



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 26 August 2014

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 26 August 2014 at 7.01pm
held at the Moonee Valley Civic Centre

PRESENT

Members Cr Jan Chantry Mayor
 Cr Nicole Marshall
 Cr Shirley Cornish
 Cr Jim Cusack
 Cr Narelle Sharpe
 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 Tony Ball Director Community Services
 Mr Scott Widdicombe Director Environment & Lifestyle
 Mr Henry Bezuidenhout Manager Strategic & Statutory Planning
 Ms Yvonne Hansen Manager Governance & Local Laws

1. Opening

The Mayor, Cr Chantry, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 26 August 2014.

2. Apologies

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

3. Confirmation of Minutes

Moved by Cr Sipek, seconded by Cr Surace that the Minutes of the Ordinary Meeting of Council held on Tuesday, 22 July 2014 and the Special Meeting of Council of Tuesday, 19 August 2014 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Cr Cusack presented Council with a token of appreciation from the Liquica District Partnership Working Group for Council's sponsorship of the Community Development Officer, Mr Alberto Gomes attendance at the July 2014 Working Together for Timor-Leste Conference in Melbourne.

Cr Surace presented the Mayor a certificate from Tutoring Australasia in recognition of Moonee Valley Library's successful 'yourtutor' and Lifelong Learning services, providing personalised one-to-one support for all households and families, building a stronger community and economy through innovative, online learning and development.

The Mayor, Cr Chantry made a presentation to the Hon. Justin Madden, recognising his community service to the City of Moonee Valley as local State Member for Essendon and thanking him for advocating on behalf of a range of community groups and stakeholders to ensure their concerns were managed in the best way possible.

The Mayor, Cr Chantry acknowledged that on Saturday 26th July, Cr Jim Cusack was awarded the 2014 Irish/Victorian Citizen of the Year. The award recognised Cr Cusack for his involvement in multicultural events, various committees and as a 3CR broadcaster, also for his generosity in offering support and expertise whenever required.

6. Petitions And Joint Letters

6.1 Removal of Naturestrip Tree

File No: 63/018/040

Cr Sipek tabled a joint letter signed by 8 individuals seeking the removal of an extremely large eucalyptus tree from the nature strip between 10 & 12 Riverview Street, Avondale Heights.

6.2 Off-Leash Dog Park

File No: FOL/10/956

Cr Sharpe tabled petition signed by 50 individuals seeking that Council make Montgomery Park Essendon, an off leash dog friendly park.

6.3 Parking Arrangements, Salmon Ave, Essendon

File No: 63/019/005

Cr Sharpe tabled a petition signed by 33 individuals opposing the erection of multiple, obtrusive "No Standing signs" in Salmon Avenue, Essendon.

6.4 Cyclone Fence, Moyangul Drive, Keilor East

File No: FOL/09/723

Cr Cornish tabled a petition signed by 72 individuals requesting that the cyclone wire fence at Moyangul Drive, Keilor East be replaced with a sound and safety barrier wall.

In tabling a petition or joint letter, the Appropriate Officer is required to undertake the necessary action and if necessary provide a further report to Council.

7. Public Question Time

Mr Peter Burke of Ascot Vale raised the following:

1. In respect to proposals regarding rezonings and plans for high density residential development at Flemington Racecourse, has Council given any undertakings as to confidentiality in being briefed on these proposals and if so on what basis do such undertakings subordinate Council's primary responsibility to keep informed their local communities about such proposals which are likely to be one of if not the most significant developments in the municipality.

The Chief Executive advised Mr Burke that it is certainly a priority of Council to keep the community informed about significant developments. The Minister for Planning is the responsible authority for all planning decisions regarding the Flemington Racecourse land. Council has met with the VRC and Greenland and has highlighted critical issues and minimum expectations we would like to see addressed in any final development plans submitted to State Government.

Council does from time to time meet confidentially with various people/organisations in relation to proposed developments or service initiatives. This allows Council to provide early input, raise concerns or advise of further information that may be required. These meetings are not public due to the early nature of many proposals and the need to not raise concern or alarm in the community if such proposals were not to proceed any further.

