



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

**Tuesday, 27 August 2013**

**Minutes**

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# Report Index

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The following reports were considered:

9.1	1 Ascot Vale Road, Flemington (Lot 1 on Title Plan 213153Y) - Secondary Consent Request to amend condition 1 plans associated with an approved multi storey development.....	5
9.2	24 Houston Avenue, Strathmore (Lot 238 LP12420) - Construction of three dwellings .....	5
9.3	15 Drina Street, Strathmore (Lot 151 on PS 10418) - Construction of four dwellings.....	6
9.4	112-116 Baroda Street, Travancore (Lot 143 LP8506) - Construction of three dwellings in a Heritage Overlay .....	10
9.5	Amendment C108 to the Moonee Valley Planning Scheme (Stormwater Management - Water Sensitive Urban Design).....	14
9.6	Moonee Valley Planning Scheme Amendment C131- Licensed Premises Policy .....	15
9.7	Planning Scheme Review and Amendment C134 .....	16
9.8	Submission on the VicSmart Planning Permit Process.....	17
9.9	Public Place Recycling Trial.....	17
9.10	City Sustainability Policy .....	17
9.11	Street Lighting - Federal Funding Agreement.....	18
9.12	Liquica Technology Resource Hub Update.....	18
9.13	Community Safety Action Plan .....	19
9.14	Learning Community Framework - Governance Board Framework.....	19
9.15	Report on Audit Committee.....	20
9.16	Performance Statement 2012/13.....	20
9.17	2012/13 Annual Financial Report.....	20
9.18	Building Encroachments and Projections Impacting Public Space - Policy.....	21
9.19	Land Acquisition Policy .....	21
9.20	Endorsement of Integrated Transport Advisory Committee Terms of Reference and Nominations .....	22
9.21	Report on Strategy Groups .....	22
9.22	Report on Assemblies of Councillors .....	22
12.1	Contract for Supply for Minor Road and Drainage Works	

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# Minutes of the Ordinary Meeting of Council

Tuesday, 27 August 2013 at 7.02pm  
held at the Moonee Valley Civic Centre

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## PRESENT

**Members** Cr Narelle Sharpe  
Cr Jim Cusack  
Cr Jan Chantry  
Cr Shirley Cornish  
Cr Paul Giuliano  
Cr Nicole Marshall  
Cr Cam Nation  
Cr John Sipek

**Officers:** Mr Neville Smith Chief Executive  
Mr Anthony Smith Director Corporate Services  
Mr Greg Mulcahy Acting Executive Manager City Works  
Mr Tony Ball Executive Manager Community Services  
Mr Stuart Gillespie Executive Manager Citizen Services & Information Management  
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, 27 August 2013.

### 2. Apologies

An apology for non-attendance was received for Cr Andrea Surace.

### 3. Confirmation of Minutes

Moved by Cr Sipek, seconded by Cr Marshall that the Minutes of the Ordinary Meeting of Council held on Tuesday, 23 July 2013 be confirmed.

**CARRIED**

**4. Declarations of Conflict of Interest**

Cr Cusack declared an interest in Item 9.4, as he resides in the vicinity of the property and the proposal may have an impact on his residential amenity.

Mr Gillespie declared an interest in Item 12.1, as a family member is involved with one of the organisations listed.

**5. Presentations**

**Council Resolution**

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

**CARRIED**

The Mayor introduced James Ha, a Moonee Valley student who had attended the 2013 National Youth Science Forum in Perth. James was also successful in being selected as one of 30 students at the Forum; to also travel to a Youth Science Forum in London and then a research project in Switzerland.

James then addressed the meeting and spoke to his report, which had been circulated to Councillors and the Chief Executive.

The Mayor thanked James for attending the Council meeting and wished him well for his future studies.

**Council Resolution**

Moved by Cr Nation, seconded by Cr Marshall that Standing Orders be resumed.

**CARRIED**

**6. Petitions And Joint Letters**

Nil.

**7. Public Question Time**

Nil.

