



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 26 February 2013

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 26 February 2013 at 7:03pm
held at the Moonee Valley Civic Centre

PRESENT

Members Cr Narelle Sharpe Mayor
Cr Jim Cusack
Cr Jan Chantry
Cr Shirley Cornish
Cr Paul Giuliano (7.08pm)
Cr Nicole Marshall
Cr Cam Nation
Cr John Sipek
Cr Andrea Surace

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 Henry Bezuidenhout Manager Statutory & Strategic Planning
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, 26 February 2013.

2. Apologies

Nil.

3. Confirmation of Minutes

Moved by Cr Cusack, seconded by Cr Chantry that the Minutes of the Ordinary Meeting of Council held on Tuesday, 29 January 2013 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Cr Surace declared a conflict of interest in Item 12.1, as a family member is employed by an organisation which has a commercial involvement with the property owner.

5. Presentations

Council Resolution

Moved by Cr Surace, seconded by Cr Cusack that Standing Orders be suspended, to allow an external presentation to be made.

CARRIED

The Mayor introduced Del King, Youth and Community Liaison Officer, Victoria Police and former Councillor James Rankin, to speak on the 2012 Kokoda trip. Del and James then presented Council with a photograph and a Certificate of Appreciation for Council's ongoing support of the program.

Cr Cusack left the meeting at 7.06pm.

Cr Chantry presented Council with a Certificate of Appreciation from the Mirabel Foundation for its recent fundraising effort.

Cr Marshall presented Council with a Certificate of Appreciation for its sponsorship of the Ave Maria College Night of Excellence 2012.

Cr Cusack returned to the meeting at 7.10pm.

Cr Sharpe then presented Council with a Certificate and Trophy for being the winner of the 2013 LGPro Awards for Excellence, Community Partnerships Initiative, for its Sustainable Employment and Economic Development Project (SEED).

Council Resolution

Moved by Cr Cornish, seconded by Cr Cusack that Standing Orders be resumed.

CARRIED

6. Petitions And Joint Letters

Nil.

7. Public Question Time

Question 1 Ms Kylie Walsh of Niddrie, asked the following question relating to the proposed development at 32 Teague Street, Niddrie: Regarding the proposed development at 32 Teague Street, Niddrie for 3 attached double story townhouses – will the Council provide assurance that further time restrictions on the operation of the lights of the St John Bosco's Tennis Club will not result from this development?

Two of the three units face the tennis courts. The current time restriction is 11pm. The current restrictions can lead to "declared winner", forfeit or draw

declared if the male, female or mixed team competition does not conclude prior to 11pm. Renting alternative courts for night competition is not a viable option for the club. Any further restriction of the time period for the lights would be extremely detrimental to this long established club.

I am both an objecting resident to this development and a member of the St John Bosco Tennis Club.

The Chief Executive, Mr Neville Smith informed Ms Walsh that her concerns were noted. Further, Council records do indicate that the St John Bosco's Tennis Club has a Planning Permit (MV/2562/1992) which restricts the lighting to no later than 11pm on Wednesday nights; and no later than 10pm on all other nights. Also that the tennis court lighting can operate within the parameters of the permit.

Potential owners of the proposed development need to be aware and reconcile with the fact that they are buying into a property located opposite tennis courts with associated lighting fronting Teague and Garnet Street.

8. Reports by Mayor and Councillors

File No. FOL/10/357

Minute No. 2013/16

Council Resolution

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

CARRIED

9. Reports

9.1 1-3 Marco Polo Street, Essendon (Lots 1 & 2 PS647303X and Lot 1 LP9062) - Construction of 11 dwellings with a reduction in car parking requirements

File No: MV/470/2012

Author: Senior Town Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2013/17

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/470/2012 for the

construction of eleven dwellings with a reduction in car parking requirements at No.1-3 Marco Polo Street, Essendon (Lots 1 & 2 PS647303X and Lot 1 LP9062), 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 overall height of the proposed development is inappropriate to the site and surrounding area, and fails to meet Clause 55.03-2 (Building Height Objective) of the Moonee Valley Planning Scheme.
3. The development is not site responsive and would represent an overdevelopment of the land.
4. The proposal does not provide an appropriate transition with the adjoining residential property located to the east.

