

# Minutes

## Ordinary Meeting of Council

Tuesday, 11 February 2020

6:32pm

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# Minutes of the Ordinary Meeting of Council

Tuesday, 11 February 2020 at 6:32pm  
held at the Moonee Valley Civic Centre

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## Present

<b>Members:</b>	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	
<b>Officers:</b>	Bryan Lancaster	Chief Executive Officer
	Kendrea Pope	General Manager Operations
	Vincent Cammell	General Manager City Development
	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, 11 February 2020.

**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**

Cr Lawrence sought approved leave of absence for the period 11 February to 26 February inclusive.

**Minute No. 2020/03**

**Council Resolution**

Moved by Cr Surace, seconded by Cr Sipek that Councillor Lawrence's leave be approved.

**CARRIED UNANIMOUSLY**

**4. Confirmation of Minutes**

**Minute No: 2020/04**

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Cusack that the Minutes of the Ordinary Meeting of Council held on Tuesday, 10 December 2019 be confirmed.

That the Minutes of the Special Meeting of Council held on Thursday, 30 January 2020 be confirmed.

**CARRIED UNANIMOUSLY**

**5. Declarations of Conflict of Interest**

Nil.

## 6. Presentations

The Mayor acknowledged the recent passing of former Councillor Hedley Moffat. Hedley was elected to Council in the first Moonee Valley elections after amalgamations in 1997 and served one term. He was Mayor in 1998. The Mayor acknowledged Hedley's contribution to our community and passed on our condolences to his family at this sad time.

Cr Marshall presented a book to Council titled 'What Happened at the Pier – Recalling the Journey II', gifted from Lella Cariddi (the editor of the book) and Multicultural Arts Victoria.

## 7. Petitions and Joint Letters

### 7.1 Sale of land at 45 Valley Lake Boulevard - Valley Lakes Estate, Keilor East

**Author:** Tracey Classon - Governance Officer

**Business Unit:** Operations

**Minute No. 2020/05**

#### **Council Resolution**

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

1. Receives and notes the petition.
2. Refers this matter to the Group Manager Planning, for investigation and reporting back to Council.
3. Advises the petition organiser accordingly.

**CARRIED UNANIMOUSLY**

## 8. Public Question Time

**Miriam Powell** asked Council:

Hundreds of community members who had fought hard to save trees around Newmarket Station, were very relieved at the agreement reached between Moonee Valley Council and Metro to save Red. And we would like you to have this photo that I took of Red as a thank you.

**Ms Powell presented a framed photograph of the River Red Gum to Council which was accepted by Cr Cusack.**

While we await further details about the engineering solutions and the other nine trees, residents have some interim queries (in two parts):

- a) Firstly, given that it is agreed that Red is not an immediate threat to the safety of people in this public space, is there anything Moonee Valley Council can do to have the fence removed, as it currently blocks a drinking tap, bins, a playground, seating and public space?
- b) Secondly, is Council satisfied that the wall bracing currently in place located very close to Red is not negatively impacting Red's health in any way?

**Vincent Cammell, General Manager City Development**, responded:

In response to the first part of your question, at this point in time Council is still waiting on written notification from Metro that the red gum tree will be retained permanently.

Council have requested that Metro remove the fencing at the earliest opportunity in order to allow access to these key public facilities, and also requested that the community is advised of when this will be done.

And in response to the second part of your question, the wall bracing is not impacting the health of the tree.

**Miriam Powell** asked Council:

Residents are very keen to have a more constructive relationship with Metro in which there is discussion about upcoming works, consultation, and long-term planning for the heritage station and landscaping. What can Council do to help residents develop a better working relationship with Metro that will facilitate long-term planning for the station precinct – potentially also including celebration of Flemington's Indigenous and colonial history?

**Vincent Cammell, General Manager City Development**, responded:

Council will request that Metro work closely with the community and stakeholders. The aim is to establish an ongoing relationship that can ensure high standards of maintenance, local stewardship and explore how to celebrate the Indigenous and colonial history of the station and environs.

Council is willing to facilitate any future meetings. Given that Metro, Council and the community all agree that public safety in the area is critical, it is important that Metro provide details of when a full station upgrade including the Station building

(to remove the temporary underpinning), landscaping, and CCTV is to be undertaken.

Hearing directly from the community will allow all feedback to be taken into consideration by Metro prior to the programming of works and the lodging of planning applications.

**9. Reports from Special Committees**

Nil.