In any briefing with VRC/Greenland I can assure you likely community concerns were raised by Council and no assurances given to any likely approval, rather a request for significant consultation on any development proposed.

Council has not seen the final plans submitted to the Minister for Planning, once these have been released for consultation Council will begin the process of assessing the plans to put in a submission.

2. In respect to proposals regarding rezonings and plans for high density residential development at Flemington Racecourse, does Council propose to ensure that it undertakes its' own direct notification of these proposals to the residential communities likely to be affected by such development including the suburbs of Ascot Vale and Flemington and ensure that the views of these communities are taken on board by the Minister for Planning through either a statutory planning approval process with Council as the Responsible Authority or failing that a Planning Advisory Panel process.

The Chief Executive advised that significant and adequate community consultation would be undertaken for this development proposal if approved by the Minister to proceed.

Council is committed to keeping the community informed through information sessions during the consultation period and undertake wide promotion to the Moonee Valley community to ensure residents know how to have their say.

Regarding the planning process, Council does not know what process will be undertaken by the State Government regarding this development proposal.

We have however written to the Minister for Planning seeking an Advisory Committee process and, while we have received no response to date, we will continue to advocate for an Advisory Committee as we strongly believe it offers the community, including Council, the best opportunity to be involved in the process.

At this point, Cr Surace advised that she has a Conflict of Interest in item 9.3 because of an indirect interest, as the applicant is a friend.

8. Reports By Mayor And Councillors

File No. FOL/12/1435

Minute No. 2014/119

Council Resolution

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

CARRIED

9. Reports

- 9.1 144 Pascoe Vale Road, Moonee Ponds (Lots 1 and 2 on TP519024F) - Use and development of the land for a multi-level, mixed use building and a reduction in car parking and loading/unloading bay requirements.**

File No: MV/756/2013

Author: Senior Town Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2014/120

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/756/2013 for the construction of a multi-level, mixed use building and a reduction in car parking and loading/unloading bay requirements at 144 Pascoe Vale Road, Moonee Ponds (Lots 1 and 2 on TP519024F), on the following grounds:

1. The proposal fails to comply with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme as:
 - a) The proposed development will result in excessive vehicle movements exceeding the capacity of what the existing laneway is designed to carry;
 - b) The development will result in traffic impacts which will be substantial and unreasonable;
 - c) The proposed development will saturate usage of the rear laneway and will impact on the existing and surrounding properties equitable potential to use the laneway for future access.
 - d) The proposal will result in unsafe and inconvenient vehicle movements on site; and
 - e) The proposal will dramatically increase the use of the laneway and has the potential to create a pedestrian hazard.
2. The development will significantly impact on the equitable development potential of the adjoining properties to the north and south.
3. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 21.05 (Built Environment) and Clause 55.02-1 (Neighbourhood Character) of the Moonee Valley Planning Scheme.
4. The development is not site responsive and would represent an overdevelopment of the land.
5. The proposal is an inappropriate design response on the land, and fails to meet Clause 55.03-3 (Site Coverage) and Clause 55.03-4 (Permeability) of the Moonee Valley Planning Scheme.
6. The proposal will result in poor internal amenity in terms of its layout, dependence on borrowed light and provision for private open space areas, much of which will be overshadowed for significant times of the day.
7. The development will result in excessive overshadowing of the adjoining property to the south and fails to meet Clause 55.04-5 (Overshadowing) of the Moonee Valley Planning Scheme.
8. The dependency of the rear laneway for access, coupled with the intensity of the development will not allow for efficient waste management and collection.

CARRIED

**9.2 70 Richardson Street, Essendon (Lot 2 PS600281U) -
Construction of six dwellings in a Design and Development
Overlay (DDO10) and a reduction in car parking requirements**

File No: MV/116/2014

Author: Senior Town Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2014/121

Council Resolution

Moved by Cr Sharpe, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/116/2014 for the construction of six dwellings in a Design and Development Overlay (DDO10) and a reduction in car parking requirements at No.70 Richardson Street, Essendon (Lot 2 PS600281U), 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 minimum dimension of 24 metres from the edge of the proposed crossover to the edge of the existing crossover of No.72 Richardson Street, measured splay to splay, ensuring four on-street car parking spaces are retained.
 - b) The first floor north-west and south-east facing kitchen windows treated/screened in accordance with the requirements of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
 - c) The south-eastern boundary fence tapered down to a maximum of 1.2 metres in height towards the front property boundary.
 - d) A detailed elevation plan of the front fence.
 - e) Any alterations as a result of Condition 3.

