and installations and a foyer space
 - xviii. Kitchen / café / kiosk that can also facilitate or augment vocational training
 - xix. Training rooms
 - xx. Art room (wet/dry space)
 - xxi. Offices
 - xxii. Storage spaces
 - xxiii. Dedicated spaces provided for children, youth and older people and special interest groups that require specific space eg a prayer room
 - xxiv. A space set aside to recognise the history of the Flemington community
 - xxv. Consultation suites
 - xxvi. Sport pavilion spaces to service two outdoor fields that are accessible for people of all ages, abilities, cultural backgrounds and sex

- xxvii. A design that optimises the connection of the building to its outside surrounds by creating varied access/entrance points to maximise its use by community and special interest groups
- xxviii. Incorporate renewable energy, materials and landscape design within the building design to maximise environmental and sustainable outcomes and extend the use of the building as an accessible model for the promotion of these design principles in other large and small developments and houses.
- xxix. Ensuring that the technology specified for the building supports high level communication and digital technology and that this is accessible both indoors and outdoors to maximise activation of these spaces. (Noting that the multi purposing of spaces in the Hub will require lighting, power, and technology installation to support a variety of complex events such as, theatre performances, art installations and meetings of various sizes and purposes.)
- xxx. The design response must address and maximise community safety in addition to those mandated by legislation
- xxxi. The design of the building (inside and outside) will be a welcoming and respectful place for Aboriginal and Torres Strait Islander people and the diverse communities and cultures of inner Melbourne.
- c. Provide \$1.454M in the 2020/21 Capital Works Program to allow awarding of Architectural Services Tender.
- d. Consult and keep the community informed throughout the concept design phase, ensuring project communications are designed to encourage information to be easily shared across the community, particularly those living on the Flemington Public Housing Estate and other marginalised or disadvantaged individuals or groups.
- e. Authorise the Chief Executive Officer to award the contract for the provision of Architectural consultancy Services for the Flemington Community Hub.
- f. Continue Council's advocacy for this project to engage State and Federal representatives to access opportunities for funding and support.

CARRIED UNANIMOUSLY

Cr Marshall and Cr Sharpe left the meeting at 7.41pm having declared a conflict of interest in the following agenda item.

10.3 Moonee Valley Flood Study, 2020 - Resolution to proceed to informal community consultation

Author: Colin Harris - Senior Project Manager Infrastructure and Land Use Developments

Business Unit: Planning

Minute No. 2020/23

Council Resolution

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

- a. Note the proposed flood planning controls identified in the Moonee Valley Flood Study, 2020.
- b. Undertake informal community consultation, including with property owners and occupiers, to seek feedback on the draft flood extents and proposed flood planning controls identified as subject to flooding within the Moonee Valley Flood Study, 2020.
- c. Receive a future report following informal community consultation on the Moonee Valley Flood Study, 2020, in relation to a potential future planning scheme amendment process to introduce additional application of the Special Building Overlay in the Moonee Valley Planning Scheme.

CARRIED UNANIMOUSLY

Cr Marshall and Cr Sharpe returned to the meeting at 7.47pm.

10.4 Response to Petition - Newsom Street, Ascot Vale

Author: Russell Beer - Coordinator Horticulture and Public Spaces

Business Unit: City Development

Minute No. 2020/24

Council Resolution

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

- a. Maintain its current position and approach in relation to the maintenance of the naturestrips.
- b. Notify the lead petitioner of Council's decision not to take on additional responsibilities for the maintenance of naturestrips in Newsom and Stanford Streets, Ascot Vale.

CARRIED UNANIMOUSLY

10.5 Council Plan 2017-21 - Quarter 2 progress report for 2019-20

Author: Sarah Carles - Corporate Planning Officer

Business Unit: Operations

Minute No. 2020/25

Council Resolution

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

- a. Receive and note the quarter two progress report on the implementation of the Council Plan 2017-21 work plan for 2019/20.
- b. Receive and note the Council Plan 2017-21 Year Three delivery update.
- c. Receive and note the list of outstanding Council Plan 2017-21 key strategies and key priorities.

CARRIED UNANIMOUSLY

10.6 Financial Performance Report December 2019

Author: Colleen Seymour - Acting Manager Finance

Business Unit: Operations

At its meeting on 11 February 2020 Council resolved that the matter be deferred to the meeting to be held on 25 February 2020.

Minute No. 2020/26

Council Resolution

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

- a. Receive and note the Financial Performance report for the period 1 July 2019 to 31 December 2019.
- b. Receive and note the 2019/20 Capital Works Program – quarterly report to 31 December 2019.
- c. Receive and note the Grants Register Status report for December 2019.

CARRIED UNANIMOUSLY

10.7 Notices of Motion Quarterly Report

Author: Rosie Ferreira - Governance and FOI Advisor

Business Unit: Operations

Minute No. 2020/27

Council Resolution

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

CARRIED UNANIMOUSLY

11. Notices of Motion

11.1 Notice Of Motion No. 2020/06 – Replacement of trees along Buckley Street Essendon following the level crossing removal project

File No: FOL/19/3935

From: Councillor Andrea Surace

Minute No. 2020/28

Council Resolution

Moved by Cr Surace, seconded by Cr Nation that Council writes to the Major Transport Infrastructure Authority (formerly the Level Crossing Removal Authority, or LXRA) requesting mature trees be planted along Buckley Street, Essendon, replacing the 100+ year old trees that were removed through the level crossing project.

CARRIED UNANIMOUSLY

12. Urgent Business

Nil

13. Delegates Reports

Nil

14. Confidential Reports

Nil

15. Close of Meeting

The meeting concluded at 8.13pm.

**CR SAMANTHA BYRNE
CHAIRPERSON**