



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

**Tuesday, 19 April 2011**

**Minutes**

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# Minutes of the Ordinary Meeting of Council

Tuesday, 19 April 2011 at 7.00pm  
held at the Moonee Valley Civic Centre

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## PRESENT

**Members:** Cr John Sipek Mayor  
Cr James Rankin  
Cr Jan Chantry  
Cr Shirley Cornish  
Cr Jim Cusack  
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 Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 19 April 2011.

### 2. Apologies

Nil.

### Leave of Absence

Moved by Cr Giuliano, seconded by Cr Chantry that Leave of Absence from Council be granted to Cr Gillis for the period 16 May to 4 July 2011 inclusive.

**CARRIED**

### 3. Confirmation of Minutes

Moved by Cr Kenos, seconded by Cr Giuliano that the Minutes of the Ordinary Meeting of Council held on Tuesday, 15 March 2011 be confirmed.

**CARRIED**

**4. Declarations of Conflict of Interest**

Cr Rankin declared a Conflict of Interest in Council report 11.10, on the basis that one of the parties is a client of his employer.

**5. Presentations**

Cr Rankin tabled a Certificate of Appreciation from the Western Chances organisation, in recognition of Council's ongoing support.

Cr Kenos table a presentation from the Essendon Maribyrnong Park Ladies Cricket Club, who won the VWCA Firsts, Premiership for the 2010/2011 season.

**6. Petitions And Joint Letters**

Nil.

**7. Public Question Time**

**Question 1**

Mr S & Ms J Haitidis of Pascoe Vale Road, Essendon lodged the following:

How is the Heritage Overlay going to benefit me, and if I don't want to be covered how can I get my home excluded? The Council is proposing a Heritage Overlay, but allowing a 3-5 storey square-box construction immediately adjacent. How is this consistent with the Local Planning Policy Framework and the vision for Moonee Valley (set out in Clause 21.02.2 of the MSS, in relation to housing) of "have regards to Council's Local Character Study and will therefore add quality to existing streetscapes and local character... respectful of existing streetscapes" and one of the key objectives of the Council's Residential Design Policy (Clause 22.06 of the Planning Scheme) to maintain and enhance existing streetscape character for each suburb within the municipality?

The Chief Executive, Mr Neville Smith asked if Mr and Ms Haitidis were in attendance, as they were not, Mr Smith advised the meeting that a written response would be provided to them. For the record, Mr Smith read out the response to the questions lodged:

Council is required by the Planning & Environment Act 1987 to identify and protect places of heritage significance. A heritage overlay cannot be applied to a building or area that does not have demonstrated heritage significance. Panels on planning issues have noted that it is a common, and, in principle, accepted consequence that planning controls limit the freedom to do as one pleases with land.

All properties in the municipality are subject to zoning controls and many are also subject to overlay controls. While the proposed Heritage Overlay control results in the requirement for permits in some circumstances, the burden associated with these controls is identical to that extended to thousands of inner and middle ring properties in the metropolitan area as a result of Heritage Overlay controls. Should Council adopt the officer's recommendation tonight and the Minister for Planning authorises the preparation of an amendment to the planning Scheme you will have an opportunity to lodge a submission objection to the listing of your property in the overlay when the amendment is exhibited.

In terms of the second question, it is assumed that the question refers to the development at 1-3 Moreland Road, Essendon. Council resolved to issue a Notice of Decision to Grant a permit on 7 December 2010. VCAT subsequently directed a permit be issued on 8 April 2011. It is considered that the proposal represents a contemporary development that satisfies the design objectives of the Planning Scheme in that the development positively responds to the site topography by presenting a lower level of development to the streetscape. The development has incorporated a design which is appropriate in terms of building articulation and visual interest and is appropriately setback from the road frontage and the recession of upper levels ensures it does not adversely impact the streetscape amenity or any surrounding residential properties on Pascoe Vale Road.

**8. Reports By Mayor And Councillors**

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

**Minute No.** 2011/23

**Council Resolution**

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

**CARRIED**

**9. Council Advisory Committee Minutes**

Nil.

The Chairperson informed the meeting that given the high number of attendees for the listed Council reports, that the meeting would now consider those reports and then consider the listed Notices of Motion.