**8. Reports By Mayor And Councillors**

**File No.** FOL/12/1435

**Minute No.** 2013/127

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Nation that the reports by the Mayor and Councillors be received.

**CARRIED**

## 9. Reports

### 9.1 1 Ascot Vale Road, Flemington (Lot 1 on Title Plan 213153Y) - Secondary Consent Request to amend condition 1 plans associated with an approved multi storey development.

**File No:** MV/19743/2008  
**Author:** Manager Strategic & Statutory Planning  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2013/128

#### Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that with respect to the request to incorporate a number of amendments to the Condition 1 requirements via the Secondary Consent provisions available under Condition 38 of Planning Permit MV/19743/2008, be refused on the following grounds:

1. The proposed amendments further intensifies development on the site by introducing 81 additional residential apartments with associated impacts in terms of car parking, traffic, pedestrian movement and community infrastructure.
2. The scale of the development is inappropriate for the site and its context and the reduced setbacks will further overwhelm the streetscape.
3. The substantial increase in dwellings will result in additional traffic and pedestrian movements at an already compromised location.

**CARRIED**

### 9.2 24 Houston Avenue, Strathmore (Lot 238 LP12420) - Construction of three dwellings

**File No:** MV/813/2012  
**Author:** Senior Town Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2013/129

#### Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council issue a Notice of Refusal to Grant a Permit in relation to Planning Permit Application No. MV/813/2012 for the construction of three dwellings at No.24 Houston Avenue, Strathmore (Lot 238 LP12420), on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 55.02-1 (Neighbourhood Character) and Clause 21.05-3 (Objectives & Strategies – Urban Design) of the Moonee Valley Planning Scheme.
2. The proposed development does not meet the requirements of Clause 55.03-1 (Street Setback) of the Moonee Valley Planning Scheme.
3. The development is not site responsive and would represent an overdevelopment of the land.
4. The proposed development does not meet the requirements of Clause 55.05-1 (Standard B25- Accessibility).

**CARRIED**

Cr Sipek left the meeting at 7.45pm and returned at 7.47pm.

**9.3                    15 Drina Street, Strathmore (Lot 151 on PS 10418) -  
Construction of four dwellings.**

**File No:** PR31254  
**Author:** Senior Town Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2013/130

**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/518/2012 for the Construction of four dwellings at 15 Drina Street, Strathmore (Lot 151 on PS 10418), in accordance with 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 garages associated with Dwellings 3 and 4 revised in accordance with the plans received by Council on 15 July 2013 (Revision A 09.07.2013 – Ref 13-1019).
  - b) All north, south and western boundary fencing to be a minimum height of 1.8m, except where tapering down to a height of 1.2m in the front setback of dwelling 1.

- c) All ground floor habitable room windows along the southern elevation (facing the shared accessway) of the dwellings to have a minimum sill height of 1.4m above Finished Floor Level and be provided with double glazing.
- d) The internal elevations associated with each dwelling.
- e) The length of all walls on boundary.
- f) The gradients of the accessway in accordance with the advice provided by TTM Consulting (Vic) Pty Ltd dated 10 July 2013.
- g) The first floor northern side setback of Dwelling 1 to be increased to 1.99m in accordance with the requirements of Clause 55.04-1 (Side and Rear Setbacks).
- h) The accessway to be a minimum width of 3m and align with the crossover at the front property boundary.
- i) The line marking of an on-street parking space at the front of the property, to the satisfaction of the Responsible Authority.
- j) The service area associated with Dwelling 1 provided with pedestrian access to the internal accessway.

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

- 2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 4. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 5. 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.
- 6. 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.

7. 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.
8. 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.
9. Prior to the occupation of any dwelling a barrel drain (minimum 300mm dia RCP RRJ) must be constructed from the development to reach the approved point of discharge, being the existing Council drainage pit at the intersection of Peck Avenue and Drina Street. Engineering Design Plans prepared by a qualified Civil Engineer must be submitted to and approved by the Responsible Authority prior to the commencement of any building or works (including drainage). The Engineering Design Plans must accord with Council's Drainage Design Guidelines.
10. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected as per the endorsed plans. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
11. 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.
12. Building 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) A survey of all existing vegetation, abutting street trees, natural features and vegetation.
  - b) Buildings, outbuildings and trees in neighbouring allotments that would affect the landscape design.
  - c) The provision of a significant canopy tree within the secluded private open space of dwelling 4.
  - 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.

