



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 27 May 2014

Minutes

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The following reports were considered:

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Minutes of the Ordinary Meeting of Council

Tuesday, 27 May 2014 at 7.06pm
held at the Moonee Valley Civic Centre

PRESENT

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

Officers: Mr Neville Smith Chief Executive
Ms Angela Walter Acting Director Corporate Services
Mr Anthony Smith Acting Executive Manager Citizen Services &
Information Management
Mr Tony Ball Executive Manager Community Services
Mr Scott Widdicombe Executive Manager 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, 27 May 2014.

2. Apologies

Cr Giuliano and Cr Surace have been granted Leave of Absence for this meeting.

Leave of Absence

Moved by Cr Sipek, seconded by Cr Cornish that Council grant Cr Cam Nation Leave of Absence during the period 2 - 15 June 2014 inclusive.

CARRIED

3. Confirmation of Minutes

Moved by Cr Sipek, seconded by Cr Marshall that the Minutes of the Ordinary Meeting of Council held on Tuesday, 22 April 2014 and the Special Meeting of Council held on Tuesday, 20 May 2014 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Cr Marshall declared what may be perceived as a potential conflict of interest in Item 12.1 due to a conflicting duty. A written disclosure was provided to the Chief Executive outlining the reasons for this conflict.

Cr Cusack declared what may be perceived as a potential conflict of interest in Item 12.1 due to a conflicting duty. A written disclosure was provided to the Chief Executive outlining the reasons for this conflict.

Mr Tony Ball declared conflict of interest in Item 12.1 due to a direct interest. A written disclosure was provided to the Chief Executive outlining the reasons for this conflict.

Mr Scott Widdicombe declared a conflict of interest in item 12.1 due to an indirect association. A written disclosure was provided to the Chief Executive outlining the reasons for this conflict.

5. Presentations

Nil.

6. Petitions And Joint Letters

6.1 Permit Zones - Park Street, Moonee Ponds

File No. 63/016/003-2

Cr Marshall tabled a petition signed by 7 individuals requesting that Council review the car parking permit zones in Park Street, Moonee Ponds.

6.2 Dual Purpose Drinking Fountains, Travancore Park

File No. FOL/10/899

Cr Cusack tabled a joint letter signed by 23 individuals requesting that Council convert the water fountain at the south end of Travancore Park to a dual purpose drinking fountain.

6.3 Angle Parking – Blair Street, Moonee Ponds

File No. 63/2/14

Cr Nation tabled a petition signed by 13 individuals objecting to Council's proposal to replace the existing parallel parking in Blair Street, Moonee Ponds with angled parking on the south side.

6.4 Proposed Development Hampton Road, West Essendon

File No. PR45926

Cr Cornish tabled a petition signed by 11 individuals requesting that Council convene a consultation meeting to discuss the impact that the proposed development at 61 Hampton Road, West Essendon will have on the amenity of surrounding properties.

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

7. Public Question Time

Question 1:

Mr Peter Burke of Fisher Parade, Ascot Vale raised the following:

1. Could Council please provide a detailed update to the communities of Flemington and Ascot Vale on any advice or briefings that have been received or given in respect to proposed plans for residential re-development of land within the area of Flemington Racecourse that is the subject of a land sale between the Victoria Racing Club and developer Greenland Group.
2. What actions is Council taking to ensure that there is community notification, consultation and engagement in respect to these proposed plans, to ensure that the amenity of existing residents is maintained, traffic impacts and parking are appropriately addressed and to ensure that any development adds to and benefits the enhancement of community infrastructure including public open space and recreation areas.

In relation to part 1 of Mr Burke's question, the Chief Executive advised that:

- Councillors have been given a preliminary briefing on the proposal, in April 2014. The proposal is for high density residential/mixed use development. Council has yet to see the proposed planning controls, and final master plan for the proposed development. We are advised that they will include rezoning the sites to Mixed Use Zone (MUZ), with a Development Plan Overlay (DPO).
- Part of the development site is located within the City of Moonee Valley, and part is located within the City of Melbourne. Neither Council will be ultimately responsible for the assessment of the rezoning request as the Minister for Planning is the relevant planning authority in this instance. Council will be making a submission.
- Officers have met with key stakeholders and the proponent to provide preliminary feedback in terms of the process, time frames, planning outcomes, traffic, transport and engineering services, as well as open space and amenity.