## 11. Reports

### 11.1 3 Mary Street, Essendon (Lots 1, 2 and 3 on TP 220499U) - Construction of six double storey dwellings

**File No:** MV/21366/2010  
**Author:** Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2011/24

#### Council Resolution

Moved by Cr Sharpe, seconded by Cr Giuliano that in relation to application for Planning Permit No. MV/21336/2010 Council issue a Refusal to Grant a Permit for the construction of six double storey dwellings on one lot at 3 Mary Street, Essendon on the following grounds:

1. The bulk and scale of the proposal fails to comply with Clause 55.02-1 (Standard B1, Neighbourhood Character) of the Moonee Valley Planning Scheme, as it does not respect the character of the existing neighbourhood.
2. The level of site coverage is excessive and does not comply with the Clause 55.03-3 (Standard B8, Site Coverage) of the Moonee Valley Planning Scheme.
3. There is insufficient permeable surface area on the site and the proposed development does not comply with Clause 55.03-4 (Standard B9, Permeability) of the Moonee Valley Planning Scheme.
4. The development presents an issue in terms of waste collection as there is insufficient room within the road reserve abutting the subject site in which to accommodate refuse and recycling bins associated with the development.
5. The entries of the dwellings fronting the Right of Way fail to comply with Clause 55.05-2 (Standard B26, Dwelling Entry).

**CARRIED**

### 11.2 3 Morton Street, Essendon (Lot 1 on TP 522230J) - Construction of a three storey building comprising of fifteen dwellings

**File No:** MV/21107/2010  
**Author:** Senior Town Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2011/25

### **Council Resolution**

Moved by Cr Chantry, seconded by Cr Giuliano that in relation to application for Planning Permit No. MV/21107/2010 Council issue a Refusal to Grant a Permit for the construction of a three storey building comprising of fifteen dwellings at 3 Morton Street, Essendon on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to the provisions of Municipal Strategic Statement (MSS) relating to Clause 21.05 (Built Environment) of the Moonee Valley Planning Scheme.
2. The proposed setbacks, bulk and scale does not respect the character of the existing neighbourhood, particularly in relation to Clause 55.02-1 (Neighbourhood Character), Clause 55.03-3 (Site Coverage), Clause 55.04-2 (Walls on Boundaries) and Clause 55.06 (Detailed Design) of the Moonee Valley Planning Scheme.
3. Access to the site via the existing laneway does not provide for safe or efficient vehicular movements, contrary to Clause 55.03-9 (Access) and Clause 55.03-10 (Parking Location) of the Moonee Valley Planning Scheme.
4. The development is not site responsive and would represent an over development of the land.

**CARRIED**

**11.3                    35 Roseberry Street, Ascot Vale - Construction of a double storey dwelling and garage with loft on a lot less than 300 square metres.**

**File No:** MV/21409/2010  
**Author:** Planner  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2011/26

### **Council Resolution**

Moved by Cr Gillis, seconded by Cr Rankin that Council issue a Notice of Decision to Grant a Permit in relation to Planning Application MV/21409/2010 for the construction of a double storey dwelling and garage with loft on a lot less than 300 square metres at 35 Roseberry Street, Ascot Vale, (Lot 2 on Plan of Subdivision 009453, Volume 04815, Folio 997), subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to 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) A reduction in the upper floor wall height along the eastern elevation in accordance with the plans identified as TPO1B and TPO2B dated 15 March 2011;

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 the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Floor levels shown on the endorsed plan(s) must not be altered or modified without the written consent of the Responsible Authority.
5. 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.
6. All piping and ducting, excepting for gutters and rainwater downpipes, above the ground floor storey of the building must be concealed to the satisfaction of the Responsible Authority.
7. Buildings or works must not be commenced (and trees or vegetation must not be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied. After completion of the landscaping it must be maintained in good order to the satisfaction of the Responsible Authority.
8. Prior to the occupation of the development hereby permitted, all landscaping, (including trees, shrubs and lawn) must be completed in accordance with any approved landscape plan to the satisfaction of the Responsible Authority.
9. 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 three (3) months afterwards the owner of occupier of the land may in writing request 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 commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Department regarding legal point of discharge, new crossings, building over easements etc.
- All works within the road reserve shall be in accordance with the requirements of the Moonee Valley City Council's Engineering Services Department.