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.

- 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. 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.
- 15. 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 one (1) year 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 Department regarding legal point of discharge, new crossings, building over easements etc.

- No on street parking permits will be provided to the occupiers of the subject site.
- 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 Technical Services Department and to the satisfaction of the Responsible Authority.
- Prior to the commencement of the development the owners are advised to contact Essendon Airport to ensure compliance with any applicable noise attenuation which may be required.

**CARRIED**

Cr Cusack had declared an interest in Item 9.4 and therefore he left the meeting before any discussion or voting had taken place on the item.

**9.4                      112-116 Baroda Street, Travancore (Lot 143 LP8506) -  
Construction of three dwellings in a Heritage Overlay**

**File No:** PR7024  
**Author:** Senior Town Planner  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2013/131

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/702/2012 for the construction of three dwellings in a Heritage Overlay at No.112-116 Baroda Street, Travancore (Lot 143 LP8506), subject to the following conditions:

1. Before the development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) The garage associated with Dwelling 3 is to have a minimum width of 6.5 metre (internal dimension) and the vehicle access door to be widened by a further 0.5 metres minimum, to allow vehicles to ingress and egress from the site in an efficient manner.
  - b) The location of the existing bollard within the Right of Way on the ground floor plan.

- c) The provision of pedestrian visibility splays to the accessways along Baroda Street in accordance with the requirements of Clause 52.06-8 (Design Standards for Car Parking).
- d) The proposed crossover along Baroda Street to correctly align with the edges of the Dwelling 1 accessway.
- e) The gradient levels of accessway associated with Dwellings 1 in accordance with the requirements of Clause 52.06-8 (Design Standards for Car Parking).
- f) The relocation of the Dwelling 1 bins to the south-western corner of the garage, without encroaching on the internal car parking space within.
- g) Each dwelling to have red terracotta roof tiles, or similar, to reflect the heritage character of the area.
- h) The first floor north facing 'living' room windows and the first floor west facing 'kitchen/meals' room windows of Dwelling 1 to comply with the requirements of Clause 55.04-6 (Overlooking).
- i) Details of retaining walls and boundary fences on the floor and elevation plans to correctly correlate with each other.
- j) The western elevation plan to clearly show the height and extent of all retaining walls and boundary fencing.
- k) Floor and elevation plans to correctly specify all levels and overall building heights measured relative to a level taken from a defined point on the footpath at the frontage of the site or in relation to Australian Height Datum (AHD), with no dwelling to be higher than the existing dwelling at No.110 Baroda Street.
- l) The provision of six cubic metres of externally accessible and secure storage space for each dwelling.
- m) The correct location of the Dwelling 1 staircase on the internal northern elevation plan.

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 retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent 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/obscure glazing 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. The existing street trees along Mooltan Street must not be removed or damaged as a result of the permitted development.
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. 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.
13. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected along the northern and western property boundaries. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
14. 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) 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.
  - c) The use of drought tolerant species.
  - d) The provision of at least one canopy tree within the front setback of each dwelling, which are able to achieve a minimum mature height of 4 metres.
  - e) Features such as paths, paving and accessways.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.
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 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 property is located within a Heritage Overlay control area. Planning permission is required for any additional works to the site in accordance with Clause 43.01 of the Moonee Planning Scheme.
- 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.
- 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.
- 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.

**CARRIED**

Cr Cusack returned to the meeting here.

#### **9.5 Amendment C108 to the Moonee Valley Planning Scheme (Stormwater Management - Water Sensitive Urban Design)**

**File No:** FOL/11/310

**Author:** Senior Strategic Planning Officer

**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute No:** 2013/132

### **Council Resolution**

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

1. Having compiled with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), adopt Moonee Valley Planning Scheme Amendment C108 subject to the changes recommended by the Panel, and including additional changes outlined in this report.
2. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Moonee Valley Planning Scheme Amendment C108 to the Minister for Planning for approval.

