



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

**Tuesday, 26 March 2013**

**Minutes**

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# Minutes of the Ordinary Meeting of Council

Tuesday, 26 March 2013 at 7:01pm  
held at the Moonee Valley Civic Centre

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## PRESENT

Members	Cr Narelle Sharpe Cr Jim Cusack (7.03pm) Cr Jan Chantry Cr Shirley Cornish Cr Paul Giuliano Cr Nicole Marshall Cr Cam Nation Cr John Sipek (8.15pm) Cr Andrea Surace	Mayor
Officers:	Mr Neville Smith Mr Bryan Lancaster Mr Anthony Smith Mr Stuart Gillespie  Mr Tony Ball Mr Scott Widdicombe Mr Henry Bezuidenhout Mr Ralph Anania	Chief Executive Director City Works & Development Director Corporate Services Executive Manager Citizen Services & Information Management Executive Manager Community Services Executive Manager Environment & Lifestyle Manager Statutory & Strategic Planning Manager Governance & Local Laws

### 1. Opening

The Mayor, Cr Sharpe, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 26 March 2013.

### 2. Apologies

Nil.

### 3. Confirmation of Minutes

Moved by Cr Chantry, seconded by Cr Nation that the Minutes of the Ordinary Meeting of Council held on Tuesday, 26 February 2013 be confirmed.

**CARRIED**

### 4. Declarations of Conflict of Interest

In accordance with Section 79 of the Local Government Act 1989, Cr Giuliano declared a conflict of interest in Council Report 9.2, as he resides in close proximity to the subject property site.

**5. Presentations**

Nil.

**6. Petitions And Joint Letters**

Nil.

**7. Public Question Time**

Question 1 - Ms Rosemary Swan of Flemington asked what is being done to address the problem of dogs off-leash in Debney Park (a designated on-leash park)? I have requested that this problem be addressed many times. On Sunday 24/3 my dog was attacked and injured by an off-leash dog. Another dog was also attacked by the same dog on the same day. Debney Park is used heavily by a large residents of community with a large population of young children. Many dog owners disregard the on-leash policy and when I ask them to put their dog on leash they say “everyone else does it” (dogs off-leash). So why should I? Or I’m a responsible dog owner. There are unfenced children’s playgrounds because its on-leash park (Council response). I have no-where else I can walk my dogs safely on-leash. Off-leash Travancore is 5 minutes away on foot.

The Chief Executive, Mr Neville Smith informed Ms Swan that following receipt of her dog attack complaint, Council officers had made contact with her to confirm that the attack was being investigated and that officers had also made contact with the adjoining Melbourne City Council about this attack. He further indicated that he was also pleased that when Ms Swan previously contacted Council on 28 February 2013, regarding a dog off-leash complaint, a Local Laws Officer did attend, but was unable to locate any dogs off-leash. At this time, the officer did assure Ms Swan that Council would be continuing its monitoring patrols of Debney Park.

With regards to these specific patrols, Mr Smith advised Ms Swan that since 21 November 2012, there have been 8 specific patrols undertaken of Debney Park, including Saturdays and after hours between 5 and 7pm. Visits are also undertaken every Friday by Council officers.

Mr Smith further advised that while it is disappointing that we may have a few pet owners who are not acting responsibly, Council remains committed to ensuring that all pet owners do the right thing by the wider community. Further, that Council officers as part of the draft Domestic Animal Management Plan consultation, have also attended a number of events on the Flemington Estate, including the Vic Police Harmony Day on Saturday 16 March and the Flemington Community Centre Open Day on 21 March to promote the importance of responsible pet ownership and the need for dogs to be on-leash, in certain locations. In conclusion, Mr Smith reiterated that Council would continue to monitor Debney Park to ensure that all pet owners

do the right thing.

Question 2 - Ms Jacqueline Bates of Ascot Vale asked could we please have an update on what is happening with the proposed walking and cycling track along the Craigieburn Rail Corridor. It would be appreciated if we could have clarity of what the process will be for consulting affected residents prior to making changes (if any) to current road configurations and amenities thank you.

The Chief Executive, Mr Neville Smith informed Ms Bates that acknowledgements to people who provided feedback during the consultation process (who provided contact details) will be sent out this week. Council will review and consider the responses from the community and report to Council over the next few months with a recommended package of works.