**CARRIED**

**11.4                    6 Oakley Drive, Avondale Heights - Construction of two attached double storey dwellings.**

**File No:**                MV/19935/2009  
**Author:**                Principal Town Planner Development Approvals  
**Directorate:**        City Works and Development  
**Ward:**                    Rose Hill  
**Minute No:**        2011/27

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Cornish that with respect to an Application for Review against Council's decision to refuse to grant a permit, Council resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application based on the plans prepared by 3070 Design Studio, drawing numbers TP01 to TP07 dated January 2011, that if Council were in a position to decide on the application, that the decision would have been to issue a Notice of decision to Grant a Permit for Application No. MV/19935/2009 subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to 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) The garage associated with Dwelling 2 to be setback a minimum of 1 metre from the southern boundary.
  - b) First floor north and south facing bedroom 3 windows of each dwelling provided with fixed obscure glazing to a height of 1.7 metres above finished floor level or a highlight window to a height of 1.7 metres above finished floor level.
  - c) First floor west facing bedroom 4 windows of each dwelling to be provided fixed obscure glazing to a height of 1.7 metres above finished floor level or a highlight window to a height of 1.7 metres above finished floor level.
  - d) A semi transparent front fence with a maximum height of 1.5 metres.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 the issue of an Occupancy Permit, all boundary walls must be constructed, cleaned and finished to the satisfaction of the Responsible Authority.
  4. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
  5. Provision must be made for the drainage of the land including landscaping and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining 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.
  6. Paving abutting an adjacent property must be provided with 150mm concrete kerb.
  7. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification. 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 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.
  8. Buildings or works must not be commenced until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the Responsible Authority. Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied. After completion of the landscaping it must be maintained in good order to the satisfaction of the Responsible Authority.
  9. 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 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**

- 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 commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Department regarding legal point of discharge, new crossings, building over easements etc. A Legal Point of Discharge is required for any development of this site.

- All works within the road reserve shall be in accordance with the requirements of Council's Assets & Engineering Services Department.
- No on street parking permits will be provided to the occupiers of the subject site.

**CARRIED**

**11.5                    72 Napier Street, Essendon (Lot 1 on TP078832B) - Construct three storey building comprising of cafe (food and drink premises), two shops, offices & place of assembly, & waiver of car-parking, bicycle & loading & unloading requirements of Planning Scheme**

**File No:** MV/20127/2009  
**Author:** Senior Town Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2011/28

**Motion**

Moved by Cr Chantry, seconded by Cr Kenos that in relation to an application for Planning Permit No. MV/20127/2009 Council issue a Refusal to Grant a Permit for the construction of a three storey building comprising of a cafe (food and drink premises), two shops, offices and a place of assembly, and waiver of the car parking, loading and bicycle requirements of the planning scheme at 72 Napier Street, Essendon on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to the provisions of the State Planning Policy Framework relating to Clause 15.01 (Built Environment and Heritage) of the Moonee Valley Planning Scheme.
2. The bulk, scale, form and layout of the proposal does not respect the existing school building to the east or integrate well with the street contrary to the provisions of Municipal Strategic Statement (MSS) relating to Clause 21.05 (Built Environment) of the Moonee Valley Planning Scheme.
3. The proposed development would cause unreasonable overshadowing and fails to respect the amenity of the neighbouring property to the south, contrary to Clause 21.05-3 (Objectives & Strategies - Urban Design) of the Moonee Valley Planning Scheme.
4. The proposal by virtue of its inability to provide any car parking spaces on site, would result in increased parking demand and traffic congestion within the surrounding street network, which would detrimentally impact upon the amenity of the locality and is contrary to the objectives of Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.

A Division on the Motion was called and voting was as follows:

**For:** Crs Chantry, Kenos, Rankin and Sharpe.

**Against:** Crs Gillis, Giuliano, Cusack, Sipek and Cornish.

**LOST**

### **Alternative Motion**

Moved by Cr Giuliano, seconded by Cr Cornish that with respect to an Application for Review against Council's failure to decide the application within the prescribed time, Council resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Notice of Decision to Grant a Permit for Application No. MV/20127/2009 subject to the following conditions:

1. Before the development starts, or any trees or vegetation removed, amended plans (three copies) shall be submitted to 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 but modified to show:
  - a) Deletion of the third storey and deletion of any reference to the third storey and to a Place of Assembly.
  - b) All plant and equipment (including air conditioning units, heating units, hot water systems, etc) appropriately screened to prevent unreasonable noise and visual impact.
  - c) Provision of two car spaces at the rear of the building.