**CARRIED**

### **9.6 Moonee Valley Planning Scheme Amendment C131- Licensed Premises Policy**

**File No:** FOL 13/20  
**Author:** Senior Strategic Planning Officer  
**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute No:** 2013/133

### **Council Resolution**

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

1. Having complied with Part 3, Division 1 and 3 of the Planning and Environment Act 1987, and in accordance with Section 29(1) of the *Planning and Environment Act 1987*, adopt Amendment C131 to the Moonee Valley Planning Scheme with the following changes:
  - Extending the proposed policy relating to restrictions on the use of outdoor areas to include the Residential and Mixed Use Zones.
  - Including examples of noise ameliorating measures such as airlocks and acoustic screens under Clause 22.04-4 of the policy.
  - Changing the specified hours for waste collection in Clause 22.04-3 of the policy from 'after 6am and before 9pm' to 'after 7am and before 6pm'.
  - Replacing the word 'premise' with 'premises' throughout the policy to reflect both singular and plural.
2. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Amendment C131 to the Moonee Valley Planning Scheme to the Minister for Planning for approval.

**CARRIED**

Cr Giuliano left the meeting at 8.08pm and returned at 8.19pm.

**9.7 Planning Scheme Review and Amendment C134**

**File No:** FOL/12/857  
**Author:** Coordinator Strategic Planning  
**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute No:** 2013/134

**Council Resolution**

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

1. In accordance with Section 8A(3) of the Planning and Environment Act 1987, seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme amendment C134 (Planning Scheme Review), which makes the following changes to the Moonee Valley Planning Scheme:
  - a) Replaces the existing Municipal Strategic Statement (Clause 21 of the planning scheme) with a new Municipal Strategic Statement.
  - b) Deletes Clause 22.01 (Residential development of four or more storeys).
2. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C134 in accordance with Section 19 of the Planning and Environment Act 1987.
3. Endorse the draft Planning Scheme Review Report for the purposes of community consultation.
4. Concurrent to the exhibition of Amendment C134, undertake community consultation on the draft Planning Scheme Review Report.
5. Receive a further report in relation to the preparation of a separate planning scheme amendment for the application of the new residential zones.
6. With regards to Clause 21.05-1 Housing Growth, to be further reviewed pending the preliminary outcome of the amendment to apply to the new residential zones.
7. Replace the wording Encourage under the heading Policy Guidelines (Exercise of Discretion) to Consider.

**CARRIED**



**9.8 Submission on the VicSmart Planning Permit Process**

**File No:** FOL/10/250  
**Author:** Manager Strategic & Statutory Planning  
**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute No:** 2013/135

**Council Resolution**

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

1. Endorse the submission to the VicSmart discussion paper, draft regulations and draft planning scheme provisions as included in Appendix B (separately circulated).
2. Lodge the submission with the Department of Transport, Planning and Local Infrastructure (DTPLI) by 30 August 2013.

**CARRIED**

**9.9 Public Place Recycling Trial**

**File No:** FOL/12/1043  
**Author:** Manager Operations  
**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute No:** 2013/136

**Council Resolution**

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

1. Explore the future options for Public Place Recycling as part of the Waste Management Strategy due for review in 2014.
2. Consider the option that the contents of the single public place bins is processed via a Material Recovery Facility as part of the negotiations in 2015 when the current contract to process recycling expires.

**CARRIED**

Cr Marshall left the meeting at 8.36pm.

**9.10 City Sustainability Policy**

**File No:** FOL/13/69  
**Author:** Coordinator Sustainable Environment  
**Directorate:** Environment & Lifestyle  
**Ward:** Municipal

**Minute No:** 2013/137

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Nation that Council adopt the City Sustainability Policy as provided in Appendix A (separately circulated).