Following the Council report, Mr Smith stated that Council will advise the community of the study outcomes including notifying residents on streets where changes will take place prior to works commencing including actions to monitor issues if required.

## **8. Reports By Mayor And Councillors**

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

**Minute No.** 2013/36

### **Council Resolution**

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

**CARRIED**

## **9.1 43 Raleigh Street, Essendon (Lot 1 on TP 110292H) - Construction of a three storey residential building.**

**File No:** MV/782/2012

**Author:** Senior Town Planner

**Directorate:** City Works & Development

**Ward:** Buckley

**Minute No:** 2013/37

### **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/782/2012 for 43 Raleigh Street, Essendon (Lot 1 TP110292H) for the Construction of a three storey residential building 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 proposal provides inadequate car parking and will exacerbate parking problems in the surrounding area.
4. The proposal will dramatically increase the use of the laneway and has the potential to create a traffic and pedestrian hazard.
5. The proposal provides for unreasonable amenity impacts to adjoining properties.
6. The development is not site responsive and would represent an overdevelopment of the land.
7. The road network adjacent to the site, coupled with the intensity of the development will not allow for efficient waste management and collection.

**CARRIED**

Cr Giuliano had declared a Conflict of Interest in Council Report 9.2 and therefore left the meeting before any discussion or voting had taken place on the item.

**9.2                    1-6/3 Ballater Street, Essendon - Construction of an additional third level storey to an existing double storey residential building to accommodate five additional dwellings**

**File No:** MV/106/2011  
**Author:** Town Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2013/38

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Cornish that in relation to application for Planning Permit Application No. MV/106/2011 Council resolve 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 Refuse to Grant a Permit in relation to Planning Permit MV/106/2011 at 1-6/3 Ballater Street, Essendon (Lots 1-12 SP 007653) 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 would be contrary to the following Clauses of the Moonee Valley Planning Scheme.
  - a) Clause 55.06-1 (Design Detail Objective) as it is an inappropriate design response.
  - b) Clause 55.05-4 (Private Open Space Objective) as it does not provide sufficient private open space in accordance with this standard.
  - c) Clause 55.05-3 (Daylight to New Windows Objective) as the windows are not provided “clear to the sky” and are inadequate in area.
  - d) Clause 55.04-6 (Overlooking Objective) as the measures provide poor internal daylight to and amenity of the proposed dwelling or residential building;
  - e) Clause 55.03-9 (Access Objective) of the Moonee Valley Planning Scheme as the proposed car parking layout does not allow for convenient, safe and efficient vehicle movements within the development.
  - f) Clause 55.05-6 (Storage Objective) of the Moonee Valley Planning Scheme as the proposal provides insufficient storage facilities for each dwelling.
3. The proposal provides for inadequate car parking for the total number of residents and visitors of the proposed development, failing to satisfy Clause 52.06 of the Moonee Valley Planning Scheme.

**CARRIED**

Cr Giuliano returned to the meeting here.

**9.3                      34 Prince Street, North Essendon (Lot 238 on PS 008351) -  
Construction of three dwellings**

**File No:** MV/508/2012  
**Author:** Town Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2013/39

**Council Resolution**

Moved by Cr Giuliano, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/508/2012 for the construction of three dwellings at 34 Prince Street, North Essendon, Lot 238 on PS 008351, 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 word 'Unit' to be replaced with the word 'Dwelling' on all relevant floor plans and elevations.
- b) The internal radius for the internal accessway servicing the garages for Dwellings 2 and 3 to be 4 metres in accordance with Clause 55.03-9 (Access) of the Moonee Valley Planning Scheme.
- c) The south facing ground floor kitchen window associated with Dwelling 2 adjacent to the shared accessway to be provided with a minimum sill height of 1.7 metres from Finished Floor Level in accordance with Clause 55.03-10 (Parking Location) of the Moonee Valley Planning Scheme.
- d) A notation on the elevation plans that the first floor privacy screens associated with Dwellings 1 and 2 have a maximum transparency of 25% in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- e) The crossover to Dwelling 1 to be constructed as a double crossover with the crossover of the adjoining property to the north (36 Prince Street).
- f) The relocation of the kitchen window of Dwelling 3 to the eastern elevation.
- g) The provision of obscure glazing to the master bedroom of Dwelling 3.
- h) A schedule of all external materials and finishes, including colour samples.
- i) Provide evidence in relation to neighbouring properties solar panels and their effects.
- j) The crossover to Dwelling 1 to be constructed as a double crossover with the crossover of the adjoining property to the north (36 Princes Street).