- The proponents advise that they are still unsure as to the process that will be used for facilitating the amendment, (Ministerial Amendment/Advisory Committee) as at this stage they have yet to have a response from the Minister for Planning.

In relation to part 2 of the question, the Chief Executive advised that:

- Council is strongly advocating and working closely with the proponent, and DTPLI to ensure that there will be extensive public consultation and engagement activities as part of the amendment process, regardless of what planning tools are used to implement the proposal.
- In addition to public notices the proponents will be required to send letters to properties in the vicinity of the site. Council will provide a list of premises to the proponent.
- The proponents are committed to undertaking an extensive consultation process (we understand for a period of at least 2 months).
- On projects of a similar scale, Council has undertaken its own information sessions, to ensure that that community is aware of the issues and process, hear any concerns and to inform our response.

Question 2:

Mr Robert Reynolds of Sturt Street, Essendon raised the following in relation to the proposed development at 1072 Mt Alexander Road and 2-2A Marco Polo St, Essendon:

- a) Removal of rubbish from shops out the front of shop onto Mt Alexander Road then down Marco Polo Street to apartment driveway then along driveway to bin area. Shops do not have direct access to bin area. Is the provision within bin area for shops to have small industrial bins? In our apartment block we fill six large rubbish bins each week and six large recycle bins each fortnight. From plans submitted bin area will be too small.
- b) If food is sold from shops where will exhaust fans be flued to? Where will air conditioning units be installed (no access around ground level for shops)?

The Chief Executive informed Mr Reynolds that in relation to the proposed development at 1072 Mt Alexander Road & 2-2a Marco Polo Street, Essendon the conditions of approval will require the submission of a waste management plan to manage the onsite storage and collection of waste. The plan must be to Council satisfaction. In the event the on-site waste storage provision is deemed inadequate Council will require modifications to the plans in order to ensure appropriate area is reserved for on-site storage.

Further, that any exhaust fans and air-conditioning units associated with the shops, there are State EPA controls that are in place to govern amenity aspects associated with commercial uses.

8. Reports By Mayor And Councillors

File No. FOL/12/1435

Minute No. 2014/66

Council Resolution

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

CARRIED

9. Reports

- 9.1 82 Bulla Road, Strathmore (Land in CP168798N & Lots 2 & 3 LP8916) - Construction of two multi-storey residential buildings, the removal and variation of easements, a reduction in car parking requirements and alteration of access to a Road Zone, Category 1.**

File No: MV/141/2013

Author: Senior Town Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2014/67

Council Resolution

Moved by Cr Sharpe, seconded Cr Nation that Council issue a Refusal to Grant a Permit in relation to Planning Permit Application No. MV/141/2013 for 82 Bulla Road, Strathmore (Land in CP168798N & Lots 2 & 3 LP8916), for the 'construction of two multi-storey residential buildings in a Design and Development Overlay Schedule 3, the removal and variation of easements, a reduction in car parking requirements and alteration of access to a Road Zone, Category 1' on the following grounds:

1. The development would present a visually dominant and unsympathetic built form character to the area contrary to Clause 21.05 (Built Environment), Clause 22.01 (Residential Development of Four or More Storeys) and Clause 55.02-1 (Neighbourhood Character) of the Moonee Valley Planning Scheme.
2. The development does not comply with Clause 43.02 (Schedule 3 to the Design and Development Overlay) of the Moonee Valley Planning Scheme.

3. The proposal fails to comply with the following requirements of Clause 55 of the Moonee Valley Planning Scheme:
 - a) Clause 55.03-1 (Street Setback).
 - b) Clause 55.03-2 (Building Height Objective).
 - c) Clause 55.05-5 (Solar Access to Open Space).