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. A minimum 30 days prior to any building or works commencing, all WSUD details, such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted to and be approved by the Responsible Authority.

The WSUD details should be appropriate to the proposed stormwater treatment measure (e.g. further detail is required for raingarden systems but is not required for above ground standalone rainwater tanks unless connected to toilets in which case notation to that effect is to be included on the drawings and in an ESD report if applicable). The Design Details should include but are not limited to:

- a) **ROOF CATCHMENT AREA:** The extent of the roof catchment area/s that is/are nominated in the STORM or MUSIC report must be graphically shown on the drawings, and must note which WSUD treatment measure each area connects to (i.e. nominate the specific rainwater tank and/or specific raingarden that that particular roof catchment area is connected to).
- b) **RAINWATER TANKS:** Show the size and location of any rainwater tank on the plans and elevations. Provide a note outlining the roof catchment area being collected by each rainwater tank and note connection to the number of toilets, as per the STORM or MUSIC report, or area of garden it is distributing to.

Where applicable, any stormwater treatment measures (e.g. rainwater tank, raingarden, etc.) contained within the endorsed plans must be included on the stormwater drainage plan, the roof plan and landscape plan as applicable.

4. A minimum 30 days prior to any building or works commencing, a Construction & Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not 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) Management of onsite stormwater and contamination: a statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.
 - j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
 - 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 & Site Management Plan must be carried out to the satisfaction of the Responsible Authority.

5. A minimum 30 days prior to any building or works being completed, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency.
 - b) Cleanout procedures.
 - c) As installed design details/diagrams including a sketch of how the system operates.
 - d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder's User Guide or a Building Maintenance Guide.
6. 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.
7. 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.
8. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
9. The privacy screens / obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the buildings.
10. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan(s) must be to the satisfaction of the Responsible Authority:
 - a) Be provided and completed prior to the commencement of the use hereby permitted;
 - b) Thereafter be maintained;
 - c) Be made available for such use at all times and not used for any other purpose;

- d) Be properly formed to such levels that it can be used in accordance with the endorsed plan; and
 - e) Be drained and sealed with an all-weather seal coat.
11. 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.
 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. 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.

City West Water Conditions

14. It is essential the owner of the land enters into an agreement with City West Water for the provision of water supply.
15. It is essential the owner of the land enters into an agreement with City West Water for the provision of sewerage.

End City West Water Conditions

16. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
17. 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.

18. 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 a minimum of one (1) canopy tree within the front setback, which is able to achieve a minimum mature height of 4 metres.
 - e) Features such as paths, paving and accessways.
 - f) The use of non-invasive plant species within any easements which will 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.

19. 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.
20. The street tree may not be removed and be protected during construction.
21. This permit will expire if:-
- a) The development does not start within two (2) years of the date of issue of this permit, or
 - b) The development is not completed within four (4) years of the date of issue of this permit.

Before the permit expires or within six (6) months afterwards the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.

- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services 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.
- No on street parking permits will be provided to the occupiers of the subject site.
- 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 Technical Services Department and be 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.
- New tenants should be supplied with an information booklet informing of public transport facilities, bicycle routes, walking routes and car share options in the area.

CARRIED

Cr Surace declared an Interest in Reports 9.3 and therefore left the meeting before any discussion or voting took place on the item.