**CARRIED**

Cr Marshall returned to the meeting at 8.39pm.

**9.11 Street Lighting - Federal Funding Agreement**

**File No:** FOL/13/678

**Author:** Senior Sustainability Officer

**Directorate:** Environment & Lifestyle

**Ward:** Municipal

**Minute No:** 2013/138

**Council Resolution**

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

1. Sign and seal the 'Lighting the West' Memorandum of Understanding between Hobsons Bay City Council and Wyndham City Council.
2. Receive a further report in 12 months time on the cost savings achieved as a result of this program.

**CARRIED**

Cr Nation left the meeting at 8.53pm and returned at 8.54pm.

**9.12 Liquica Technology Resource Hub Update**

**File No:** FOL/13/806

**Author:** Executive Manager Citizen Services & Information Management

**Directorate:** Citizen Services & Information Management

**Ward:** Municipal

**Minute No:** 2013/139

**Council Resolution**

Moved by Cr Cusack, seconded by Cr Sipek that Council approve the expenditure of a further \$634 (USD) of funds raised through the annual Mayoral Charity Race event, to meet additional costs incurred during the development of the Liquiçá Technology Resource Hub.

**CARRIED**

**9.13 Community Safety Action Plan**

**File No:** FOL/12/181  
**Author:** Manager Community Development  
**Directorate:** Citizen Services & Information Management  
**Ward:** Municipal  
**Minute No:** 2013/140

**Council Resolution**

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

1. Adopt the Community Safety Action Plan 2013-2014 (Appendix A) - separately circulated).
2. Adopt the Community Safety Governance Model (Appendix B) - separately circulated).
3. Note the establishment of the Moonee Valley Community Safety Stakeholder Group as contained within the Community Safety Governance Model and the subsequent appointment of Cr Marshall as the MVCC Portfolio Councillor representative and Cr Chantry (substitute).

**CARRIED**

**9.14 Learning Community Framework - Governance Board Framework**

**File No:** FOL/12/480  
**Author:** Manager Community Development  
**Directorate:** Citizens Services & Information Management  
**Ward:** Municipal  
**Minute No:** 2013/141

**Council Resolution**

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

1. Endorse the Moonee Valley Learning Community – Board Governance Framework, provided as Appendix A (separately circulated).
2. Appoint Cr Cusack to the Learning Community Board.
3. Endorse the nomination of other board members as contained within this report.
4. Note that the first meeting will be held on 26 September 2013.

**CARRIED**

**9.15 Report on Audit Committee**

**File No:** FOL/09/1556  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2013/142

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Nation that Council receive the unconfirmed Minutes of the Audit Committee Meeting held on 19 August 2013 and note the Audit Committee recommendations that Council adopt:

- a) the 2012/13 Annual Financial Report on an “in principle” basis with amendments in accordance with 6.2 of the Draft Closing Report and forward to the Auditor-General for final audit (as referred in report 5.1); and
- b) in principle, the 2012/13 Performance Statement and forward the Statement to the Auditor-General for final audit and approval (as referred in report 5.2).

**CARRIED**

**9.16 Performance Statement 2012/13**

**File No:** FOL/09/577  
**Author:** Business Performance Officer  
**Directorate:** Citizen Services & Information Management  
**Ward:** Municipal  
**Minute No:** 2013/143

**Council Resolution**

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

1. Note the recommendation from the Audit Committee.
2. Adopt in principle the 2012/13 Annual Performance Statement; and
3. Authorise Councillors Sharpe and Cusack to certify (on behalf of Council) the Annual Performance Statement.

**CARRIED**

**9.17 2012/13 Annual Financial Report**

**File No:** FOL/12/1439  
**Author:** Manager Finance  
**Directorate:** Corporate Services

**Ward:** Municipal

**Minute No:** 2013/144

**Council Resolution**

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

1. Note the recommendation from the Audit Committee.
2. Adopt in principle the 2012/13 Annual Performance Statement; and
3. Authorise Councillors Sharpe and Cusack to certify (on behalf of Council) the Annual Performance Statement.