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. 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. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
10. 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.
11. 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.
12. 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) Plans to accord with Condition 1 of this permit.
  - b) The provision of at least one canopy tree within the front setback of Dwelling 1 capable of achieving a minimum mature height of 4 metres.
  - c) The use of non-invasive plant species within the easement along the eastern boundary to ensure that existing infrastructure assets are not damaged by root systems.

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

13. 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.
14. 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.
15. Any new building to be constructed so as to comply with any noise attenuation measures required by Section 3 of the Australian Standard AS 2021-2000, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Australia International Ltd.
16. Once construction commences, any structure or building activity (e.g. construction cranes) on the subject land, either permanent or temporary, must not penetrate prescribed airspace surfaces without approval of Essendon Airport.
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
  - b) the development is not completed 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 Technical Services Department regarding legal point of discharge, new crossings, building over easements etc.
- A permit must be obtained from Council for all vehicular crossings.
- An Asset Protection Permit must be obtained from Council prior to commencement of works to ensure that Council assets in the vicinity of the works are not damaged during construction.

- 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  $C=0.80$ .
- 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.
- No on street parking permits will be provided to the occupiers of the subject site.

**CARRIED**

Cr Giuliano left the meeting at 7.47pm and returned at 7.48pm.

**9.4. 147 Union Road, Ascot Vale (Lot 1 on TP 165462Y) - Alterations and additions to an existing office building, use of the land for dwellings and a reduction to the statutory car parking requirements**

**File No:** MV/505/2012  
**Author:** Senior Town Planner  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2013/40

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Chantry that in relation to Application for a Planning Permit No. MV/505/2012 that Council issue a Notice of Decision to Grant a Permit for an Extension to an existing office building, including the use of dwellings, with a reduction in car parking requirements at 147 Union Road, Ascot Vale (Lot 1 TP165462Y), subject to the following conditions:

1. Prior to the commencement of building or works, a carriageway easement as referred to in the 'Deed of Acknowledgement No.4744 of 2008' is to be formalised on the relevant Certificate of Title(s) and submitted to the Responsible Authority (Council).
2. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:

- a) A revised garage layout in accordance with plan TP03 submitted to Council on 21 December, 2012.
  - b) The front balcony associated with Dwelling 1 set back further from Union Road, so that it does not protrude past the front wall of the level directly below, with no reduction in the area of this balcony.
  - c) A notation that the new 'bike rack' along Union Road will be constructed to the satisfaction of Council at the owner/developer's cost.
  - d) The allocation of at least one bicycle space on-site for each dwelling.
  - e) Clear identification, through design elements, of the rear pedestrian accessway from the Right of Way.
  - f) The rear garage/pedestrian door to incorporate glazed panels and complementary materials/colours to the development.
  - g) Correct details of the Right of Way and any associated fencing/boundaries on the floor plans.
  - h) The correct property numbers, and use details, of adjoining and nearby properties on the floor plans.
  - i) The correct rear Title boundary line on the northern elevation plan.
  - j) The location of a convex traffic mirror, to aid vehicles exiting the site, constructed to the satisfaction of the Responsible Authority at the owner/developer's cost.
  - k) A notation that balcony areas will not be used for hanging/drying washing.
- Once approved these plans become the endorsed plans of this permit.
- 3. 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.
  - 4a). Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
  - 4b). The right of way is to be constructed from the northern property boundary of No. 151 Union Road to the southern property boundary of No. 147 Union Road in accordance with the Moonee Valley City Council Drawing No.34 (Standard Reinforced Concrete Paving for Right of Ways). All costs associated with the construction of the right of way must be borne by the permit holder.
  - 4c). Prior to the commencement of buildings and works, detailed engineering drawings to show the construction of the right of way are to be submitted to and approved by the Responsible Authority. The right of way is to be surveyed and designed by a qualified surveyor/civil engineer respectively. The plans are to indicate, existing surface levels, proposed surface levels and construction of the right of way in accordance with Moonee Valley City Council Drawing No.34 (Standard Reinforced Concrete Paving for Right of Ways).