**9.3 299-301 Maribyrnong Road, Ascot Vale (PC 372839X) -
Construction of a multi storey building with basement car park
to accommodate 33 dwellings and alteration to the access to a
Road Zone, Category 1 (Maribyrnong Road).**

File No: MV/193/2011/A
Author: Manager Strategic & Statutory Planning
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2014/122

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council issue a Notice of Refusal to Grant an Amended Permit in relation to Planning Permit Application No. MV/193/2011/A for the construction of a multi storey building with basement car park to accommodate 33 dwellings and alteration to the access to a Road Zone, Category 1 (Maribyrnong Road), based on the following grounds at 299-301 Maribyrnong Road, Ascot Vale;

1. The development is inconsistent with Clause 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme as the building does not respond appropriately to the design principles of this clause, particularly in relation to building bulk, scale, setback and articulation;
2. The proposal does not meet the objectives and policy outcomes for residential development within Clause 21.05 (Built environment) of the Moonee Valley Planning Scheme;
3. The proposal does not meet the objectives and policy outcomes for stormwater management within Clause 22.03 (Stormwater management) of the Moonee Valley Planning Scheme;
4. The proposal fails to comply with the following provisions of Clause 55 of the Moonee Valley Planning Scheme;
 - a) Clause 55.02-1 (Neighbourhood character)
 - b) Clause 55.03-2 (Building height)
 - c) Clause 55.04-1 (Side and rear setbacks)

CARRIED

Cr Surace returned to the meeting.

9.4 Approved Essendon Airport Master Plan 2013

File No: FOL/13/190

Author: Senior Strategic Planning Officer

Directorate: City Works & Development

Ward: Buckley & Myrnong

Minute No: 2014/123

Council Resolution

Moved by Cr Sharpe, seconded by Cr Cusack that Council note the approval of the Essendon Airport Master Plan 2013.

CARRIED

9.5 Proposed Hospital at Essendon Airport

File No: FOL/13/190
Author: Senior Strategic Planning Officer
Directorate: City Works & Development
Ward: Buckley & Myrnong
Minute No: 2014/124

Council Resolution

Moved by Cr Sharpe, seconded by Cr Surace that Council writes to Essendon Airport Pty Ltd to provide support for the major development plan process to be undertaken for the proposed hospital at Essendon Airport.

CARRIED

9.6 Municipal Parking Strategy Update

File No: FOL/10/1066
Author: Strategic Transport Planner
Directorate: City Works & Development
Ward: Municipal
Minute No: 2014/125

Council Resolution

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

1. Note the progress of the implementation plan for the Municipal Parking Strategy, as outlined in Appendix A (separately circulated).
2. Refer actions outlined for implementation to future financial years for budget consideration.
3. Endorse the minor edits and refinements of the Municipal Parking Strategy and Parking Permit Policy, as respectively outlined in Appendix B and Appendix C.
4. Write to the three (3) businesses in the Events Area who currently hold visitor permits advising of the change to their permit type as per Appendix B.
5. Endorse the revised Local Area Traffic Management (LATM) priority and implementation plan as shown in Appendix D.
6. Adopt the conditions for Community Service Parking Permits (issued to certain Council community service delivery staff) and include in the Parking Permit Policy, as per Appendix E.
7. Consult with local residents regarding the introduction of a time limit for the eight unrestricted spaces on the west side of Mt Alexander Road immediately south of the Park Street intersection.

8. No longer issue temporary parking permits, as they are not a permit type in the Municipal Parking Strategy or Parking Permit Policy.
9. Note that any changes to parking permit areas must be approved by the Parking Permit Management Committee, require appropriate community consultation, and can only be implemented in tandem with the annual issuing of parking permits, which takes place at the end of October.
10. Maintain the Parking Permit Area boundary between Area 59 and Area 56 as drawn in the Parking Permit Policy (2013).
11. Maintain the Parking Permit Area boundary between Area 66 and Area 85 as drawn in the Parking Permit Policy (2013).
12. Provide a further report on the status and progress of the Municipal Parking Strategy at the end of the 2015-16 financial year.

CARRIED

9.7 Amendment C147 - Development Plan Overlay for 40 Hall Street and 34-36 Margaret Street, Moonee Ponds

File No: FOL/14/647
Author: Coordinator Strategic Planning
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2014/126

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council defers Amendment C147 - Development Plan Overlay for 40 Hall Street and 34-36 Margaret Street, Moonee Ponds, pending further consideration.

CARRIED

Cr Sipek left the meeting at 8.17pm and returned at 8.19pm.

