



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

**Tuesday, 24 September 2013**

**Minutes**

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# Minutes of the Ordinary Meeting of Council

Tuesday, 24 September 2013 at 7.01pm  
held at the Moonee Valley Civic Centre

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## PRESENT

**Members** Cr Narelle Sharpe Mayor  
Cr Jim Cusack  
Cr Jan Chantry  
Cr Shirley Cornish  
Cr Nicole Marshall  
Cr Cam Nation  
Cr John Sipek  
Cr Andrea Surace

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

### 1. Opening

The Mayor, Cr Sharpe, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 24 September 2013.

### 2. Apologies

An apology for non-attendance was received for Cr Paul Giuliano.

### 3. Confirmation of Minutes

Moved by Cr Sipek, seconded by Cr Surace that the Minutes of the Ordinary Meeting of Council held on Tuesday, 27 August 2013 and the Minutes of the Special Meeting of Council held on Tuesday, 3 September 2013 be confirmed.

**CARRIED**

### 4. Declarations of Conflict of Interest

Nil.

**5. Presentations**

Nil.

**6. Petitions And Joint Letters**

**6.1 Carnarvon Road Strathmore – Request to Park on Crossovers**

**File No.** FOL/12/512

Cr Chantry tabled a petition signed by approximately 97 residents of Carnarvon Road, Strathmore requesting Council to allow residents to park on the wide property crossovers.

**6.2 Withdrawal Of Aerobic Concession Off Peak Membership at Ascot Vale Leisure Centre**

**File No.** FOL/12/649

Cr Cusack tabled a joint-letter signed by 87 individuals concerned with the withdrawal of the aerobic concession off peak membership at Ascot Vale Leisure Centre, together with no improvements to equipment or programs for a number of years.

*In tabling a petition/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/12/1435

**Minute No.** 2013/155

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Chantry that the reports by the Mayor and Councillors be received.

**CARRIED**

## 9. Reports

The Chairperson informed the meeting that in response to a request, the meeting would consider report No 9.8 after report No 9.3.

### 9.1 **249 - 253 Union Road, Moonee Ponds (Lot 1 on TP245861P & Lot 1 on TP345866V) - Construction of a three storey building comprising eight dwellings and a reduction in car parking requirements.**

**File No:** MV/138/2013  
**Author:** Senior Town Planner  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2013/156

#### **Council Resolution**

Moved by Cr Nation, seconded by Cr Marshall that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/138/2013 for 249-253 Union Road, Moonee Ponds (Lot 1 TP245861P and Lot 1 TP345866V) for the Construction of a three storey building comprising eight units and a reduction in carparking requirements on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clauses 55.02-1 (Neighbourhood Character) and 21.05-3 (Objectives and Strategies – Urban Design) of the Moonee Valley Planning Scheme.
2. The development does not comply with the following provisions of Clause 55 (ResCode) of the Moonee Valley Planning Scheme:
  - a) Clause 55.03-1 - Street Setback
  - b) Clause 55.03-2 - Building Height
  - c) Clause 55.03-3 - Site Coverage
  - d) Clause 55.03-4 - Permeability
  - e) Clause 55.04-1 - Side and Rear Setbacks
  - f) Clause 55.04-2 - Walls on boundary
  - g) Clause 55.04-4 - North facing windows
  - h) Clause 55.05-5 - Solar access to Open Space
3. The proposal provides inadequate car parking pursuant to Clause 52.06 (Carparking) of the Moonee Valley Planning Scheme and will exacerbate parking problems in the surrounding area.
4. The development is not site responsive and would represent an overdevelopment of the land.