CARRIED

9.2 1 & 3 Munro Street, Ascot Vale (Lot 1 TP445574C & Lot 1 TP235836U - Construction of a three storey building with basement level for the purposes of 11 dwellings. (VCAT amended plans)

File No: MV/376/2011
Author: Principal Town Planner
Directorate: City Works and Development
Ward: Myrnong
Minute No: 2013/18

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application that if it were in a position to decide on the amended plans that it would have resolved to issue a Refusal to Grant a Permit for the construction of a three storey building with basement level for the purposes of eleven dwellings at 1 & 3 Munro Street, Ascot Vale (Lot 1 TP445574C & Lot 1 TP235836U) on the following grounds:

1. The development fails to meet the objective of Clause 21.05-3 (Objectives and Strategies - Urban Design) as it relates to achieving development that appropriately responds to its location and context.
2. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 55.02-1 Neighbourhood character of the Moonee Valley Planning Scheme.
3. The proposal represents an overdevelopment of the site.

CARRIED

**9.3 24 Laurence Avenue, Airport West (Lot 40 on PS 020017) -
Construction of nine (9) double storey dwellings**

File No: MV/683/2011
Author: Town Planner
Directorate: Rose Hill
Ward: City Works & Development
Minute No: 2013/19

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sipek that Council resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application that if it were in a position to decide on the amended plans that it would have resolved to issue a Notice of Decision to Grant a Permit for the construction of nine (9) double storey dwellings at 24 Laurence Avenue, Airport West, Lot 40 on Plan of Subdivision 020017, 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) All references to the word 'Unit' to be replaced with 'Dwelling' on all floor plans and elevations.
 - b) All accessway gradients to be provided in accordance with Clause 52.06 of the Moonee Valley Planning Scheme.
 - c) The visitor space abutting Dwelling 5 to be provided with a width of 3.5 metres in accordance with Clause 52.06 of the Moonee Valley Planning Scheme.
 - d) All vehicle ingress and egress movements to be designed in accordance with Clause 55.03-9 (Access) of the Moonee Valley Planning Scheme.
 - e) The entry porch of Dwelling 5 to be reconfigured in accordance with condition 1 d).
 - f) Directional signage to be provided internally to indicate the location of visitor parking spaces.
 - g) All ground floor habitable room windows facing the internal accessway to be fixed, obscured and glazed in accordance with Clause 55.03-10 (Parking Location) of the Moonee Valley Planning Scheme.
 - h) All internal fencing to be a minimum height of 1.8 metres from Natural Ground Level in accordance with Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme.

- i) All first floor habitable room windows facing the internal accessway to be screened in accordance with Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme.
- j) The eastern boundary fencing, where it abuts Dwellings 1-4, to be provided with trellising. The trellising must extend to a minimum height of 1.8 metres above Finished Ground Level.
- k) The western boundary fencing, where it abuts Dwellings 5-9, to be provided with trellising. The trellising must extend to a minimum height of 1.8 metres above Finished Ground Level and the Finished Floor Level of the deck to Dwelling 5.
- l) All first floor windows which are noted as having obscure glass to be annotated as being both fixed and obscured to a height of 1.7 metres from Finished Floor Level.
- m) A full schedule of all external materials and finishes, including colour samples.

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. Building 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. Prior to any building or works commencing, 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) Parking and traffic movement of all workers vehicles and construction vehicles;
 - c) Scaffolding and hoarding for the site;
 - d) Allocated areas for loading and unloading;
 - e) Site evacuation plan and procedure;
 - f) Occupational health and safety policy;
 - g) Hazard identification and control;
 - h) Environmental management and waste minimisation;
 - i) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - j) On site stormwater contamination;

- k) Chemical storage;
- l) Noise and vibration;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected of work on the site at any one time.

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

6. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
7. The privacy screens as shown on the endorsed plans must be installed prior to the occupation of the building.
8. 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.
9. 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.
10. Prior to the issue of an Occupancy Permit, a minimum of 2 bicycle spaces must be located in proximity to the visitor parking spaces available for visitors and residents of the development to the satisfaction of the Responsible Authority.
11. 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.
12. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority.
13. A drainage surcharge route must be shown on the layout plan, to demonstrate the overland flow path in the event of a storm exceeding the underground minor drainage system.