## 10. Reports

**10.1**                    **54-56 Halsey Road Airport West (Plan of Consolidation 155407) - Use and development of the land for the hiring of motor vehicles, display of business identification signs and reduction in bicycle facilities**

**Author:**                Jennifer Kemp - Senior Statutory Planner

**Business Unit:**      Planning

**Minute No.**            **2020/06**

### **Council Resolution**

Moved by Cr Surace, seconded by Cr Sharpe that Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/179/2019 for the use and development of the land for the hiring of motor vehicles, display of business identification signs and reduction in bicycle parking requirements at No.54-56 Halsey Road, Airport West (Land in Consolidation 155407), 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 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) Revised plans to relocate the workshop and provide an acoustic fence on the western boundary in accordance with the discussion plans TP05c, TP06c, TP07c and TP08c, dated 22 November 2019 prepared by Warren J. Foster Architects;
  - b) Bollard/s to be placed in front of the office door at the Halsey Road entry;
  - c) As a consequence of Condition 1 b), revised customer car parking on the Halsey Road frontage in accordance with Clause 52.06 (Design Standard 2 – Car Parking Spaces) of the Moonee Valley Planning Scheme, whilst also ensuring that the landscaping beds are not compromised;
  - d) Revised vehicle hire spaces to ensure accessibility to vehicles and allowing doors to open;
  - e) Pedestrian visibility splays or alternative design measures to be provided to the accessways on both the Halsey Road and Victory Road frontages in accordance with Clause 52.06-9 (Design Standard 1 – Accessways) of the Moonee Valley Planning Scheme;
  - f) Complete dimensions of all customer and staff carparking spaces, which are also in accordance with the Clause 52.06 (carparking) of the Moonee Valley Planning Scheme;

- g) The headroom clearances to be dimensioned in accordance with (Design Standard 1) Clause 52.06-9 of the Moonee Valley Planning Scheme;
- h) Swept path diagrams by a suitably qualified person or firm demonstrating swept paths for all vehicle types across the site and entering and exiting the site and ensuring no impact to structures or other parked vehicles;
- i) A Traffic and Car Parking Management Plan in accordance with Condition 3;
- j) The location of all bicycle spaces in accordance with Condition 11;
- k) The provision of acoustic fences along the entire length of the western boundary of the subject site, which are to be constructed in accordance with Condition 11; and
- l) An Acoustic Report in accordance with Condition 5.

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. Before the development starts, a Traffic and Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Traffic and Car Parking Management Plan must be prepared by a traffic consultant and must include:
  - a) Empirical evidence demonstrating the hire demand and turn over frequencies of vehicles associated with the use of the site;
  - b) 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);
  - c) Delineation and location of all areas on the land to be used for vehicle spaces with these spaces allocated as follows:
    - i) A minimum 6 customer car spaces to Halsey Road frontage;
    - ii) A minimum of 5 staff car spaces to Victory Road frontage;
    - iii) All parking within the building to be only used for fleet vehicles;
  - d) All hire vehicles to be stored on the site at all times;
  - e) The maximum number of bookings to be scheduled at any one-time, which must not exceed the available fleet vehicles as a result of Condition 3a);
  - f) A low speed limit throughout the site;
  - g) The management of visitor parking spaces;

- h) Lighting of parking areas, entries and exits;
  - i) Proposed signage to direct occupants and visitors to their designated spaces;
  - j) Arrangements for the loading and unloading of goods and materials for the commercial uses;
  - k) No charge being made for car parking without the consent of the Responsible Authority; and
  - l) The closure of any car parking areas a minimum of 30 minutes after the closure of the last use(s) approved on the land.
4. When approved, the Traffic and Car Parking Management Plan will be endorsed and will form part of this permit and must not be altered without the written consent of the Responsible Authority.

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

5. Before the development starts, an acoustic report to the satisfaction of the Responsible Authority must be submitted to an approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail the noise attenuation measures required to protect all immediately adjoining residential properties.

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

The provisions, recommendations and requirements of the endorsed acoustic report (including post construction acoustic testing) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **End Endorsement Conditions**

#### **Use and Development Conditions**

6. The use authorised by this permit may only operate as follows:
- a) Monday to Friday: 7:30am to 6:00pm;
  - b) Saturday and Sunday: 7:30am to 4:00pm;
  - c) Fleet vehicles along the Halsey Road western boundary must not operate prior to 9:00am.
7. The permitted use must not commence until all vehicle parking spaces have been provided to the satisfaction of the Responsible Authority.
8. Parking areas, loading bays and access lanes must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.
9. Before the building/s approved by this permit is/are occupied, the areas set aside for the parking of vehicles (maximum 40 spaces inclusive of

customer, staff and fleet spaces), 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);
- e) Signs must be erected in association with the allocated car parking bays; and
- f) Line-marked or provided with another adequate means of ensuring that the boundaries of all customer and staff 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.