9.8 Amendment C140 to the Moonee Valley Planning Scheme (Gaming Policy)

File No: FOL/14/169
Author: Senior Strategic Planning Officer
Directorate: City Works & Development
Ward: Municipal
Minute No: 2014/127

Council Resolution

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

1. Having complied with Part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1) of the Planning and Environment Act 1987, adopt Amendment C140 to the Moonee Valley Planning Scheme. In accordance with the revised amendment documentation included in Appendix D – (separately circulated).
2. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Amendment C140 to the Moonee Valley Planning Scheme to the Minister for Planning for approval.

CARRIED

**9.9 Amendment C142 (Heritage Places Study 2012-14) and
Amendment C143 (Heritage Precincts Study 2012-14)**

File No: FOL/14/354

Author: Senior Strategic Planning Officer

Directorate: City Works & Development

Ward: Municipal

Minute No: 2014/128

Council Resolution

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

1. Request the Minister for Planning, to appoint a Panel in accordance with Section 23(1) (b) of the Planning and Environment Act 1987 to consider submissions in relation to Amendment C142 and Amendment C143.
2. Change Amendment C142 to remove 43 Nimmo Street, Essendon from the Heritage Overlay prior to the panel hearing.

CARRIED

Reports Considered En Bloc

Minute No: 2014/129

Council Resolution

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

- 9.10 Planning Scheme Amendment C139 – Anomalies
- 9.12 Street Lighting Upgrade - Reducing Greenhouse Emissions Progress Report
- 9.17 Road Discontinuance and Sale of Land Policy Review
- 9.18 Report on Audit Committee
- 9.19 2013/14 Annual Financial Report

- 9.20 Performance Statement 2013/14 - Adoption in Principle by Council
- 9.22 Report on Tenders and Contracts Awarded
- 9.23 Report on Assemblies of Council
- 9.24 Report on Advisory Committees

CARRIED

9.10 Planning Scheme Amendment C139 - Anomalies

File No: FOL/13/1176
Author: Strategic Planner
Directorate: City Works & Development
Ward: Municipal
Minute No: 2014/129

Council Resolution

Moved by Cr Cornish, Seconded by Cr Sharpe that Council:

1. Seek authorisation from the Minister for Planning to prepare Moonee Valley Planning Scheme Amendment C139.
2. Request the Minister for Planning exempt Council from the notice requirements of Section 19 of the *Planning and Environment Act 1987*, in accordance with Section 20 (2) of the Planning and Environment Act 1987.

CARRIED

9.11 Draft Aquatic & Leisure Centre Plan

File No: FOL/13/664
Author: Manager Leisure & Open Space Planning
Directorate: Environment & Lifestyle
Ward: Municipal
Minute No: 2014/130

Council Resolution

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

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

CARRIED

9.12 Street Lighting Upgrade - Reducing Greenhouse Emissions Progress Report

File No: FOL/13/678

Author: Manager Economic Development & City Sustainability

Directorate: Environment & Lifestyle

Ward: Municipal

Minute No: 2014/129

Council Resolution

Moved by Cr Cornish, seconded by Cr Sharpe that Council receive and note the report on Street Lighting Upgrade - Reducing Greenhouse Emissions Progress.

CARRIED

9.13 Boeing Reserve Master Plan

File No: FOL/13/1110

Author: Manager Leisure & Open Space Planning

Directorate: Environment & Lifestyle

Ward: Buckley

Minute No: 2014/131

Council Resolution

Moved by Cr Sharpe, seconded by Cr Chantry that Council adopt the Boeing Reserve Master Plan 2014.

CARRIED

9.14 Disability Action Plan 2014-2023

File No: FOL/13/1096

Author: Policy and Planning Officer

Directorate: Community Services

Ward: Municipal

Minute No: 2014/132

Council Resolution

Moved by Cr Cornish, seconded by Cr Sharpe that Council adopt the Disability Action Plan 2014-2023 provided as Appendix A – (separately circulated).

CARRIED

9.15 Housing Action Plan 2014/15

File No: FOL/13/245

Author: Coordination Community Planning and Engagement

Directorate: Community Services

Ward: Municipal

Minute No: 2014/133

Council Resolution

Moved by Cr Cusack, seconded by Cr Sipek that Council adopt the Affordable and Inclusive Housing Action Plan 2014/15 provided as Appendix A - (separately circulated).