14. An underground drainage system may be designed where necessary to handle the 1 in 100 year storm event for the critical storm duration. Drainage Computations are required for the drainage system, including consideration of any drainage catchment external to the development that may drain to the drainage system. A drainage layout plan prepared by a Civil/Hydraulics Engineer together with computations for the drainage system and specifications are to be submitted to this department for approval.
15. Prior to the issue of an Occupancy Permit, fencing in accordance with the endorsed plan must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
16. 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) 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 within the front setback of Dwellings 1 and 9. Selected canopy trees must be capable of reaching a mature minimum height of 4 metres.
 - iv) Minimising the potential of for crossviews to and from adjoining lots.
 - b) 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.

17. 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.
18. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Bollard lighting should be provided to the internal accessway. 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.
19. 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.

20. 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 permit must be obtained from Council for all vehicular crossings.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- 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.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve or to any drainage easement.
- Due to the location of the identified low point APW38, it is noted that as an existing condition water will spill through to the reserve. Measures should be taken to ensure overland flow paths are maintained. It is recommended that the developer upsize the pipe from 300mm to 375mm to the outlet (approximately 84m) and upsize SEP to three GSEP.
- The development backs on to the Melbourne Water reserve, an in proximity to a Special Building Overlay. Consent from Melbourne Water must be sought.
- 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.
- No on street parking permits will be provided to the occupiers of the subject site.

CARRIED

9.4 32 Teague Street Niddrie - Construction of three attached dwellings

File No: MV/362/2012
Author: Strategic Planner
Directorate: City Works & Development
Ward: Buckley
Minute No: 2013/20

Council Resolution

Moved by Cr Chantry, seconded by Cr Nation that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/362/2012 for the construction of three attached dwellings at 32 Teague Street, Niddrie (Lot 368 PS010094) 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 notation to reference condition No. 9.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. Building 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 privacy screens 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. 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 Telstra pits at the proposed crossover to be relocated at the cost of the Owner.
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. 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.
13. Prior to the issue of an Occupancy Permit, all boundary fencing 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.
14. 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.
15. Before the development starts, or any trees or vegetation removed, a landscape plan (three copies) prepared by a suitably qualified person or firm 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 with the application but modified to show:
 - a) A planting schedule to show the number and species of proposed plants including pot size at planting and height and spread at maturity.
 - b) Landscaping planted within 2m along the frontage road from the edge of an exit lane and 2.5m along the exit lane from the frontage to be below 1.1m in height, clear of visual obstruction.

- c) The provision of at least one canopy tree within the front setback of each dwelling. Such trees must be capable of reaching a minimum height 4.0m.
- d) The inclusion of garden beds abutting each dwelling and the accessways.
- e) The proposed design features such as paths, paving, lawn and mulch.
- f) The inclusion of drought tolerant species.

Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied

- 16. 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.
- 17. This permit will expire if:-
 - a) The development does not start within two (2) years of the date of issue of this permit, or
 - a) The development is not completed within four (4) years of the date of issue of this permit.

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.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- No on street parking permits will be provided to the occupiers of the subject site.
- 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.

CARRIED

9.5 Planning Scheme Review - Issues Paper for consultation

File No: FOL/12/857
Author: Coordinator Strategic Planning
Directorate: City Works & Development
Ward: Municipal
Minute No: 2013/21

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council endorse the Planning Scheme Review Issues Report for the purposes of community consultation.

CARRIED

Cr Nation left the meeting at 8.05pm and returned at 8.06pm.

9.6 Outcome of Strathmore Local Area Origin Destination Survey

File No: FOL/12/884
Author: Traffic & Transport Engineer
Directorate: City Works & Development
Ward: Buckley
Minute No: 2013/22

Council Resolution

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

1. Note the outcome of the Strathmore Local Area Origin-Destination Survey.
2. Note that the proportion of eastbound 'through-traffic' volumes in Windsor Avenue and Holyrood Avenue from Bulla Road are not considered excessive, and no further traffic management treatments are recommended.
3. Write to Victoria Police requesting regular enforcement of the partial closures of Dublin Avenue and Balmoral Avenue to eastbound traffic at Bulla Road and speeding levels on Carnarvon Road.
4. Write to VicRoads requesting assistance in investigating and costing the provision of right turn (north to west) and left turn (west to north) phases at the intersection of Napier Street and Woodland Street.
5. Advise community within the Strathmore Local Area Origin-Destination Survey the outcome of this report.