**CARRIED**

**9.18 Building Encroachments and Projections Impacting Public Space - Policy**

**File No:** FOL/11/95

**Author:** Coordinator Property Services

**Directorate:** Corporate Services

**Ward:** Municipal

**Minute No:** 2013/145

**Council Resolution**

Moved by Cr Nation, seconded by Cr Cusack that Council adopt the Building Encroachments and Projections Impacting Public Space policy at Appendix A – separately circulated.

**CARRIED**

**9.19 Land Acquisition Policy**

**File No:** FOL/13/934

**Author:** Coordinator Property Services

**Directorate:** Corporate Services

**Minute No:** 2013/146

**Council Resolution**

Moved by Cr Cusack, seconded by Cr Nation that Council adopt the Land Acquisition Policy as provided in Appendix A – separately circulated.

**CARRIED**

**9.20**                      **Endorsement of Integrated Transport Advisory Committee  
Terms of Reference and Nominations**

**File No:**                FOL/13/206  
**Author:**                Coordinator Governance  
**Directorate:**        Corporate Services  
**Ward:**                    Municipal  
**Minute No:**        2013/147

**Council Resolution**

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

1. Endorse the Integrated Transport Advisory Committee Terms of Reference, provided as Appendix A.
2. Appoint Joanne Barrett, James Golden, Ben Koutoukidis, Josh Parris, Lynn Sweeney and Suzanne Cleary as Community representatives on Council's Integrated Transport Advisory Committee.

**CARRIED**

**9.21**                      **Report on Strategy Groups**

**File No:**                FOL/12/69  
**Author:**                Manager Governance & Local Laws  
**Directorate:**        Corporate Services  
**Ward:**                    Municipal  
**Minute No:**        2013/148

**Council Resolution**

Moved by Cr Nation, seconded by Cr Cornish that Council receive and note the confirmed minutes of the Collective Strategy Group meeting held 2 July 2013 provided as Appendix A.

**CARRIED**

**9.22**                      **Report on Assemblies of Councillors**

**File No:**                FOL/09/1245  
**Author:**                Manager Governance & Local Laws  
**Directorate:**        Corporate Services  
**Ward:**                    Municipal  
**Minute No:**        2013/149

### **Council Resolution**

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

**CARRIED**

### **10. Notices of Motion**

#### **10.1 Notice of Motion No. 2013/05**

**Title:** National Disability Insurance Scheme  
**From:** Cr Shirley Cornish  
**Ward:** Municipal  
**File No:** FOL/12/1445  
**Minute No:** 2013/150

### **Council Resolution**

Moved by Cr Cornish, seconded by Cr Chantry that Council request the Chief Executive to:

1. Write to the Minister for Families, Community Services and Indigenous Affairs, Minister for Disability Reform, seeking information in relation to the National Disability Insurance Scheme rollout and what mechanisms it contains to provide increased respite and independent living choices to the residents of Moonee Valley given the significant lack of opportunities currently available.
2. Seek from the Minister's office a representative to meet with Council and its Disability Reference Group to discuss the National Disability Insurance Scheme and its application to respite and independent living opportunities.

**CARRIED**

Cr Chantry left the meeting at 9.23pm and returned at 9.24pm.  
Cr Nation left the meeting at 9.33pm and returned at 9.35pm.  
Cr Giuliano left the meeting at 9.49pm and returned at 9.51pm.

#### **10.2 Notice of Motion No. 2013/06**

**Title:** East West Tunnel  
**From:** Cr Jim Cusack  
**Ward:** Municipal  
**File No:** FOL/12/1445  
**Minute No:** 2013/151