4. The development is not site responsive and would represent an overdevelopment of the land.

CARRIED

- 9.2 1072 Mt Alexander Rd & 2-2A Marco Polo St, Essendon (Lot 1 TP344500W) Variation of a restrictive covenant, use and development of the land for the purpose of a five storey building and townhouses to accommodate dwellings and a reduction in the car parking requirements.**

File No: MV/490/2012

Author: Principal Town Planner

Directorate: City Works and Development

Ward: Buckley

Minute No: 2014/68

Council Resolution

Moved by Cr Cusack, seconded Cr Cornish that with respect to the Application for Review pursuant to Section 87A of the Planning and Environment Act 1987, Council 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 amended application, that the decision would have been to issue a Notice of Decision to Grant an Amended Permit for the land at 1072 Mt Alexander Road & 2-2A Marco Polo Street, Essendon (Lot 1 TP344500W) subject to the following amendments to the planning permit:

1. Permit Preamble altered to read:

Construction of buildings comprising a five storey building accommodating food and drink premises and dwellings along with five townhouses, reduction in the car parking requirements and waiver of the loading bay requirements.

2. Condition 1f) replaced to read:

Removal of the reference to 'study' within Food and Drink Premises 2.

DIVISION CALLED

A Division was called and voting was as follows:

FOR: Crs Marshall, Cusack, Cornish and Chantry.

AGAINST: Crs Sharpe, Nation and Sipek.

CARRIED

9.3 76-86 North Road, Avondale Heights (Lots 179-210 on PS013096) - Use and development of the land for the purpose of a Residential Aged Care facility.

File No: MV/836/2013

Author: Senior Town Planner

Directorate: City Works & Development

Ward: Rose Hill

Minute No: 2014/69

Moved by Cr Cornish, seconded Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/836/2013 for the use and development of the land for the purpose of a Residential Aged Care facility at 76-86 North Road, Avondale Heights (Lots 179-210 on PS013096), subject to the following conditions:

1. Unless otherwise consented to by the Responsible Authority, prior to the commencement of the development, a formal application must be made for the relocation of the existing easement (BL – Drainage and Sewerage affecting Lots 179-210 on PS013096). The new title for the subject site must then be submitted to Council prior to the hereby approved building being occupied.
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) The existing crossover to be modified in accordance with the 8.8 metre truck swept path diagram and constructed to the satisfaction of Council.
 - b) As a result of condition 2(a), the proposed crossover must be located a minimum of 1 metre from the power pole and speed hump.
 - c) The clear notation that any street trees to be removed are to be replaced to the satisfaction of the Responsible Authority.
 - d) The provision of directional road markings within the car park.
 - e) All pedestrian ramps not to exceed a gradient of 1:14 and such a notation to be placed on the plans.
 - f) The location of the solar panels proposed for the operation of the nominated hot water system.

- g) A roof plan to nominate the catchment areas (total area and extent) and to demonstrate/note clearly how each area is to be drained to the designated rainwater tank.
- h) The location and size of the rainwater tanks to be shown on plans.
- i) A notation that the rainwater tanks are to be connected to the development's laundry.

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.
4. Building or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the written consent of the relevant authorities or agencies 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. A minimum of 30 days 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. All piping and ducting, excepting for gutters and rainwater downpipes, above the ground floor storey of the building must be concealed to the satisfaction of the responsible authority.
9. Parking areas, loading bays and access lanes must be kept available for these purposes at all times to the satisfaction of the Responsible Authority.
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;
 - 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. Bicycle parking spaces, access, lockers and compounds, associated showers and change rooms, must provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
13. 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.
14. Prior to the commencement of buildings and works, a drainage layout plan, including stormwater outlets and legal points of discharge, must be prepared 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.

15. All stormwater runoff from the proposed roof area, must be harvested via rainwater tank(s) and reused for the building's facilities (toilets, irrigation etc). All stormwater overflow from the rainwater tank(s) must drain via an underground drainage system and discharge to an approved legal point of discharge to the satisfaction of the Responsible Authority.
16. Before the commencement of the development, detailed plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) The type of water sensitive urban design stormwater treatment measures to be used;
 - b) The location of the water sensitive urban design stormwater treatment measures in relation to buildings, sealed surfaces and landscaping areas; and
 - c) Design details of the water sensitive urban design stormwater treatment measures, including cross sections.