- 4d). Construction of the right of way as specified in this permit must be satisfactorily completed upon the issue of an Occupancy Permit for the approved development. The right of way is to be constructed and properly drained to the satisfaction of the Responsible Authority.
5. 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.
6. 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.
7. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
8. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
9. Parking areas and access lanes must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.

10. Bicycle parking spaces, access, lockers and compounds must provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
11. The Green Travel Plan must form part of the planning permit, and any ongoing Management Plan for the land to ensure the Green Travel Plan continues to be implemented by residents/owners is to be to the satisfaction of the Responsible Authority.
12. 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.
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. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval, with the following changes:
  - a) The private waste collection contractor will be responsible for the removal and replacement of waste containers from the bin storage area. Containers must not be left within the road reserve either before or after waste collection.
  - b) All runoff from the wash down area is to be directed to the sewer network subject to the approval of City West Water.
  - c) 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.
15. This permit will expire if one of the following circumstances applies:
  - a) the development is not commenced within two (2) years from the date of issue of this permit; or
  - b) the development is not completed and the use is not commenced within four (4) years from the date of issue of this permit.

Before the permit expires or within 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.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- 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.
- No on street parking permits will be provided to the occupiers of the subject site.
- 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.

**CARRIED**

Cr Marshall left the meeting at 7.59pm and returned at 8.01pm.

**9.5 Amendment C129 - Heritage controls for 130 Park Street Moonee Ponds**

**File No:** FOL/12/1117  
**Author:** Strategic Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2013/41

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Cornish that Council not pursue the preparation of Moonee Valley Planning Scheme Amendment C129.

**CARRIED**

**9.6 Amendment C112 - 6 Craig Street, Keilor East - Public Acquisition Overlay - Update**

**File No:** FOL/11/645  
**Author:** Coordinator Property Services  
**Directorate:** Corporate Services  
**Ward:** Rose Hill  
**Minute No:** 2013/42

### **Council Resolution**

Moved by Cr Surace, seconded by Cr Cornish that Council note the report on Amendment C112 – 6 Craig Street, Keilor East – Public Acquisition Overlay Update.

**CARRIED**

Cr Sipek entered the meeting at 8.15pm.

### **9.7 Fairbairn Park Master Plan Review**

**File No:** FOL/13/203

**Author:** Coordinator Open Space & Urban Design

**Directorate:** Environment & Lifestyle

**Ward:** Myrnong

**Minute No:** 2013/43

### **Council Resolution**

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

1. Proceed with public consultation over amending the Fairbairn Park Master Plan 2010.
2. Receive a further report following the consultation period.

**CARRIED**

Cr Nation left the meeting at 8.17pm.

### **9.8 Draft Playspace Plan**

**File No:** FOL/12/980

**Author:** Senior Landscape Architect

**Directorate:** Environment & Lifestyle

**Ward:** Municipal

**Minute No:** 2013/44

### **Council Resolution**

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

1. Endorse the Draft Playspace Plan for community consultation.
2. Receive a further report following the consultation period.

**CARRIED**

Cr Nation returned to the meeting at 8.19pm.



**9.9**                      **Draft Leisure Strategy**  
**File No:**                FOL/12/846  
**Author:**                Manager Leisure & Open Space Planning  
**Directorate:**         Environment & Lifestyle  
**Ward:**                    Municipal  
**Minute No:**          2013/45

**Council Resolution**

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

1. Endorse the Draft Leisure Strategy for community consultation.
2. Receive a further report documenting consultation outcomes.

**CARRIED**

**9.10**                      **Priority of Access for Preschools**  
**File No:**                FOL/10/1102  
**Author:**                Coordinator Early Learning  
**Directorate:**         Community Services  
**Ward:**                    Municipal  
**Minute No:**          2013/46

**Council Resolution**

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

1. Adopt the Priority of Access Policy as attached in Appendix A.
2. Receive a report on the outcome of the new priority of access policy for the 2014 Preschool year.

**CARRIED**

**9.11**                      **Review of Council's Instruments of Delegations**  
**File No:**                FOL/11/143 & FOL/11/1060 (Alternative)  
**Author:**                Manager Governance & Local Laws  
**Directorate:**         Corporate Services  
**Ward:**                    Municipal  
**Minute No:**          2013/47

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Cornish that the matter be deferred to the Ordinary Council meeting on 23 April 2013, pending receipt of further information.