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 the issue of a Certificate of Occupancy, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
5. The obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
6. All obsolete and unnecessary vehicle crossings must be removed and reinstated to footpath, nature strip and kerb and channel, to the satisfaction of the Responsible Authority.
7. The cafe (food and drink premises) and shops must operate only between the hours of:
  - a) Monday to Saturday and public holidays: 7:30am to 9:00pm;
  - d) Sunday: 7:30am to 5:00pm; unless these hours are varied with the written consent of the Responsible Authority.
8. The office must operate only between the hours of:

- a) Monday to Friday and public holidays: 9:00am to 5:00pm; unless these hours are varied with the written consent of the Responsible Authority.
9. The place of assembly must operate only between the hours of:
  - a) Monday to Sunday and public holidays: 6:00pm to midnight; unless these hours are varied with the written consent of the Responsible Authority.
10. No more than 100 patrons for the place of assembly use may be present on the land unless with the written consent of the Responsible Authority.
11. No more than 62 seats for the cafe (food and drink premises) to be made available to the public on the land at any one time unless with the written consent of the Responsible Authority.
12. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
13. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
14. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
15. The cooking exhaust system must be provided with a filter system and appropriately sited to eliminate cooking odours, fumes and smoke to the satisfaction of the Responsible Authority.
16. All wastes must be disposed of to the satisfaction of the Responsible Authority. Liquid waste or polluted waters must not be discharged into a sewer or storm water drainage system.
17. 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.
  - a) Appearance of any building, works or materials.
  - b) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil.
  - c) Presence of vermin.
  - d) or in any other way.
18. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
19. All piping and ducting, excepting for gutters and rainwater downpipes, above the ground floor storey of the building must be concealed to the satisfaction of the Responsible Authority.
20. To the satisfaction of the Responsible Authority lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within or beyond the site.
21. All stormwater runoff from the proposed roof area, must be harvested via rainwater tank(s) and reused for the building's facilities (toilets, irrigation etc).

- All stormwater overflow from the rainwater tank(s) must drain via an underground drainage system and discharge to an approved legal point of discharge to the satisfaction of the Responsible Authority.
22. 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.
23. Before the use starts a Waste/Recycling Management Plan must be submitted to and approved by the Responsible Authority. In the preparation of the waste/recycling management plan, provision must be made to the following items:
- a) How the collection of refuse and recycling material will be managed;
  - b) What will be the frequency for the removal of such refuse and recycling materials?
  - c) How it is intended to control the emission of odour caused by such refuse and recycling material when it is being stored within the site.
  - d) Where such refuse and recycling will be stored within the site.
  - e) That the bin storage areas are sufficient to cater for the amount of waste that will be produced;
  - f) What type of bins will be used on the site;
  - g) Where these bins will be stored including details of screening and ventilation;
  - h) Who will be responsible for taking bins in and out for collection, and where this will occur;
  - i) How recycling materials will be dealt with and collected;
  - j) Hours of bin collection not being outside the hours of:
    - i) 7:00am to 8:00pm Monday to Friday; and
    - ii) 9:00am to 8:00pm Saturday, Sunday and public holidays.
  - k) If private waste collection is utilised access routes (for private waste collection vehicles) that do not rely on reversing movements.
  - l) Compaction of refuse and the breaking up of bottles not occurring whilst the collection vehicle is standing stationary at or near the site.

Once submitted and approved the works detailed by the Waste/Recycling Management Plan must be carried out to the satisfaction of the Responsible Authority.

24. Before any building or works start a Construction Management Plan must be submitted to and 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 movement of all workers' vehicles and construction vehicles;
  - d) Works timetable;
  - e) 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;
  - f) Access routes for construction vehicles;
  - g) Proposed parking and standing locations for construction vehicles and construction workers vehicles;
  - h) Temporary fencing works;
  - i) Number of workers expected to work on the site at any time;
  - j) Methods for limiting escape of dust and litter from the land.
25. 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 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**

- 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 commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Department regarding legal point of discharge, new crossings, building over easements etc.
- No on street parking permits will be provided to the occupiers of the subject site.
- Any outdoor seating outside the Title boundary and associated with the premises is required to comply with any permit issued by Council's Local Laws section.

**CARRIED**

**11.6 Planning Scheme Amendment C105 - Heritage Anomalies**

**File No:** FOL/10/1499  
**Author:** Strategic Research and Planning Officer  
**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute No:** 2011/29

**Council Resolution**

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

1. Adopt Amendment C105 in accordance with Section 29 of the Planning and Environment Act 1987.
2. Submit Amendment C105 to the Minister for Planning in accordance with Section 31(1) of the Planning and Environment Act 1987.
3. Request the Minister for Planning to approve Amendment C105 in accordance with Section 35(1) of the Planning and Environment Act 1987.

**CARRIED**

Cr Giuliano left the meeting at 8.24pm.