**CARRIED**

**9.2**                    **973 - 975 Mt Alexander Road, Essendon (Lots 1 & 2 on RP9818) - Use and development of the land for a multi-level residential building, comprising a medical centre, reduction in carparking requirements and alteration of an access to a Road Zone Category 1.**

**File No:**            MV/47/2013  
**Author:**            Senior Town Planner  
**Directorate:**      City Works & Development  
**Ward:**              Buckley  
**Minute No:**        2013/157

### **Council Resolution**

Moved by Cr Chantry, seconded by Cr Cornish that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/47/2013 for 973-975 Mt Alexander Road, Essendon (Lots 1 & 2 RP9818) for the Use and development of the land for a multi-level residential building, comprising a medical centre, reduction in carparking requirements and alteration of an access to a Road Zone Category 1 on the following grounds:

1. The proposed development does not sufficiently comply with Clause 15.01-2 (Urban Design Principles) and Clause 22.01 (Residential Development of four or more storeys) of the Moonee Valley Planning Scheme as the proposed development would result in:
  - a) A large scale development which is not responsive to the surrounding context and fails to appropriately address the existing residential interfaces;
  - b) Unacceptable building height, bulk and scale;
  - c) Unreasonable off-site amenity impacts by way of excessive overshadowing.
2. The proposal fails to meet the objectives of the Design and Development Overlay – Schedule 3 (Mt Alexander Road Corridor) as they relate to:
  - a) Building Height and Setbacks;
  - b) Ensuring new development adjacent to heritage buildings is of a respectful scale and form.
3. The proposal provides inadequate car parking pursuant to Clause 52.06 of the Moonee Valley Planning Scheme and will exacerbate parking problems in the surrounding area.

**CARRIED**

**9.3                    1 Janet Street, East Keilor (Lot 93 PS 052639) - Construction of three dwellings**

**File No:** MV/674/2012  
**Author:** Town Planner  
**Directorate:** City Works & Development  
**Ward:** Rose Hill  
**Minute No:** 2013/158

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/674/2012 for the construction of three dwellings on one at 1 Janet Street, East Keilor, Lot 93 on PS 052639, 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 secluded private open space associated with Dwelling 3 to meet the minimum requirements of Clause 55.05-4 (Standard B28 – Private Open Space) of the Moonee Valley Planning Scheme.
  - b) The provision of a 0.3 metre wide landscape strip along the southern boundary of the subject site, directly adjacent to Dwelling 2.
  - c) The northern ground floor wall of Dwelling 2 to have a minimum setback of 4.1 metres from the southern boundary.
  - d) Any alterations required as a result of conditions 1(a) to 1(c).
  - e) The west facing bedroom 3 window of Dwelling 1 to be screened in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
  - f) The west facing bedroom 2 window of Dwelling 1 to be screened in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
  - g) All windows screened in accordance with Clause 55.04-6 or be fixed or have a restrictive opening of 150mm.
  - h) The south-east facing bedroom 1 window associated with Dwelling 3 to have a minimum sill height of 1.4 metres.
  - i) The relocated crossover to have a minimum setback of 1.6 metres from the street tree.
  - j) Notation for the retention of the existing canopy tree within the front setback of Dwelling 2.

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. Buildings or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
5. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
6. The obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
7. The car parking areas and access ways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable). The car park area and driveways must be maintained to the satisfaction of the Responsible Authority.
8. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all 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 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.
9. The existing street tree(s) or vegetation must not be removed or damaged as a result of the permitted development.
10. 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.



11. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority. Prior to the commencement of building and works a drainage layout plan, together with computations and manufacturers specifications, must be prepared by a suitably qualified Civil Engineer and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
12. Prior to the issue of an Occupancy Permit, all fencing identified on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
13. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
14. 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. The landscape plan(s) must be generally in accordance with the plans submitted for endorsement but modified to show:
  - a) The retention of the existing canopy tree within the front setback of Dwelling 2.
  - b) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
  - c) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design.
  - d) Planting on the land comprising trees and shrubs capable of:
    - i) Providing a complete garden scheme.
    - ii) Softening the building bulk.
    - iii) Providing some canopy trees for landscape perspective. Selected canopy trees must be capable of reaching a mature minimum height of 4 metres.
    - iv) Minimising the potential of any overlooking between habitable rooms of adjacent dwellings.
  - e) The proposed design features such as paths, paving, lawn and mulch.
  - f) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
  - g) The use of drought tolerant species.
  - h) All trees on the land that are proposed to be removed or destroyed.