These plans must be accompanied by a report from an industry accepted performance measurement tool, which details the treatment performance achieved and demonstrates the level of compliance with the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999. The water sensitive urban design stormwater treatment system as shown on the endorsed plan must be retained and maintained at all times in accordance with the Urban Stormwater – Best Practice Environmental Management Guidelines, CSIRO 1999, to the satisfaction of the Responsible Authority.

17. To the satisfaction of the Responsible Authority lighting must be located, directed and shielded and of limited intensity that no nuisance or loss of amenity is caused to any person within or beyond the site.
18. Any new building must 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.
19. The building must be constructed using the materials and construction methods and measures detailed in section 5 of the Marshall Day Acoustics Assessment, dated 29 January 2014. Any variations from these recommendations must be agreed to by the Responsible Authority in writing and must achieve compliance with applicable attenuation measures AS 2021-2000 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by the Standards Australia International Ltd to the satisfaction of the Responsible Authority.
20. Prior to the commencement of construction, an Airport Noise Disclosure Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must outline how future occupants of the building are to be advised of the impacts of aircraft noise in relation to the subject site.

The Plan must include, but not be limited to the following:

- a) The location of the subject site within the 20 ANEF contour;
 - b) Outline the acoustic treatments that are to be carried out to ensure the development achieves compliance with AS2021-2000;
 - c) Advice to future occupants that the subject site is located within a Melbourne Airport Environs Overlay and they will be subject to considerable aircraft noise.
21. The amenity of the area must not be detrimentally affected by the use of land, through:
- a) Transportation of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil;
 - d) Presence of vermin; or in any other way to the satisfaction of the Responsible Authority.
22. Once the use is commenced, the land must only be used for the permitted use and to the satisfaction of the Responsible Authority.
23. Prior to the occupation of any buildings and works approved under this permit, a report from the author of the Sustainability Management Plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance within the approved documentation.
24. Before the development starts, or any trees or vegetation removed, an amended 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 2 of this permit.
 - b) Design details (including cross sections) to assess the technical effectiveness) of the proposed rain gardens.
- 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.
25. 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.

26. Prior to the removal of the existing street tree to facilitate the new crossover, the applicant shall advise the Responsible Authority of the method and safety measures to be implemented. The removal of the tree must be undertaken to the requirements and satisfaction of the Responsible Authority.
27. Prior to the occupation of the development hereby permitted, all landscaping, (including trees, shrubs and lawn) must be completed in accordance with any approved landscape plan to the satisfaction of the Responsible Authority.
28. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved to the satisfaction of the Responsible Authority. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants". The plan must include but not be limited to showing and detailing:
 - a) That the bin storage areas are sufficient to cater for the amount of waste that will be produced at least;
 - b) What type of bins will be used on the land;
 - c) Where these bins will be stored including details of screening and ventilation;
 - d) Who will be responsible for taking bins in and out for collection and where this will occur;
 - e) How recycling materials will be dealt with and collected;
 - f) Hours of bin collection;
 - g) Access routes for private waste collection vehicles that do not rely on reversing movements if private waste collection is utilised.

Once submitted and approved the plan must be implemented to the satisfaction of the Responsible Authority.

29. The hereby approved use of the land as a Residential Aged Care Facility must not commence until at least 5 July 2016 unless otherwise agreed in writing by the Responsible Authority.
30. Within two years of the use commencing the permit holder/land owner must seek to have the land re-zoned from Public Use Zone to a suitable zone to correspond to the hereby approved use, unless otherwise agreed to in writing by the Responsible Authority.
31. 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 five (5) years from 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.
- 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 Technical Services Department and to the satisfaction of the Responsible Authority.
- The land is or will in the future be subject to aircraft noise exposure associated with Melbourne Airport and is located between the 20 to 25 ANEF noise contours. Table 2.1 of Australian Standard AS 2021-2000, Acoustics – Aircraft Noise Intrusion – Building Siting and Construction, issued by Standards Australia International Ltd, states that "Within the 20 ANEF to 25 ANEF some people may find that the land is not compatible with residential or educational uses". As a result, Melbourne Airport does not accept any responsibility or liability in respect of any matter arising from aircraft noise and will not enter into any correspondence with the development of the dwellings relating to noise complaints due to the development being within the 20-25 ANEF contours.
- Prior to the commencement of any buildings and works, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal and/or replacement of the nominated street tree(s). Please contact Council on 9243 8888 to speak with Council's Arborist.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and or easement. Council will not accept any modifications to existing levels within any road reserve or easement.