**11.7 Review of Heritage Precincts**

**File No:** FOL/09/1332  
**Author:** Strategic Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley & Myrnong  
**Minute No:** 2011/30

**Council Resolution**

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

1. Having considered all the submissions received, adopt the Review of Heritage Overlay Precincts Report, as provided in Appendix B.
2. Seek authorisation from the Minister for Planning to prepare and exhibit Moonee Valley Planning Scheme Amendment C109 to implement the recommendations of the Review of Heritage Overlay Precincts Report and also to request that the Minister apply interim heritage controls to the sites recommended for inclusion into the Heritage Overlay.
3. Receive a further report following the completion of the exhibition of the Moonee Valley Planning Scheme Amendment C109.
4. Undertake a more detailed review of Charles Street, Ascot Vale in future.
5. Refer for consideration in the development of the 2012/13 budget, the preparation of a thematic history for the municipality.

**CARRIED**

**11.8 Early Years Infrastructure Plan 2011-2021**

**File No:** CON/10/1279  
**Author:** Manager Family & Children  
**Directorate:** Community Services  
**Ward:** Municipal  
**Minute No:** 2011/31

**Council Resolution**

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

1. Adopt the Moonee Valley Early Years Infrastructure Plan 2011-2021 as a guide.
2. Implement the works identified as year one actions.

**CARRIED**

**11.9 Attendance at the National General Assembly of Local Government**

**File No:** FOL/11/85  
**Author:** Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2011/32

**Council Resolution**

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

1. Note that in accordance with the Councillors' and Staff – Travel, Conference Attendance and Expenses Reimbursement Policy, attendance of the Mayor at the National General Assembly of Local Government is approved as a matter of policy entitlement.
2. Endorse the attendance of Crs Rankin, Cornish, Cusack, Giuliano, Kenos, Sharpe and Chantry at the Australian Local Government Association 2011 National General Assembly of Local Government to be held in Canberra on 19-22 June 2011.

**CARRIED**

Cr Rankin had declared a Conflict of Interest in Council report No. 11.10 and therefore he left the meeting before any discussion had taken place on the item.

**11.10 Report on Tenders and Contracts Awarded**

**File No:** 18/19/3  
**Author:** Coordinator Governance

**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2011/33

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Sharpe that Council receive and note the report of Council's Tenders Committee and tenders awarded at its meetings held on 8 and 22 March 2011.

**CARRIED**

Cr Rankin returned to the meeting here.

**11.11 Report on Assemblies of Councillors**

**File No:** FOL/09/1245  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2011/34

**Council Resolution**

Moved by Cr Rankin, seconded by Cr Kenos that subject to a correction to the Record of Assembly of Councillors for the meeting dated 8 February 2011, noting a Declaration by Cr Rankin of a conflict of interest in item 1 (Vic Urban) that Council receive and note the written records of Assembly of Councillors, provided as Appendix A, received since the last report to Council in December 2010.

**CARRIED**

**10. Notices of Motion**

**10.1 Notice of Motion No. 2011/5**

**Title:** National Disability Insurance Scheme  
**From:** Cr Shirley Cornish  
**Ward:** Municipal  
**File No:** FOL/09/1551  
**Minute No.** 2011/35

**Council Resolution**

Moved by Cr Cornish, seconded Cr Sharpe that Council make a submission to the Productivity Commission that indicates in-principle support for a National Disability Insurance Scheme and responds to the request for further information contained in the draft report.

**CARRIED**

10.2            **Notice of Motion No. 2011/6**

**Title:**            Provision of Parking Arrangements in Narrow Streets

**From:**           Cr Narelle Sharpe

**Ward:**           Municipal

**File No:**        FOL/09/1551

**Minute No.**    2011/36

**Council Resolution**

Moved by Cr Sharpe, seconded Cr Chantry that the Chief Executive be requested to present a report to Council that provides a way forward in the management of parking and highlights inadequacies in the provision of parking arrangements in narrow streets throughout the municipality and also having regard to cycling and walking.

**CARRIED**

10.3            **Notice of Motion No. 2011/7**

**Title:**            Future Development along Military Road, Avondale Heights

**From:**           Cr Shirley Cornish

**Ward:**           Municipal

**File No:**        FOL/09/1551

**Minute No:**    2011/37

**Council Resolution**

Moved by Cr Cornish, seconded Cr Kenos that the Chief Executive prepare a report outlining the options available, including a Design and Development Overlay, for all properties fronting Military Road, Avondale Heights, specifically aimed at protecting neighbourhood character and managing height and setback restrictions for any future development.

**CARRIED**

**12. Urgent Business**

Nil.

**13. Confidential Report**

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Cornish that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss a legal matter.

**CARRIED**

**Consideration of Confidential Report**

13.1 Report on Councillor Conduct

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Sharpe that Council resume in Open Council.

**CARRIED**

The meeting concluded at 9.05pm.

**CONFIRMED**

**CR JOHN SIPEK  
CHAIRPERSON**