- i) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems.

Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied. Once approved by the responsible authority these plans become part of the endorsed plans of this permit.

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. 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 in writing request the responsible authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse 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 Technical Services Unit regarding legal point of discharge, new crossings, building over easements etc.
- 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.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Engineering Services Department and to the satisfaction of the Responsible Authority.
- A permit must be obtained from Council for all vehicular crossings.
- Council will not accept modifications to existing levels within the road reserve. Any change in levels to match existing surface levels along the property boundary line must be made within the property boundary.
- No on-street parking permits will be provided to the occupiers of the subject site.

## **DIVISION CALLED**

A Division was called and voting was as follows:

**FOR:** Crs Marshall, Cusack, Cornish, Chantry, Sharpe and Nation.

**AGAINST:** Crs Sipek and Surace.

**CARRIED**

### **9.8 Leake Street Streetscape Upgrade Plan**

**File No:** FOL/13/665

**Author:** Manager Leisure & Open Space Planning

**Directorate:** Environment & Lifestyle

**Ward:** Buckley

**Minute No:** 2013/159

#### **Council Resolution**

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

1. Abandon the Draft Leake Street Streetscape Upgrade Plan process.
2. Note the Local Area Traffic Management (LATM) study for the North Essendon precinct (currently underway), ensuring consultation occurs with a wide range of stakeholders including the traders association.
3. Develop an Urban Design Master Plan for the North Essendon Village.

**CARRIED**

### **9.4 Amendment C130 to the Moonee Valley Planning Scheme (Implementation of the Significant Tree Review)**

**File No:** FOL/12/1118

**Author:** Senior Strategic Planner

**Directorate:** City Works & Development

**Ward:** Municipal

**Minute No:** 2013/160

#### **Council Resolution**

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

1. Adopt the Moonee Valley City Council Significant Tree Register Review 2012 including all changes recommended by the Panel as per page 28 of the Panel Report included in Appendix B – (separately circulated).

2. Having complied with Part 3, Division 1 and 2 and in accordance with Section 29(1) of the Planning and Environment Act 1987, adopt the Moonee Valley Planning Scheme Amendment C130 including all changes recommended by the Panel as per page 28 of the Panel Report included in Appendix B - (separately circulated) and in accordance with the documents included in Appendix A - (separately circulated).
3. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Moonee Valley Planning Scheme Amendment C130 to the Minister for Planning for approval

**CARRIED**

Cr Chantry left the meeting at 8.11pm.

**9.5 Amendment C136 to the Moonee Valley Planning Scheme  
(Schedule 5 and Schedule 6 to the Neighbourhood Character  
Overlay)**

**File No:** FOL/13/943  
**Author:** Strategic Planner  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2013/161

**Council Resolution**

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

1. Seek authorisation from the Minister for Planning to prepare Moonee Valley Planning Scheme Amendment C136 which introduce the following changes:
  - Insert Schedule 5 and Schedule 6 to the Neighbourhood Character Overlay.
  - Amend Schedule 11 to the Design and Development Overlay.
2. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C136 in accordance with Section 19 of the Planning and Environment Act 1987.
3. Refer submissions to an independent Panel in accordance with Section 23(1)(b) of the Planning and Environment Act 1987, if submissions are received which request to change the amendment and they are not resolved.

