



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

**Tuesday, 20 September 2011**

**Minutes**

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# Minutes of the Ordinary Meeting of Council

Tuesday, 20 September 2011 at 7.02pm  
held at the Moonee Valley Civic Centre

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## PRESENT

**Members:** Cr James Rankin  
Cr Jan Chantry  
Cr Shirley Cornish  
Cr Miriam Gillis  
Cr Paul Giuliano  
Cr Ange Kenos  
Cr Narelle Sharpe

**Officers:** Mr Neville Smith Chief Executive  
Mr Bryan Lancaster Director City Works & Development  
Mr Anthony Smith Director Corporate Services  
Mr Stuart Gillespie Executive Manager Citizen Services & Information Management  
Mr Tony Ball Executive Manager Community Services  
Mr Scott Widdicombe Executive Manager Environment & Lifestyle  
Mr Ralph Anania Manager Governance & Local Laws

### 1. Opening

The Deputy Mayor, Cr Rankin, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 20 September 2011.

### 2. Apologies

Cr John Sipek and Cr Jim Cusack have Leave of Absence for this meeting.

#### Leave of Absence

Moved by Cr Giuliano, seconded by Cr Gillis that leave of absence be granted to Cr James Rankin for all meetings from 2 October to 28 November 2011 inclusive.

**CARRIED**

### 3. Confirmation of Minutes

Moved by Cr Giuliano, seconded by Cr Gillis that the Minutes of the Ordinary Meeting of Council held on Tuesday, 16 August 2011 be confirmed.

**CARRIED**

### 4. Declarations of Conflict of Interest

Nil.

**5. Presentations**

Cr Kenos presented Council with a Certificate for winning Stormwater Victoria's Excellence in Asset Management Category for 2011, for its entry Moonee Valley Integrated Water Asset Management.

**6. Petitions And Joint Letters**

**6.1 Two Wheels on the Kerb Parking in Bradshaw St (South End)**

**File No.** 63/002/021

Cr Sharpe tabled a joint-letter received from 20 residents of Bradshaw St, Essendon (South End), advising Council that they support the continuation of the two wheel on kerb parking option for their section of Bradshaw Street.

*In tabling a joint letter, the Appropriate Officer is required to undertake the necessary action and if necessary provide a further report to Council.*

**7. Public Question Time**

Nil.

**8. Reports by Mayor And Councillors**

**File No.** FOL/10/357

**Minute No.** 2011/104

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Sharpe that the reports by the Mayor and Councillors be received.

**CARRIED**

**9. Reports**

**9.1 Municipal Parking Strategy**

**File No:** FOL/10/1066

**Author:** Manager Transport & Major Projects

**Directorate:** City Works & Development

**Ward:** Municipal

**Minute No:** 2011/105

**Council Resolution**

Moved by Cr Gillis, seconded by Cr Giuliano that Council:

1. Endorse the Draft Municipal Parking Strategy provided as Appendix B, for public consultation purposes subject to a revised Table C: Permit Parking – Maximum Allowable Permits per Dwelling in the Draft Municipal Parking Strategy being substituted in the Parking Strategy document as provided in Appendix C.
2. Widely circulate the Draft Municipal Parking Strategy, for a four week public consultation period, as presented in Appendix A.
3. Receive a further report on the outcome of the public consultation.

**CARRIED**

**9.2 Mt Alexander Road Corridor Urban Design Guidelines  
Adoption and Planning Scheme Amendment C102**

**File No:** FOL/10/292

**Author:** Strategic Research and Planning Officer

**Directorate:** City Works & Development

**Ward:** Buckley & Myrnong

**Minute No:** 2011/106

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Chantry that Council:

1. Receive and note the feedback collected over the public exhibition period.
2. Adopt the Mt Alexander Road Guidelines in an amended form as circulated at Appendix D, with further changes to heights and setbacks in the precincts as outlined in Table 1, as follows:

**Table 1**

<b>B, C, D</b>	<b>Front Setback</b> <b>For land in a Residential 1 Zone:</b> Match the average distance of the setbacks of the front walls of existing buildings on the abutting allotments, with the front wall to be no greater than 7.5 metres in height.  Built form above 7.5 metres in height must be setback a minimum of a further 2 metres or match the average of the existing buildings on the abutting allotments (whichever is greater), plus 0.5 metres for every metre of height above 11 metres.
<b>B, C, D</b>	<b>Front setback</b> <b>For land in a Business, Mixed Use Zone or Public Use Zone:</b> A 0.00 setback to the front boundary line with the wall to be no greater than 8 metres in height.