10. Fleet vehicles must not be stored within the public realm at any time. All fleet vehicles must be stored on site when not hired by customers.
11. Before the use starts, at least two bicycle spaces must be provided in accordance with AS2890.3-2015 on the land in locations to the satisfaction of the Responsible Authority.
12. Before the use starts, a fence design and specification to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The fence design and specification must be prepared by a person with suitable qualifications to the satisfaction of the Responsible Authority and must show acoustic fencing along the western property boundary to protect residential properties directly to the west. The fencing must taper at the Halsey Road frontage to allow for pedestrian visibility.

When approved, the fence design and specification will be endorsed and will form part of the permit.

Before the use commences, the acoustic fences must be erected in accordance with the endorsed fence design and specification.

The acoustic fences must be maintained in accordance with the endorsed fence design and specification and to the satisfaction of the Responsible Authority.

13. Goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
14. To the satisfaction of the Responsible Authority all external lights must be of a limited intensity to ensure nuisance is not caused to any adjoining or nearby residents and must be provided with approved baffles, so that no direct light is emitted outside the land.
15. Except with the prior written consent of the Responsible Authority, external floodlighting must not be installed.
16. Noise emitted from 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).
17. 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).
18. 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.
19. All line marking must be removed from the site at the cease of operation.

### **End Use and Development Conditions**

#### **Sign Conditions**

20. The location and details of the signage and any supporting structure shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
21. The advertising signage and any related panel and any supporting structure must be constructed and maintained to the satisfaction of the Responsible Authority.
22. The signage authorised by this permit must not be illuminated or floodlit by internal or external light.
23. Flashing, intermittent or moving light must not be displayed.
24. The signage must not be animated in part or whole.
25. Bunting, streamers and festooning must not be displayed.
26. The signage authorised by this permit must only contain an advertisement which provides or supplies information relating to the business conducted on the land.

#### **End Sign Conditions**

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

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

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

**Permit Notes**

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works. Such requirements may include adequate sanitary facilities, fire protection, access and egress and car parking spaces for people with disabilities, etc.
- This is not a Health Permit. A separate Health Permit may be required to be obtained prior to the commencement of works and use.
- 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.

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

**Against:** Cr Sipek

**CARRIED**

**10.2                      4 Beaver Street Aberfeldie (Lots 1 and 2 on Title Plan 079364D) - Construction of two dwellings**

**Author:** Jennifer Kemp - Senior Statutory Planner

**Business Unit:** Planning

**Minute No.**        **2020/07**

**Council Resolution**

Moved by Cr Sharpe, seconded by Cr Sipek that Council issues a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/309/2019 for the construction of two dwellings at 4 Beaver Street, Aberfeldie (Lots 1 and 2 on Title Plan 079364D), 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) A modified design including:
    - i. The front setback (balcony) to be 7.9 metres from the front boundary for each dwelling;
    - ii. The Finished Floor Level of the basement to be 36.0m RL;
    - iii. Provide a minimum head height clearance of 2.1 metres within the basement;
    - iv. Provide ramp grade changes as it progresses into the site in accordance with the Moonee Valley Planning Scheme and the relevant Australian Standard;
    - v. Lowered building height and design as a result of Conditions 1a)i to iv;
  - b) Complete front and side cross-section elevation clearly showing the extent of the basement level;
  - c) Pedestrian visibility splays illustrated and notated on either side of each crossover in accordance with Design Standard 1 (Accessways) of Clause 52.06-9 of the Moonee Valley Planning Scheme;
  - d) The provision of 300mm trench grates at the bottom of each garage;
  - e) A notation on the plans to state 'permeable' across the Ground Floor Plan, Landscape Plan and STORM Plan in accordance with Standard B9 of Clause 55.03-4 (Permeability) of the Moonee Valley Planning Scheme;

- f) Revised screening measures for each dwelling to ensure compliance with Standard B22 of Clause 55.04-6 (overlooking) and Standard B23 of Clause 55.04-7 (internal views) of the Moonee Valley Planning Scheme with a preference for permanent aluminium screens on rear windows along the top storeys;
- g) The WSUD detail in accordance with Condition 5;
- h) All stormwater treatment measures and associated annotations as a result of Condition 3;
- i) A notation on the plans outlining the tree protection measures in accordance with Condition 11 and 12; and
- j) An amended Landscape Plan in accordance with Condition 4.