CARRIED

Cr Giuliano left the meeting at 8.11pm and returned at 8.12pm.

9.7 Council's submission to the Metropolitan Planning Strategy Discussion Paper

File No: FOL/11/1077
Author: Strategic Planner
Directorate: City Works & Development
Ward: Municipal
Minute No: 2013/23

Council Resolution

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

1. Endorse the draft submission to the Discussion Paper as detailed in Appendix B (separately circulated), with the following changes:
 - On page 9, remove reference to there being merit in reviewing the performance-based approach of the Victoria Planning Provisions and insert the following wording – “Whilst the above findings are noted, it is acknowledged
 - On page 20, insert sentence stating the need to integrate the development of the new Metropolitan Planning Strategy with development of regional plans for the state to ensure the realisation of the polycentric city model.
 - On page 26, insert sentence stating the requirement for adequate funding for local government to implement any changes required to the planning scheme as a result of new State policy.
2. Forward the submission to the Victorian State Government.

CARRIED

Cr Surace and Cr Giuliano left the meeting at 8.22pm.

9.8 Travancore Park Feasibility and Options Study

File No: FOL/12/673
Author: Senior Landscape Architect
Directorate: Environment & Lifestyle
Ward: Myrnong
Minute No: 2013/24

Council Resolution

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

1. Approve shared path alignment Option C as recommended by the Travancore Park Feasibility and Options Study.

2. Refer funding to implement these works to the Ten Year Capital Works Program.
3. Note and consider in the short to mid-term, the option for a section of path to be located on the creek side of the sound wall as a further improvement.

CARRIED

Cr Giuliano returned to the meeting at 8.33pm.

9.9 Draft Domestic Animal Management Plan 2012-2016

File No: FOL/10/1546
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/25

Council Resolution

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

1. Endorse the draft Domestic Animal Management Plan 2012-2016 provided as Appendix A (separately circulated), subject to the inclusion of information covering the fees incurred by pet owners for not complying with responsible pet ownership requirements; for the purposes of community consultation.
2. Receive a further report, following the completion of the community consultation.

CARRIED

The Chairperson, in response to a request, agreed that the meeting would now consider Council Report No 9.15.

Cr Surace returned to the meeting at 8.37pm.

9.15 Niddrie Business District Special Rate Renewal

File No: FOL/12/1402
Author: Manager Sustainability, Health & Economic Development
Directorate: Corporate Services
Ward: Buckley
Minute No: 2013/26