CARRIED

9.4 Planning Scheme Amendment C144 (Heritage Citations Review)

File No: FOL/14/330

Author: Strategic Planner

Directorate: City Works & Development

Ward: Municipal

Minute No: 2014/70

Council Resolution

Moved by Cr Marshall, seconded Cr Cusack that Council:

1. Notify property owners that are proposed to be included or removed from a Heritage Overlay prior to seeking authorisation.
2. Endorse the draft Heritage Overlay Review (2014) for the purposes of community consultation.
3. Seek authorisation from the Minister for Planning to prepare Moonee Valley Planning Scheme Amendment C144 which introduces the following changes:
 - Apply HO131 to the Moonee Ponds West Primary School.
 - Amend the Local Planning Policy Framework, Clause 21.05 (Built Environment) to add Heritage Overlay Review (2014) as a reference document to subclause 21.05-10.
 - Amend the Schedule to Clause 43.01 – Heritage Overlay, to make changes to the naming of precincts.
 - Amend the Schedule to Clause 81.01 – Incorporated Documents to update the Permit Exemptions Policy – Moonee Valley HO Precincts.
 - Amend the boundary of existing Heritage Precincts HO10, HO12, HO136, HO17, HO18, HO119, HO24, HO25, HO36, HO140 and HO28.
 - Amend Planning Scheme maps 11HO, 12HO and 15HO.
4. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C144 in accordance with Section 19 of the Planning and Environment Act 1987.
5. Concurrent to the exhibition of Amendment C144, undertake community consultation on the draft Heritage Overlay Review (2014).
6. Refer submissions to an independent Panel in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*, if submissions are received which request to change the amendment and they are not resolved.

CARRIED

9.5 Flemington Hill Traffic & Parking Study - Proposed Trial Partial Road Closures Update

File No: FOL/11/460
Author: Senior Traffic Engineer
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2014/71

Council Resolution

Moved by Cr Marshall, seconded Cr Cusack that Council:

1. Note the report from the Roads Corporation (VicRoads) on the proposed trial partial road closures.
2. Cease the proposed trial partial road closures until the full impacts of the East West Link on roads within Moonee Valley Council can be assessed, which would include the undertaking of further traffic management studies in Flemington, when the need for closures can be reinvestigated more accurately.
3. Proceed with the already adopted traffic and parking management treatments.
4. Continue to investigate the potential for traffic signals for the area at the intersections of Mt Alexander Road, Kent Street and Wellington Street.
5. Advise the Working Group members, residents and traders within the study area of the outcome of this report.

CARRIED

9.6 Waste and Resource Recovery Plan

File No: FOL/06607
Author: Manager Operations
Directorate: City Works & Development
Ward: Municipal
Minute No: 2014/72

Council Resolution

Moved by Cr Cornish, seconded Cr Sipek that:

1. Council adopt the Waste and Resource Recovery Plan 2014-18 as provided in Appendix A - separately circulated.
2. Acknowledge the work and achievements of Council's Works Management staff in the delivery of management services to the community.

CARRIED

9.7 Moonee Valley Flood Management Plan

File No: FOL/17/011/017
Author: Coordinator Engineering Services
Directorate: City Works & Development
Ward: Municipal
Minute No: 2014/73

Council Resolution

Moved by Cr Sharpe, seconded Cr Cornish that Council:

1. Note that the Aberfeldie Catchment Study, recommends that a \$24 million upgrade of the Melbourne Water and Council drainage network is required to reduce the catchment flood risk rating from 'Extreme' to 'High'. These mitigation works will involve the construction of a new duplicated Melbourne Water Main Drain at an estimated cost of \$19 million and an extension of the Council drainage network at an estimated cost of \$5 million.
2. Consider upgrades to the Council drainage network within the Aberfeldie Catchment as part of future capital works programs.