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. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and an electronic copy must be provided. The amended landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:
  - a) Any changes 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) The provision of two canopy trees within the front setback which are able to achieve a minimum mature height of 4 metres;



- e) The provision of one canopy tree within the rear setback of each dwelling;
- f) The provision of trellises and/or climbing plants along the retaining walls associated with each accessway ramp;
- g) Features such as paths, paving and accessways;
- h) All planting abutting the accessway(s) and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-9 (Design Standards for car parking) of the Moonee Valley Planning Scheme; and
- i) An appropriate irrigation system.

When approved the 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.

- 5. 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 WSUD report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures (with the exception of rainwater tanks), must be submitted for approval by the Responsible Authority.
- 6. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used.

The CSMP must be in accordance with Moonee Valley City Council's CSMP's 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.

- 7. 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.

### **End Endorsement Conditions**

### **Development Conditions**

8. The water sensitive urban design treatments as specified within the Water Sensitive Urban Design (WSUD) assessment report 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.
9. 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.
10. Stormwater runoff from the development must drain via an underground system and discharge to the kerb and channel in front of the land or another point as nominated by the Responsible Authority. If discharge to the kerb and channel via gravity is not possible, the discharge to the kerb and channel in front of the land must be via a dual pump system in accordance with AS3500.3.2. 1998, Section 9.
11. The existing street tree in the Beaver Street frontage or vegetation must not be removed or damaged as a result of the permitted development.
12. The following street tree/nature strip protection measures must be undertaken:
  - a) The nature strip and street tree located within the Beaver Street frontage of the land must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder;
  - b) No pruning of the nature strip and street tree located within the Beaver Street frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and
  - c) No building materials are to be stacked and/or dumped on any nature strip during construction.

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

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

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

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

to the satisfaction of the Responsible Authority.

14. Before the 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.

15. 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.
16. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the owner of the adjoining land allows access for the purpose.
17. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
18. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6

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

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

19. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater 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.
20. Before the buildings approved by this permit are occupied, all boundary fencing is to be constructed in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

### **End Development Conditions**

21. This permit will expire if:
  - a) The development does not start within two (2) years of the date of issue of this permit, or
  - b) The development is not completed within four (4) years of the date of issue of this permit.

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

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

### **Permit Notes**

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the land.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- The pump system is to be in accordance with AS3500.3:2018 Section 8 and is to be installed by a person with suitable qualifications to the satisfaction of the Responsible Authority.
- Council will not be responsible for any damage to the land or neighbouring properties in the event that the pump system fails due to mechanical

failure, exceedance of maximum design rainfall or otherwise. Property owner/s may face liability for any damage to neighbouring properties as a result of such failure.

- The use of an underground pump system is only considered an interim measure. Should an easement drain be constructed in future via a Special Charge Scheme, the owner may be required to contribute to the cost of the construction of an easement drain.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- 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 Council's website or in person at 9 Kellaway Avenue, Moonee Ponds

**CARRIED UNANIMOUSLY**

**10.3 Proposed Sale of Land from formerly discontinued road  
- 112 St Leonards Road, Ascot Vale**

**Author:** Trish Curcuruto - Property and Right of Way Officer

**Business Unit:** City Development

**Minute No.** 2020/08

**Council Resolution**

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

- a. Commence the statutory procedures in accordance with section 189 and 223 of the *Local Government Act* 1989 (the Act) for the proposed sale of land from a formerly discontinued road being land contained on certificate of title Volume 01549 Folio 766 to 112 St Leonards Road, Ascot Vale;
- b. Publish a notice in a local paper for Moonee Valley under section 223 of the Act advising of the proposed sale of land;
- 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; and
- d. Receive a further report following the completion of the public notice process to determine whether or not Council proceed with the proposed sale of land.