Council Resolution

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

1. Notes the initial letter sent by Council to the owners and occupiers of the properties included in the Niddrie Business District (Business District) proposing the introduction of a Special Rate and Charge for the Business District (Appendix A – separately circulated), the letter received from the Niddrie Traders' Association (Traders' Association) requesting the introduction of a Special Rate (Appendix B – separately circulated) and the Niddrie Traders' Association Business Plan (Appendix C – separately circulated) and, having otherwise considered all relevant matters, commences the statutory process under the Local Government Act 1989 (Act) to re-introduce by way of renewal a Special Rate and Charge to and for the properties within the defined Business District, such Special Rate and Charge to raise an amount of \$100,000 in the first year of the Scheme, with such Special Rate and Charge amounts increasing by \$5,000 in each year of the Scheme, for a period of five years commencing on 1 July 2013 and ending on 30 June 2018.
2. In accordance with sections 163(1A) and 163B(3) of the Act, directs that public notice be given in The Age, the Moonee Valley Weekly and the Moonee Valley Leader of the intention of Council to declare at its ordinary meeting to be held on 28 May 2013, in accordance with the proposed declaration of Special Rate and Charge in the form of the attachment to this resolution (Appendix D – separately circulated as amended) (*Proposed Declaration of Special Rate and Charge*), such Special Rate and Charge to be for the purposes of defraying expenses to be incurred by Council in providing funds to the incorporated body known and operating as the Niddrie Traders' Association and which funds, administratively only and subject always to the approval, direction and control of Council are to be used for the purposes of the appointment of a part-time Shopping Centre Coordinator, promotional, advertising, marketing, business development and other incidental expenses as approved by and agreed to from time to time between Council and the Traders' Association, all of which are associated with the encouragement of commerce, retail and professional activity and employment in the Business District.
3. Directs that in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners and the occupiers of the properties referred to and set out in the schedule of properties forming a part of the Proposed Declaration of Special Rate and Charge, advising of the intention of Council to declare the Special Rate and Charge at its ordinary meeting to be held on 28 May 2013, the amount for which the property owner or the occupier (being a person who as a condition of a lease under which the person who occupies the property is required to pay the Special Rate and Charge) will be liable, the basis of the calculation and distribution of the Special Rate and Charge and notifying such persons that submissions and/or objections in writing in relation to the Proposed Declaration of Special Rate and Charge will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.
4. Advises the Traders' Association of the matters specified in paragraphs 1, 2 and 3 of this resolution.

5. Appoints and authorises Councillors Sharpe, Giuliano and Chantry to be the members of the committee that is established by Council under section 223(1)(b)(i) of the Act, to be known as the Niddrie Special Rate Hearing Committee, to hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submissions.
6. Authorises the Council's Chief Executive Officer or his nominated representative:
 - a) To carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the Act; and
 - b) To prepare a funding agreement between Council and the Traders' Association to formalise the administrative operations of the Special Rate and Charge, such agreement being to ensure that at all times, and as a precondition to the payment of any funds by Council to the Traders' Association, Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate and Charge in accordance with its obligations under the *Local Government Act 1989* to do so.
7. Directs that the agreement specified in paragraph 6(b) of this resolution is to be subsequently submitted to Council for approval and sealing.

CARRIED

9.10 Update on School Crossings Supervision Program

File No: FOL/12/1089
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/27

Council Resolution

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

1. Receive the report and note the results of the survey counts undertaken in 2012.
2. Confirms its continued funding of the school crossings located at:
 - a) Pin Oak Crescent, near Waltham St, Flemington;
 - b) Cashmere St, near Mangalore St, Travancore;
 - c) Epsom Rd/Roseberry St, Ascot Vale;
 - d) Waverley St, near Alma St, Moonee Ponds;

- e) Buckley St /Batman St, Essendon;
 - f) Rosebank Ave, Strathmore; and
 - g) Teague St, Niddrie.
3. Notes that the previously noted crossing, known as Afton St, between Batman St and Ramsay St, Essendon is not a defined crossing but a raised road pavement with line markings and related fencing.

CARRIED

9.11 Proposed Ban on Smoking in Outdoor Areas

File No: FOL/09/484
Author: Coordinator Governance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/28

Council Resolution

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

1. Continue to support the MAV's recommendation to the Victorian State Government for a Victorian Outdoor Smoking Framework.
2. Refrain from imposing further bans in support of a state-wide approach.
3. Endorses measures to further educate local residents on the issue of non-smoking, via such avenues as new signage that covers existing local law and state government prohibitions.

CARRIED

Reports Considered En Bloc

Minute No: 2013/29

Council Resolution

Moved by Cr Chantry, seconded by Cr Cornish that the recommendations contained in reports:

- 9.12 Council Plan Key Strategic Activities Performance Report – December 2012;
 - 9.13 Financial Performance Report – December 2012;
 - 9.14 Proposed Part Road Discontinuance abutting 29 Albert St, Moonee Ponds;
 - 9.16 Review of After Hours Service Provider; and
 - 9.17 2013 Kokoda Program;
- be adopted by Council.

CARRIED

9.12 Council Plan Key Strategic Activities Performance Report - December 2012

File No: FOL/09/577
Author: Manager Citizen & Information Services
Directorate: Citizen Services & Information Management
Ward: Municipal
Minute No: 2013/29

Council Resolution

Moved by Cr Chantry, seconded by Cr Cornish that Council receive and note the Council Plan Key Strategic Activities Performance Report for the December 2012 quarter.