CARRIED

9.16 2015 Community Grants

File No: FOL/13/451

Author: Coordinator Community Planning & Engagement

Directorate: Community Services

Ward: Municipal

Minute No: 2014/134

Council Resolution

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

1. Adopt the 2014/15 assessment panel structure;
2. Nominate Councillors Sharpe, Cornish and Cusack to participate in the project grants panel.
3. Nominate Councillors Sipek, Nation and Giuliano to participate in the capital works and equipment grants panel.
4. Nominate Councillors Marshall, Chantry and Surace to participate in the minor grants panel.
5. Note timeline and scope of the second stage of the community grants review.

CARRIED

9.17 Road Discontinuance and Sale of Land Policy Review

File No: FOL/14/815
Author: Coordinator Property Services
Directorate: Corporate Services
Ward: Municipal
Minute No: 2014/129

Council Resolution

Moved by Cr Cornish, seconded by Cr Sharpe that Council adopt the Road Discontinuance and Sale of Land Policy (2014) as attached at Appendix A - (separately circulated).

CARRIED

9.18 Report on Audit Committee

File No: FOL/09/1556
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2014/129

Council Resolution

Moved by Cr Cornish, seconded by Cr Sharpe that Council receive the unconfirmed Minutes of the Audit Committee Meeting held on 13 August 2014 and note the Audit Committee recommendations that Council:

- a) Adopt the 2013/14 Financial Report on an “in principle” basis and forward them to the Auditor-General for final audit.
- b) Adopt, in principle, the 2013/14 Performance Statement and forward the Statement to the Victorian Auditor-General for final audit and approval.

CARRIED

9.19 2013/14 Annual Financial Report

File No: FOL/12/1439
Author: Manager Finance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2014/129

Council Resolution

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

1. Notes the recommendation of the Audit Committee.
2. Adopts in principle the 2013/14 Annual Financial Report.
3. Nominate and authorise Councillor Jan Chantry and Councillor Nicole Marshall to certify (on behalf of Council) the Annual Financial Report and the Standard Statements, in the final form.

CARRIED

9.20 Performance Statement 2013/14 - Adoption in Principle by Council

File No: FOL/09/577
Author: Business Performance Officer
Directorate: Corporate Services
Ward: Municipal
Minute No: 2014/129

Council Resolution

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

1. Note the recommendation from the Audit Committee
2. Adopt in principle the 2013/14 Annual Performance Statement; and
3. Authorise Councillors Cr Jan Chantry and Cr Nicole Marshall to certify (on behalf of Council) the Annual Performance Statement.

CARRIED

Cr Sipek left the meeting at 8.55pm.

9.21 Review of Council's Delegation to the Chief Executive and Council Staff

File No: FOL/11/143 & FOL/11/1060
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2014/135

Council Resolution

Moved by Cr Sharpe, seconded by Cr Marshall that Council having undertaken a review of its delegations in accordance with Section 98 of the Local Government Act 1989 ("the Act"), hereby resolves that:

1. The powers, duties and functions set out in the Instrument of Delegation, provided as Appendix A, be delegated to the Chief Executive subject to the conditions and limitations specified in that Instrument, with the addition of clause “4.11 enter into a commercial lease”.
2. The powers, duties and functions set out in the Instrument of Delegation, provided as Appendix B (separately circulated), be delegated to members of the Council Staff subject to the conditions and limitations specified in that Instrument.
3. The Instruments of Delegation outlined in 1 and 2 above be signed and sealed, and shall come into force immediately upon the common seal of the Council being affixed to the Instruments and previous corresponding Instruments shall be revoked.
4. The duties and functions set out in the Instruments of Delegation outlined in 1 and 2 above must be performed and the powers set out in the instruments must be executed in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. The Instrument of Delegation to the Chief Executive includes a power of sub-delegation to members of Council staff, in accordance with Section 98(3) of the Act.

CARRIED

9.22 Report on Tenders and Contracts Awarded

File No: FOL/10/358

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2014/129

Council Resolution

Moved by Cr Cornish, seconded by Cr Sharpe that Council receive and note the report of Council’s Tenders Committee and tenders awarded at its meeting held on 5 August 2014.