	<p>Built form above 8 metres must be set back a minimum of 2 metres, plus 0.7 metres for every metre of height above 11.5 metres.</p>
<b>E, F, G, H, I</b>	<p><b>Front setback</b></p> <p><b>For all land</b> Match the average distance of the setbacks of the front walls of existing buildings on the abutting allotments, with the front wall to be no greater than 8 metres in height.</p> <p>Built form above 8 metres in height must be setback a minimum of a further 2 metres or match the average of the existing buildings on the abutting allotments (whichever is greater), plus 0.5 metres for every metre of height above 11 metres.</p>
<b>B, D, F, G, H, I, J</b>	<p><b>Rear Setback</b></p> <p><b>Where the rear of a lot abuts a rear lane:</b> A 0.00 setback to the rear boundary, with the boundary wall to be no greater than 7.5 metres in height, and no wider than 6.5 metres.</p> <p>A 4 metre minimum setback to the rear boundary, for all other built form, with the wall to be no greater than 11 metres in height.</p> <p>Each additional 1 metre of built form above 11 metres must be set back a minimum of a further 0.7 metres from the rear boundary line.</p>
<b>B, C, D, E, F, G, H, I, J</b>	<p><b>Rear Setback</b></p> <p><b>Where the rear of a lot abuts the rear of a residential property:</b> A 4 metre minimum setback to the rear boundary with the wall to be no greater than 4 metres in height.</p> <p>A 6 metre minimum setback to the rear boundary with the wall to be no greater than 7.5 metres in height.</p> <p>A 7 metre minimum setback to the rear boundary with the wall to be no greater than 11 metres in height.</p> <p>Each additional 1 metres of built form above 11 metres must be set back a minimum of a further 0.7 metres from the rear boundary line.</p>
<b>B, C, D, E, F, G, H, I, J</b>	<p><b>Where the rear of a lot abuts the side of a residential property:</b> A 3 metre minimum setback to the adjacent property boundary, with the wall to be no greater than 7.5 metres (single storey garages excluded).</p>

	<p>A 5 metre minimum setback to the adjacent property boundary with the wall to be no greater than 11 metres.</p> <p>Each additional 1 metre of built form above 11 metres must be setback a minimum of a further 0.7 metres from the rear boundary line.</p>
<b>C</b>	<p><b>Preferred maximum heights</b></p> <p>Precinct C-1 (1009 and 1090 Mt Alexander Road to 947 and 1018-1028 Mt Alexander Road).</p> <p>18 metres (5 storeys).</p> <p>Precinct C-2 (941a and 1014 Mt Alexander Road to 897 and 972 Mt Alexander Road).</p> <p>15 metres (4 storeys).</p> <p>18 metres (5 storeys) for key sites.</p>
<b>D</b>	<p><b>Preferred maximum heights</b></p> <p>18 metres (5 storeys) – east side of Mt Alexander Road.</p> <p>21 metres (6 storeys) – west side of Mt Alexander Road.</p> <p>39 metres (12 storeys) for key sites greater than 10,000 sqm.</p>
<b>F</b>	<p><b>Preferred Maximum Height:</b></p> <p>12 metres (3 storeys).</p> <p>21 metres (6 storeys for key sites).</p>
<b>G, I</b>	<p><b>Preferred Maximum Height:</b></p> <p>12 metres (3 storeys).</p>
<b>H</b>	<p><b>Preferred Maximum Height:</b></p> <p>12 metres (3 storeys).</p> <p>18metres (5 storeys for key sites).</p>

3. Seek Authorisation from the Minister for Planning to prepare Moonee Valley Planning Scheme Amendment C102 incorporating the changes to heights and setbacks as outlined in Table 1, in 2 above.
4. Take necessary action to remove 118 Glass Street from the Design and Development Overlay.
5. Subject to Ministerial consent, Council exhibit Planning Scheme Amendment C102.
6. Following the completion of the exhibition of the Moonee Valley Planning Scheme Amendment C102, Council be provided with a further report.