CARRIED

9.8 Boeing Reserve Draft Master Plan

File No: FOL/13/1110
Author: Manager Leisure & Open Space Planning
Directorate: Environment & Lifestyle
Ward: Buckley
Minute No: 2014/74

Council Resolution

Moved by Cr Sharpe, seconded Cr Marshall that Council:

1. Endorse the Boeing Reserve Draft Master Plan 2014 provided as Appendix B – (separately circulated) for the purpose of community consultation.
2. Receive a further report following the completion of the community consultation.

CARRIED

9.9 Economic Development Strategy

File No: FOL/12/1294

Author: Manager Economic Development & City Sustainability

Directorate: Environment & Lifestyle

Ward: Municipal

Minute No: 2014/75

Council Resolution

Moved by Cr Nation, seconded Cr Cusack that Council adopt the Economic Development Strategy 2014.

CARRIED

Cr Sipek left the meeting at 8.44pm and returned at 8.45pm.

9.10 Essendon Junction Grade Separation Feasibility Study

File No: CON/13/584

Author: Strategic Transport Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2014/76

Council Resolution

Moved by Cr Sharpe, seconded Cr Chantry that Council:

1. Endorse the 'Essendon Junction Grade Separation Feasibility Study Report Stage 1 and 2', circulated separately as Appendix A.
2. Resolves to continue with the structure planning process for Essendon Junction Activity Centre based on the principles outlined in the Essendon Junction Grade Separation Feasibility Study and the background work undertaken to date.

CARRIED

Reports Considered En Bloc

Minute No: 2014/77

Council Resolution

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

9.11 Council Plan Key Strategic Activities Performance Report - March 2014

- 9.12 Financial Performance Report March 2014
- 9.18 Report on Assemblies of Council
- 9.19 Report on Advisory Committees
- 9.20 Report on Audit Committee

be adopted by Council.

CARRIED

**9.11 Council Plan Key Strategic Activities Performance Report -
March 2014**

File No: FOL/09/577

Author: Business Performance Officer

Directorate: Citizen Services & Information Management

Ward: Municipal

Minute No: 2014/77

Council Resolution

Moved by Cr Cornish, seconded Cr Nation that Council receive and note the Council Plan Key Strategic Activities Performance Report for the March 2014 quarter.

CARRIED

9.12 Financial Performance Report March 2014

File No: FOL/12/1439

Author: Manager Finance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2014/77

Council Resolution

Moved by Cr Cornish, seconded Cr Nation that Council receive and note the Financial Performance Report for the period 1 July 2013 to 31 March 2014.

CARRIED

9.13 Galbraith Close, Strathmore (Formerly Lamart Street Southern Section) - Proposed Land Exchange

File No: FOL/13/1041 & 63/012/002 & PR277976

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Buckley

Minute No: 2014/78

Council Resolution

Moved by Cr Sharpe, seconded Cr Nation that Council:

1. Having completed all necessary statutory procedures under sections 189 and 223 of the *Local Government Act 1989* and not having received any written submissions to the proposal, resolve to a land exchange being the portion of privately owned land (83m²) shown as parcel A and highlighted in yellow and the portion of Council land (83m²) shown as parcel B and highlighted in green on the plan at **Appendix B** with the property owner/developer for nil consideration.
2. Authorise the Chief Executive to execute the land transfers and associated documents on behalf of Council.

CARRIED

9.14 2 Salter Street and 165 Napier Street, Essendon - Proposed Sale of Unused Drainage Reserve

File No: PR28355

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Buckley

Minute No: 2014/79

Council Resolution

Moved by Cr Sharpe, seconded Cr Marshall that Council:

1. Commence statutory procedures pursuant to sections 189 and 223 of the *Local Government Act 1989* to sell by private treaty a section of former drainage reserve measuring 0.91m x 15.24m (14m²) abutting 2 Salter Street and 165 Napier Street, Essendon described as Lot 1 on PS626714T contained on Certificate of Title Volume 11413 Folio 832. Refer **Appendix A**.

2. Establish a Committee of Council comprising Crs Chantry, Giuliano and Sharpe pursuant to section 223(1) (c) of the Act to hear and consider any submissions received and requests to be heard.
3. Authorise the Chief Executive to fix the date and time for the Committee meeting, if required.