CARRIED

9.23 Report on Assemblies of Council

File No: FOL/09/1245

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2014/129

Council Resolution

Moved by Cr Cornish, seconded by Cr Sharpe 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 2014.

CARRIED

9.24 Report on Advisory Committees

File No: FOL/12/69

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2014/129

Council Resolution

Moved by Cr Cornish, seconded by Cr Sharpe that Council receive and note the following confirmed Advisory Committee Meeting Minutes, received since the last report to Council in July 2014:

- a) Municipal Emergency Management Planning Committee held 15 May 2014 (Appendix A); and
- b) Integrated Transport Committee held 16 June 2014 (Appendix B).

CARRIED

10. Notice of Motion

10.1 Notice of Motion No. 2014/14

Title: Flemington Racecourse Planning Authority

From: Cr Nicole Marshall

Ward: Municipal

File No: FOL/14/204

Minute No: 2014/136

Council Resolution

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

- 1. Write to the Minister for Planning:

- a) urgently seeking the City of Moonee Valley to become the Planning Authority for the Flemington Racecourse and Show Grounds Sites to enable Moonee Valley City Council to properly plan and provide for increased service demands as a result of future development and events or, alternatively, requests that the Minister gives a commitment to undertake an urgent review of the existing arrangements to determine the most appropriate Planning Authority for these Sites;
 - b) requesting that concurrently with the above, he undertakes a formal review of the boundaries between the City of Moonee Valley and the City of Melbourne particularly in relation to the land that falls within the Leonard Crescent area in Ascot Vale.
 - c) further requesting that any planning scheme amendment undertaken in relation to the proposed Flemington Racecourse development be done via an independent panel or advisory committee process to ensure that the views of the affected communities and other stakeholders are considered, such process to be appropriate in light of the significant effect such a development is likely to have on the people of Ascot Vale and Flemington, the Maribyrnong River and the City of Moonee Valley.
2. Write to the Member for Essendon, Hon Justin Madden, seeking his support for the matters set out in paragraph 1.
 3. Write to the Shadow Minister for Planning, asking for his commitment in relation to the matters set out paragraphs 1.

CARRIED

10.2 Notice of Motion No. 2014/15

Title: Residential Zone Standing Advisory Committee Submission

From: Cr Nicole Marshall

Ward: Municipal

File No: FOL/14/204

Minute No: 2014/137

Council Resolution

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

1. Write to the Minister for Planning, urgently requesting a decision on Council's Residential Zones following its submission to the Residential Zone Standing Advisory Committee.
2. Note in that letter that:
 - a) Council agreed to participate in the Standing Advisory Committee process based on assurances that it would enable Council to have a decision in relation to its zones by the end of June 2014;

- b) The uncertainty in relation to the zones is having an adverse impact on decision-making and important strategic planning currently underway.

CARRIED

11. Urgent Business

Moved by Cr Surace, seconded by Cr Cornish that the item from Cr Marshall regarding Moonee Valley Racecourse be considered as Urgent Business.

CARRIED UNANIMOUSLY

Cr Surace left the meeting at 9.26pm and returned at 9.29pm.

Title: Rezoning of the Moonee Valley Racecourse Site

Minute No: 2014/138

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council request the Chief Executive to write to the Minister for Planning:

1. Expressing its disappointment that Council was not advised of the Minister's decision to rezone the Moonee Valley Racecourse site (the Site) to a Comprehensive Development Zone prior to that information being in the media.
2. Outlining for the Minister the process the Council has gone through in attempting to negotiate the Memorandum of Understanding (MOU) with the Moonee Valley Racing Club (the Club) which demonstrates that Council has at all times acted reasonably and in good faith.
3. Requesting the Minister's confirmation that Council will remain the responsible authority for the Site.
4. Requesting that, consistent with the Advisory Committee recommendations, the Minister facilitates a meeting between the Council, the Club and relevant Advisory Committee members to finalise the MOU.

CARRIED

12. Confidential Report

Nil.

The meeting concluded at 9.38pm.

CONFIRMED

**CR JAN CHANTRY
CHAIRPERSON**