**CARRIED**

**9.3 Consideration of Height, Setback and Neighbourhood Character Controls for Military Road, Avondale Heights**

**File No:** FOL/09/1551

**Author:** Strategic Planner

**Directorate:** City Works & Development

**Ward:** Rose Hill

**Minute No:** 2011/107

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Kenos that Council:

1. Having considered options available to manage development along Military Road await a further report on the review of the Residential Design Provisions before considering height, setback and Neighbourhood Controls for Military Road, Avondale Heights.
2. Ensure that the Avondale Heights residents are consulted in development of the Residential Design Provisions and that specific consideration is given to ensuring that effective built form and character issues are addressed for Military Road, Avondale Heights in the Residential Design Provisions.

**CARRIED**

**9.4 19 & 19A Hall Street, Moonee Ponds - Use and Development of a ten storey building comprising a shop and dwellings, a reduction in the car parking requirements and waiver of the loading/unloading requirements**

**File No:** MV/21647/2010

**Author:** Principal Town Planner

**Directorate:** City Works and Development

**Ward:** Myrnong

**Minute No:** 2011/108

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/21647/2010 for the use and development of a ten storey building comprising a shop and dwellings, a reduction in the car parking requirements and waiver of the loading/unloading requirements at 19-19A Hall Street, Moonee Ponds (Units 1-5 SP021191U) subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) Eastern elevation of the building amended to accord with the “Artist Impression – View 1 prepared by Amnon Weber Architects dated 27 July 2011.
  - b) Deletion of the vertical garden with an alternate treatment to be provided along the western and southern elevations to the satisfaction of the Responsible Authority.
  - c) The allocation of car spaces in accordance with Condition 8b.
  - d) Provision for a roof plan incorporating a communal rooftop garden.
  - e) The location of external services and plant equipment.

Once approved these plans become the endorsed plans of this permit.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to commencement of construction or carrying out of works, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 satisfactory to the responsible authority. That agreement must be registered on the title to the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include provisions that:
  - a) Liability and maintenance of those parts of the development projecting into air space under the care and management of Council and disclaiming any right or intention to make or cause to be made at anytime any claim or application relating to adverse possession of the land.
  - b) The owner shall provide a contribution towards the upgrading of Hall Street in accordance with the Hall Street Streetscape Plan adopted by Council on 14 December 2010. The contribution is based on the cost of the total estimated Hall Street Streetscape works, divided by the development site frontage (in metres). This equates to an amount of \$19,848.33 (excluding GST) which will be escalated in line with the Building Price Index at time of payment.
4. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
5. Prior to the commencement of any building and works a Construction Management Plan must be submitted to and must be approved by the

Responsible Authority detailing the construction activity proposed. The plan must include, but not be limited to:

- a) Hours of construction.
- b) Dust management.
- c) Parking and traffic movements of all worker's vehicles and construction vehicles.
- d) Any impacts upon adjacent roads and pedestrian walkways and providing for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase.
- e) Access routes for construction vehicles.
- f) Temporary fencing works.
- g) Number of workers expected to work on the site and any time.
- h) Methods for limiting the escape of dust and litter from the site.
- i) Details regarding the method by which the public can register complaints and the details for investigating, action taken and method of response to those complaints.
- j) The method by which the public will be informed about the progress of works associated with construction.
- k) A liaison officer for contact by residents and the Council in the event of relevant queries or problems experienced.
- l) Where stock piling or other material will be placed.
- m) Clean-up measures and corrective action for materials spilt off site specifying sweeping and or collection for disposal, but not hosing or sweeping of any materials down the stormwater drain system.

The Construction Management Plan must be to the satisfaction of the Responsible Authority. Once submitted and endorsed by Council the plan shall form part of this permit and must not be altered or modified without the further written consent of the Responsible Authority.

6. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
7. Any service units, including air conditioning units, must not be located on any of the balconies unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
8. Prior to the use commencing, a Car Parking Management Plan prepared by an appropriately qualified traffic consultant must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must include:

- a) The 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) The provision of 12 car spaces with these spaces allocated as follows;
  - i. 1 space shop (staff) car space
  - ii. 4 spaces (2 bedroom apartments)
  - iii. 1 space (car share vehicle)
  - iv. 6 spaces to be unallocated
- c) The management of visitor parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances.
- d) Lighting of parking areas, entries and exits.
- e) Proposed signage to direct occupants and visitors to their designated spaces.

The Car Parking Management Plan must be to the satisfaction of the Responsible Authority. Once submitted and approved the plan must be carried out to the satisfaction of the Responsible Authority.

- 9. The use hereby permitted must not commence until not less than 24 bicycle parking spaces have been provided to the satisfaction of the Responsible Authority.
- 10. Car and bicycle spaces must not be used for any other purpose other than the parking of vehicles, to the satisfaction of the Responsible Authority.
- 11. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must be to the satisfaction of the Responsible Authority:
  - a) be provided and completed prior to the commencement of the use hereby permitted.
  - b) thereafter maintained.
  - c) be made available for such use at all times and not used for any other purpose.
  - d) be properly formed to such levels that it can be used in accordance with the endorsed plan.
  - e) be drained and sealed with an all weather seal coat.
- 12. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but limited to the following:
  - a) A description of the location in the context of alternate 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) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
  - ii) Include a minimum of 10 by 2 hour metcard (zone one) within the household welcome pack or a myki pass (of equivalent value) and registration information;
  - iii) Bicycle parking and facilities available on the land;
  - iv) Information and promotion of on-site and off-site car sharing schemes;
  - v) Monitoring & review; and
- c) A plan showing the bicycle parking areas to be provided for use by residents.

Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land to ensure the Green Travel Plan continues to be implemented by residents / owners to the satisfaction of the Responsible Authority.

- 13. The loading and unloading of goods from vehicles must not be conducted before 8am or after 6pm daily.
- 14. All works within the road reserve shall be in accordance with the requirements of the Moonee Valley City Council's Engineering Services Department.
- 15. Any lopping works to the existing street tree on Hall Street must accord with the recommendations contained within the arboricultural assessment prepared by Treespace Solutions dated February 2011.
- 16. The lopping works and the overall development construction works must ensure there is no detrimental impact on the existing street tree on Hall Street. If the construction works and/or lopping works result in death of the existing street, the applicant is required to compensate the value of the established tree to the satisfaction of the Responsible Authority.
- 17. This permit will expire if one of the following circumstances applies;
  - a) The use and 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 three (3) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

### Permit Notes

- Before commencement of the development occurs, the applicant shall contact the Moonee Valley City Council's Engineering Services regarding legal point of discharge, new crossings, building over easements etc.
- A "Drainage Inspection Permit" is required for this development.
- A permit must be obtained from Council for all vehicular crossings.
- Council will not accept any modifications to existing levels within the road reserve or to any Right of Way. Any change in levels to match existing surface levels along the property boundary line must be made within the property.
- The proposed finished floor levels of the units and basement are lower than natural surface level. This may result in the property being subject to inundation. Council will not be responsible for any inundation of properties where FFL's and/or basements are constructed below the natural surface level. It is recommended the owner/developer construct a suitable drainage and or pumping system within the property to accommodate any inundation. The developer must ensure an allowance of at least 150mm freeboard and ensure all runoff falls towards the Right of Way (ROW) from the proposed ground floor level of the parking area.
- This is not a building permit. A separate building permit is required to be obtained for any demolition or building works.
- No on street parking permits will be provided to the occupiers of the subject site.