CARRIED

9.13 Financial Performance Report - December 2012

File No: 10/018/002
Author: Manager Finance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/29

Council Resolution

Moved by Cr Chantry, seconded by Cr Cornish that Council receive and note the Financial Performance Report for the period 1 July 2012 to 31 December 2012.

CARRIED

9.14 Proposed Part Road Discontinuance Abutting 29 Albert Street, Moonee Ponds

File No: PR16528 & 65/19/113
Author: Coordinator Property Services
Directorate: Corporate Services
Ward: Myrnong
Minute No: 2013/29

Council Resolution

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

1. Note that after having given notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 to the *Local Government Act* 1989 of a proposal to discontinue a section of road abutting 29 Albert Street, Moonee Ponds contained in Certificate of Title Volume 3740 Folio 939 and shown as Lot 1, in Appendix B, no submissions were received to the proposal.
2. Is of the opinion that Lot 1 is no longer required for public use and should be discontinued and sold by private treaty to the owners of 29 Albert Street, Moonee Ponds.
3. Publish a notice, pursuant to clause 3(a) of Schedule 10 to the *Local Government Act* 1989 in the Victorian Government Gazette.
4. Authorise the Chief Executive to execute the transfers and any other associated documents.

CARRIED

9.16 Review of Afterhours Service Provider

File No: FOL/12/445
Author: Manager Citizen & Information Services
Directorate: Citizen Services & Information Management
Ward: Municipal
Minute No: 2013/29

Council Resolution

Moved by Cr Chantry, seconded by Cr Cornish that Council note the successful transfer to Oracle CMS as the provider of its afterhours service.

CARRIED

9.17 2013 Kokoda Program

File No: FOL/10/1374
Author: Community Partnerships and Sponsorship Coordinator
Directorate: Citizen Services & Information Management
Ward: Municipal
Minute No: 2013/29

Council Resolution

Moved by Cr Chantry, seconded by Cr Cornish that Council endorse the nomination of Cr Nation to participate in the 2013 Victoria Police Kokoda Program as Council's representative.

CARRIED

9.18 Attendance of Mayor in Canberra as Members of LeadWest Delegation

File No: FOL/10/1300
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/30

Council Resolution

Moved by Cr Surace, seconded by Cr Marshall that Council endorse the attendance of the Mayor, Cr Sharpe as part of the LeadWest delegation in Canberra between 19 and 21 March 2013.

CARRIED

9.19 Report on the 2012 Council Elections

File No: FOL/12/1154
Author: Coordinator Governance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/31

Council Resolution

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

1. Receive and note the Electoral Commissioner's report on Council's General Elections held in October 2012.
2. Reaffirm its ongoing support of the postal voting method for the October 2016 Council Elections.

CARRIED

9.20 Report on Assemblies of Councillors

File No: FOL/09/1245
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/32

Council Resolution

Moved by Cr Giuliano, seconded by Cr Cornish 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 2012.

CARRIED

10. Notices of Motion

Nil.

11. Urgent Business

Nil.

Council Resolution

Moved by Cr Chantry, seconded by Cr Nation that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss two matters affecting the security of Council property and another matter relating to a potential contractual matter.

CARRIED

Cr Nation left the meeting at 9.01pm and returned at 9.02pm.

Cr Surace had declared an interest in Item 12.1 and therefore left the meeting before any discussion or voting had taken place on the item.

Cr Giuliano declared a conflict of interest in Item 12.1, as he is employed by a Victorian Property Developer. He left the meeting before any discussion or voting had taken place on the item.

12. Consideration of Confidential Reports

12.1 Consideration of proposed property acquisition in Moonee Ponds;

Cr Surace and Cr Giuliano returned to the meeting here.

12.2 Report on Audit Committee; and

12.3 Update on Local Government Inspectorate Matters.

Council Resolution

Moved by Cr Chantry, seconded by Cr Sipek that the meeting resume in Open Council.

CARRIED

The meeting concluded at 9.24pm.

CONFIRMED

CR NARELLE SHARPE
CHAIRPERSON