### Council Resolution

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

1. Write to the Premier the Hon. Denis Naphine and the Minister for Roads the Hon. Terry Mulder, reiterating its opposition to the proposed East West Tunnel Link and state its preference for immediate funding to implement vital public transport projects to meet Melbourne's immediate transport challenges and lay the foundation to address growing transport demands in the 21<sup>st</sup> century.
2. Arrange community information sessions during September 2013 to outline details of the project, the process that will be followed in relation to the Comprehensive Impact Statement and the impacts that the project will have on residents of Moonee Valley and its community assets including:
  - a) Debneys Park its Playground, Open Space and trees.
  - b) Flemington Community Centre.
  - c) Flemington, Travencore and Ascot Vale neighbourhoods between Racecourse Road and Maribyrnong Road.
  - d) Specific reference to impact on residents in the Public Housing on the Estate at Debneys Park and the Lombard site (ALT building).
  - e) Ormond Park's present and future amenity, open space and future development proposed in its Master Plan.
  - f) Shared Path Network including, Stage 1 of the Travancore Park project that is currently funded and the future of Stage 2 of this project and implications for the Moonee Ponds Bike path.
  - g) Increases in traffic on major arterial roads and residential streets in Flemington, Ascot Vale, Moonee Ponds and associated safety issues for those areas.
  - h) Substantially increased noise pollution during and post construction, location of sound walls and effectiveness.
  - i) Acquisition of residential properties and deterioration of other properties in the vicinity of new ramps and flyovers.
  - j) Public Transport especially Trams 59 and 57.
  - k) Moonee Ponds Creek and its surrounding environment and potential rehabilitation.
  - l) Projected increases in passenger numbers at Melbourne airport and the implications this has for the freeways and other arterial roads in the future.
  - m) Relationship between the East West Tunnel and the proposed redevelopment of the Moonee Valley Racecourse; and
  - n) Loss of amenity during the construction period and implications for the health and well-being of individuals, families and local communities.



3. Develop a process to work with the community to mitigate the impacts of the project should it proceed as indicated by the State Government.
4. Develop and implement a communication strategy to residents that provides regular updates and facilitates community feedback. This strategy should include use of online and social media, traditional media (press, radio & TV), Council publications, the development of dedicated collateral i.e. brochures for distribution to residents, businesses, community agencies and sporting groups throughout Moonee Valley but have a focus on Flemington, Ascot Vale and Moonee Ponds.
5. Formulate an advocacy plan to raise Council and community concerns directly with the Federal and State governments and the Linking Melbourne Authority.
6. Request the Chief Executive to write to Western Region Councils, LeadWest and adjoining Councils. The purpose of this letter being to ascertain their interest in mounting a campaign to alert the broader community to the impact of this project and advocate a preferred position that prioritises public transport improvements particularly, for the north and west of Melbourne, construction of Westlink and grade separation projects in preference to the current proposal.
7. Request the Chief Executive to facilitate compilation of Metropolitan Local Government's concerns raised in relation to East West Link since the State Government's announcement to progress this report in the recent budget; and specifically this information will include, but is not limited to any motions passed by this and other metropolitan Councils, advice of combined Council concerns as expressed by spokesperson(s) i.e. the recently reported statements made by the Shire of Yarra Ranges on behalf of seven Eastern Metropolitan Councils, the report released by Melbourne City Council on 26 August.

**CARRIED**

## **11. Urgent Business**

Moved by Cr Cusack, seconded by Cr Marshall that the item from Cr Cusack regarding Councillors making a joint contribution to the Latitude "Directions for Young People" Youth Homeless Fundraising Campaign, be considered as Urgent Business.

**CARRIED UNANIMOUSLY**

**Title: Councillor Contribution to Latitude Fundraising**

**Minute No: 2013/152**

### **Council Resolution**

Moved by Cr Cusack, seconded Cr Marshall that Councillors commit to a joint donation to the Latitude Youth Homeless Fundraising campaign, for an amount which Councillors can afford.

**CARRIED**

## 12. Confidential Report

### 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 allow Council to consider a contractual matter.

**CARRIED**

### Consideration of Confidential Report

12.1 Contract for supply of minor Road and Drainage Works

### Council Resolution

Moved by Cr Giuliano, seconded by Cr Nation that Council resume in Open Council.

**CARRIED**

The meeting concluded at 9.55pm.

**CONFIRMED**

**CR NARELLE SHARPE  
CHAIRPERSON**