**CARRIED**

**9.6 Delegation to Parking Permit Management Committee**

**File No:** 13/147433

**Author:** Acting Executive Manager City Works

**Directorate:** City Works & Development

**Ward:** Municipal

**Minute No:** 2013/162

**Council Resolution**

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

1. Formalise the establishment of its Parking Permit Management Committee, comprising: Director City Works & Development, Manager Technical Services, Coordinator Transport and Coordinator Parking Control & Local Laws, as set out in the Instrument of Delegation provided as Appendix A.
2. Amend the Parking Permit Policy (2013), Section 9.4 (Appeals Process) to read – *“The purpose of the Parking Permit Management Committee is to make decisions on behalf of Council pertaining to Parking Permits (both residential and non-residential), taking into account the objectives of the Municipal Parking Strategy (2011), Parking Permit Policy (2013), and other matters.*

*The other matters shall include, but not be limited to, age and frailty, availability of on-street parking and potential to review said parking, availability of off-street parking and any waivers granted during the planning permit process, the number of permits held, and the duration those permits have been held.”*

**CARRIED**

**Reports Considered En Bloc**

**Minute No:** 2013/163

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Surace that the recommendations contained in reports:

- 9.7 Fairbairn Park Master Plan 2013;
- 9.10 Review of Civic Recognition Policy;
- 9.11 Report on Strategy Groups;
- 9.12 Report on Assemblies of Councillors;

be adopted by Council.

**CARRIED**

**9.7 Fairbairn Park Master Plan 2013**

**File No:** FOL/13/203-1  
**Author:** Manager Leisure & Open Space Planning  
**Directorate:** Environment & Lifestyle  
**Ward:** Myrnong  
**Minute No:** 2013/163

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Surace that Council endorse the Fairbairn Park Master Plan 2013.

**CARRIED**

**9.10 Review of Civic Recognition Policy**

**File No:** FOL/10/539  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2013/163

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Surace that Council adopt its revised Civic Recognition Policy, provided as Appendix A.

**CARRIED**

**9.11 Report on Strategy Groups**

**File No:** FOL/12/69  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2013/163

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Surace that Council receive and note the confirmed minutes of the Collective Strategy Group meeting held 6 August 2013 provided as Appendix A.

**CARRIED**

**9.12 Report on Assemblies of Councillors**

**File No:** FOL/09/1245  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2013/163

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Surace 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 2013.

**CARRIED**

**9.9 Adoption of Moonee Valley Public Health and Wellbeing Plan 2013-17**

**File No:** FOL/12/106  
**Author:** Manager Community Development  
**Directorate:** Citizen Services & Information Management  
**Ward:** Municipal  
**Minute No:** 2013/164

**Council Resolution**

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

1. Adopt the Moonee Valley Public Health and Wellbeing Plan 2013-17 (provided as Appendix A separately circulated).
2. Adopt the Health and Wellbeing Action Plan 2013/14 (provided as Appendix B separately circulated).
3. Adopt the evaluation framework (provided as Appendix C separately circulated).
4. Adopt the Terms of Reference (provided as Appendix D separately circulated).
5. Forward a copy of the Moonee Valley Public Health and Wellbeing Plan 2013-17 to the Secretary of the Department of Health.
6. Request the Chief Executive to make available the Moonee Valley Public Health and Wellbeing Plan 2013-17 at Council venues and online, upon endorsement.

**CARRIED**

**10. Notices of Motion**

Nil.

The Mayor informed the meeting of her intention to raise an item of Urgent Business and therefore vacated the Chair, to allow the Deputy Mayor to assume the Chair.

**Council Resolution**

Moved by Cr Sipek that the item of business raised by Cr Sharpe regarding the issue of reinstating a payment in full date for general rates in February 2014 be admitted as Urgent Business.

**LAPSED FOR WANT OF A SECONDER**

**11. Urgent Business**

Nil.

The Deputy Mayor relinquished the Chair and the Mayor resumed the Chair.

**12. Confidential Report**

Nil.

The meeting concluded at 8.29pm.

**CONFIRMED**

**CR NARELLE SHARPE  
CHAIRPERSON**