**CARRIED**

### 9.5 Development Contribution Plan - reallocation of funds for project

**File No:** FOL/11/962

**Author:** Coordinator Strategic Planning

**Directorate:** City Works & Development

**Ward:** Municipal

**Minute No:** 2011/109

### Council Resolution

Moved by Cr Chantry, seconded by Cr Sharpe that Council:

1. Not proceed with the preparation of a Development Contributions Plan in the 2011/12 financial year.
2. Re-allocate the funds provided for preparation of development contributions plan to the following projects:
  - Preparation of a thematic environmental history and update of heritage citations.
  - The review and analysis of the proposed Moonee Valley Racecourse Master Plan.

**CARRIED**

**9.6 2011-12 Capital Works Program Status Report**

**File No:** FOL/11/833

**Author:** Coordinator Corporate Asset Management

**Directorate:** City Works & Development

**Ward:** Municipal

**Minute No:** 2011/110

**Council Resolution**

Moved by Cr Sharpe, seconded by Cr Giuliano that Council approve the revised 2011-12 capital works expenditure forecasts for projects detailed in Appendix A and Appendix B.

**CARRIED**

**9.7 Housing Strategy Advisory Group**

**File No:** FOL/11/744

**Author:** Strategic Research and Planning Officer

**Directorate:** City Works & Development

**Ward:** Municipal

**Minute No:** 2011/111

**Council Resolution**

Moved by Cr Sharpe, seconded by Cr Cornish that Council appoint Cr Giuliano to chair the Housing Strategy Advisory Group.

**CARRIED**

**9.8 Report on Advisory Committees**

**File No:** FOL/11/132

**Author:** Manager Governance & Local Laws

**Directorate:** Corporate Services

**Ward:** Municipal

**Minute No:** 2011/112

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Gillis that Council receive and note the following Advisory Meeting Minutes, received since the last report to Council in August 2011: Moonee Valley Integrated Waterways Advisory Committee – Appendix A and Fairbairn Park Master Plan Implementation Reference Group – Appendix B.

**CARRIED**

**9.9 Council Policy Review - Rescission of Various Policies**

**File No:** FOL/10/539

**Author:** Coordinator Governance

**Directorate:** Corporate Services

**Ward:** Municipal

**Minute No:** 2011/113

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Gillis that Council rescinds the following outdated policies: Councillor's and Staff - Travel; Conference Attendance and Expenses Policy; Donations Policy; and Tobacco Control Policy.

**CARRIED**

**9.10 Report on Assemblies of Councillors**

**File No:** FOL/09/1245

**Author:** Manager Governance & Local Laws

**Directorate:** Corporate Services

**Ward:** Municipal

**Minute No:** 2011/114

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Sharpe that Council receive and note the written records of Assembly of Councillors, provided as Appendix A, received since the last report to Council in August 2011.

**CARRIED**

**9.11 Report on Tenders and Contracts Awarded**

**File No:** 18/19/3

**Author:** Coordinator Governance

**Directorate:** Corporate Services

**Ward:** Municipal

**Minute No:** 2011/115

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Gillis that Council receive and note the report of Council's Tenders Committee and tenders awarded at its meeting held on 23 August 2011.

**CARRIED**

**10. Notices of Motion**

Nil.

**Consideration to accept item of Urgent Business**

Moved by Cr Giuliano, seconded by Cr Kenos that the item from Cr Gillis regarding the introduction of Interim Heritage Controls on some properties in Union Road, Ascot Vale be considered as Urgent Business.

**CARRIED UNANIMOUSLY**

**11. Urgent Business**

**9.11 Proposal to introduce Interim Heritage Controls on properties at 251-257 Union Road, Ascot Vale**

**File No:** 18/19/3

**Ward:** Municipal

**Minute No:** 2011/116

**Council Resolution**

Moved by Cr Gillis, seconded by Cr Giuliano that Council:

1. Request the Chief Executive to write to the Minister for Planning to urgently consider the introduction of Interim Heritage Controls on the properties located at 251, 253, 255 and 257 Union Road, Ascot Vale.
2. Inform concerned residents of Council's decision and action arising.

**CARRIED**

**12. Confidential Report**

Nil.

The meeting concluded at 8.09pm.

**CONFIRMED**

**CR JAMES RANKIN  
ACTING CHAIRPERSON**