**CARRIED UNANIMOUSLY/**

**10.4 Proposed Road Discontinuance - Right of Way and Road Reserve abutting rear of 20 Clarence Street, Flemington**

**Author:** Trish Curcuruto - Property and Right of Way Officer

**Business Unit:** City Development

**Minute No.** 2020/09

**Council Resolution**

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

- a. Resolves that the statutory procedures be commenced to discontinue the road contained in certificate of title Volume 2530 Folio 885, being Roads on Plan of Subdivision 002202 (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 owner for market value; and
- e. Receives 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/**

**10.5                      2019-20 Capital Works Program Update**

**Author:**                Nikhil Aggarwal - Coordinator Program Management Office

**Business Unit:**      City Development

**Minute No.**          2020/10

**Council Resolution**

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

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

**Against:**            Cr Sharpe

**CARRIED**



**10.6 Financial Performance Report December 2019**

**Author:** Colleen Seymour - Acting Manager Finance

**Business Unit:** Operations

**Minute No.** 2020/11

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Gauci Maurici that Council resolves to defer consideration of this report to the Ordinary Meeting of Council to be held 25 February 2020.

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**CARRIED UNANIMOUSLY**

## 11. Notices of Motion

**11.1**                    **Notice Of Motion No. 2020/01 - Relationship building between Moonee Valley sporting clubs and clubs in fire affected East Gippsland.**

**File No:**                FOL/19/3935

**From:**                 Councillor John Sipek

**Minute No.**            **2020/12**

### **Council Resolution**

Moved by Cr Sipek, seconded by Cr Sharpe that Council receives a report on the ways in which it can support building relationships between sporting clubs in Moonee valley and clubs in the severely impacted fire affected municipality of East Gippsland. The report could consider a range of activities such as supporting fundraising by local clubs and events which promote relationship building.

**CARRIED UNANIMOUSLY**

**11.2 Notice Of Motion No. 2020/02 - Size options for green waste bins**

**File No:** FOL/19/3935

**From:** Councillor John Sipek

**Minute No.** 2020/13

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Surace that Council receives a report on the viability of offering residents a choice of smaller green waste bins taking into account smaller residences and smaller families and lone person households in the municipality.

**CARRIED UNANIMOUSLY**

**11.3 Notice Of Motion No. 2020/03 - Review of community funding guidelines for low cost responsive services**

**File No:** FOL/19/3935

**From:** Councillor John Sipek

**Minute No.** 2020/14

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Cusack that Council receives a report on a review of community funding guidelines giving consideration to community needs for low cost responsive services and assistance in a timely manner outside of the funding application timelines.

**CARRIED UNANIMOUSLY**

**11.4 Notice Of Motion No. 2020/04 - Construction access to public sites**

**File No:** FOL/19/3935

**From:** Councillor Nicole Marshall

**Minute No.** 2020/15

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Cusack that the CEO brings a report back to an Ordinary council meeting by no later than May 2020 considering the current process for allowing development construction related access to public sites owned/operated by Council including local roads, carparks and open space addressing:

- 1 concerns regarding the impacts on businesses and residents;
2. the traffic, parking and other amenity issues the access can create;
3. whether Council's default position should be to prohibit access unless it is an emergency or on a short term basis;
4. how Council could encourage areas where multiple construction sites are in place to share facilities to minimise construction impacts and the need for access to public sites;
5. any other relevant issues.

**CARRIED UNANIMOUSLY**

**11.5 Notice Of Motion No. 2020/05 - Arts participation opportunities**

**File No:** FOL/19/3935

**From:** Councillor Nicole Marshall

**Minute No.** 2020/16

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Cusack that the CEO brings a report back to an Ordinary council meeting by no later than April 2020:

1. Summarising current options for the participation in all forms of art in Moonee Valley, including:
  - a. The creation of art by individuals;
  - b. options for those participating in art to utilise facilities on a permanent or casual basis;
  - c. current programs Council runs, participates in or is aware of in Moonee Valley.
2. Detailing future plans of the Council to encourage and foster participation in arts in Moonee Valley;
3. To the extent the report identifies any gaps in opportunities, detailing how those gaps will be addressed;
4. Considering the creation of an online hub or portal either by Council or in partnership with an organisation or a community group to enable easy identification of arts participation opportunities in Moonee Valley.

**CARRIED UNANIMOUSLY**

**12. Urgent Business**

Nil

**13. Delegates Reports**

Cr Surace provided Council with an update on her activities as a delegate to the Metropolitan Transport Forum. Cr Surace was recently elected to the MTF Executive Committee.

Cr Marshall provided Council with an update on her activities as a delegate to the Metropolitan Waste and Resource Recovery Group. At the most recent meeting attended by Cr Marshall a container deposit scheme and glass recycling were among the issues discussed.

**14. Confidential Reports**

Nil

**15. Close of Meeting**

The meeting concluded at 8.12pm.

**CR SAMANTHA BYRNE  
CHAIRPERSON**