**CARRIED**

**9.12                    348 Ascot Vale Road, Moonee Ponds - Proposed Sale of Part of Council Land**

**File No:**                11/1/142 & PR17177  
**Author:**                Coordinator Property Services  
**Directorate:**        Corporate Services  
**Ward:**                    Myrnong  
**Minute No:**        2013/48

**Council Resolution**

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

1. Note that after having given notice pursuant to sections 189 and 223 of the *Local Government Act* 1989 of a proposal to sell by private treaty a parcel of Council land measuring 0.80m x 28.05m (22.5m<sup>2</sup>) at 348 Ascot Vale Road, Moonee Ponds, contained on Certificate of Title Volume 4531 Folio 128 and shown shaded in Appendix B, no submissions were received to the proposal.
2. Resolves to sell the parcel of land described above by private treaty for a consideration of \$45,000 plus GST.
3. Authorise the Chief Executive to take all necessary actions to affect the transfer of land, including the execution of transfer and any other associated documents.
4. Notes Officers will continue discussions with the Applicant regarding the possible licensing of airspace rights for the proposed apartment balconies on levels 1-4 projecting over Council's land.

**CARRIED**

**9.13                    Report on Tenders and Contracts Awarded**

**File No:**                FOL/10/358  
**Author:**                Manager Governance & Local Laws  
**Directorate:**        Corporate Services  
**Ward:**                    Municipal  
**Minute No:**        2013/50

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Giuliano that Council receive and note the report of Council's Tenders Committee and tenders awarded at its meeting held on 19 March 2013.

**CARRIED**

**9.14 Report on Assemblies of Councillors**

**File No:** FOL/09/1245  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2013/51

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Sipek that Council receive and note the written records of Assembly of Councillors, provided as Appendix A, received since the last report to Council in February 2013.

**CARRIED**

**10. Notices of Motion**

**10.1 Notice of Motion No. 2013/02**

**Title:** Request to Defer Consideration of Amendments C118 and C119  
**From:** Cr Nicole Marshall  
**Ward:** Myrnong  
**File No:** FOL/12/1445  
**Minute No** 2013/52

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Cusack that Council requests the Chief Executive to:

1. Write to the Minister for Planning requesting that the Directions Hearing and Panel Hearing in relation to draft Amendments C118 and C119 (the Amendments), currently proposed for the weeks beginning 6 May 2013 and 27 May 2013 respectively, be deferred (the Deferral) pending further written notification to the Minister from the Chief Executive requesting new hearing dates, such Deferral to occur for the purpose of:
  - a) allowing for further:

- i) community consultation including a Public Forum, to be held as soon as practicable; and for the opportunity to respond to community queries regarding the Amendments;
    - ii) briefings for Councillors;
  - b) enabling certain ambiguities and uncertainties in the Amendments to be resolved;
  - c) providing Council with the opportunity to consider in detail the proposed reformed residential zones and their impact on and interrelationship with the Amendments.
2. Undertake such other actions within his powers as are necessary to give effect to the Deferral.
  3. Prepare a report advising on:
    - a) how the Racecourse Road and Union Road Major Activity Centres (now known as Major Activity Areas) came to be designated as such, including details on what the State Government advised Council in relation to such designations; and;
    - b) whether Council currently has, or could have, the power to modify, abandon or otherwise deal with the Amendments and the process involved for doing so.

**CARRIED**

### **Council Resolution**

Moved by Cr Marshall, seconded by Cr Cornish that the item of business raised by Cr Chantry regarding the membership of the Tenders Committee be admitted as Urgent Business.

**CARRIED UNANIMOUSLY**

## **11. Urgent Business**

**Title:** Change to Membership of Tenders Committee

**Minute No** 2013/53

### **Council Resolution**

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

1. Accept the resignation of Cr Surace from the Tenders Committee and appoint Cr Nation as the replacement for the remainder of the 2013 Council year;
2. Appoint Cr Chantry and Cr Cusack, as alternative members to the Tenders Committee, for the remainder of the 2013 Council year.

**CARRIED**

**12. Confidential Report**

Nil.

The meeting concluded at 9.30pm.

**CONFIRMED**

**CR NARELLE SHARPE**  
**CHAIRPERSON**