CARRIED

9.15 Proposed Council Order - Cat Curfew made under the Domestic Animal Act 1994

File No: FOL/13/923

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2014/80

Council Resolution

Moved by Cr Cusack, seconded Cr Nation that Council:

1. Make an Order pursuant to Section 25(2) of the Domestic Animals Act 1994, in line with **Appendix A**.
2. Determines that the Order will come into effect on 1 July 2014.

CARRIED

9.16 Racecourse Road Alcohol Restrictions

File No: FOL/09/1071

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2014/81

Council Resolution

Moved by Cr Marshall, seconded Cr Cusack that Council:

1. Initiates a community consultation process (which is to include local traders, police and surrounding residents) regarding the proposed implementation of a 24 hour alcohol restriction along Racecourse Road, Flemington (including Pridham Plaza), under its General Purposes Local Law 2008.

2. Receives a further report following the completion of community consultation process.
3. Requests the Chief Executive to write to Cohealth North, Inner West Area Mental Health Service, Wingate Avenue Community Centre and the Department of Human Services - Office of Housing advising of the alcohol related issues along Racecourse Road, Flemington, and seek information about what assistance can be offered to the community members concerned.
4. Requests the Chief Executive write to the City of Melbourne, advising of the action that Council is taking in relation to this matter.

CARRIED

9.17 Appointment of Alternate Representative to Leadwest

File No: 28/018/019
Author: Coordinator Governance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2014/82

Council Resolution

Moved by Cr Sharpe, seconded Cr Marshall that Council:

1. Appoint the Executive Manager of Environment and Lifestyle as the alternate representative to Leadwest for the remainder of the current term and;
2. Write to Leadwest advising of this appointment.

CARRIED

9.18 Report on Assemblies of Council

File No: FOL/09/1245
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2014/77

Council Resolution

Moved by Cr Cornish, seconded Cr Nation that Council receive and note the written records of Assembly of Councillors, provided as **Appendix A**, received since the last report to Council in April 2014.

CARRIED

9.19 Report on Advisory Committees

File No: FOL/12/69

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2014/77

Council Resolution

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

- a) Municipal Emergency Management Planning Committee held 13 February 2014 (**Appendix A**);
- b) Moonee Valley Integrated Waterways Advisory Committee held 14 February 2014 (**Appendix B**);
- c) Integrated Transport Committee held 17 February 2014 (**Appendix C**);
and
- d) Early Years Reference Group held 4 March 2014 (**Appendix D**).

CARRIED

9.20 Report on Audit Committee

File No: FOL/09/1556

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2014/77

Council Resolution

Moved by Cr Cornish, seconded Cr Nation that Council receive the unconfirmed Minutes of the Audit Committee Meeting held on 5 May 2014.

CARRIED

10. Notices of Motion

10.1 Notice of Motion No. 2014/6

Title: Review of the Maribyrnong River Valley Design Guidelines, April 2010

From: Cr Shirley Cornish

Ward: Municipal

File No: FOL/09/726

Minute No: 2014/83

Council Resolution

Moved by Cr Cornish, seconded Cr Marshall that Council:

Request the Chief Executive to write to the Minister for Planning, Mr Guy, requesting a review of the Maribyrnong River Valley Design Guidelines, dated April 2010 based on the following considerations:

1. A number of initiatives are currently underway at both Local Government and State Government level to implement the Maribyrnong River Valley Design Guidelines, dated April 2010 and it is essential that the document is aligned with other State Government planning initiatives which could potentially impact on this policy such as Plan Melbourne, the new Planning Policy Framework and the application of the New Residential Zones.
2. Planning controls, e.g. Design and Development Overlays and Environmental Significant Overlays may potentially conflict with the new Residential Zones in certain locations. Inconsistencies have been identified within Moonee Valley in relation to heights proposed within DDO2 and mandatory heights under the Neighbourhood Residential Zone.
3. The Racecourse length of the Maribyrnong River will undoubtedly be impacted upon by the proposed redevelopment of the Flemington Racecourse due to multistory high rise residential developments and the Planning controls should therefore be reviewed to ensure that it provides adequate guidance in assessing these developments in future.
4. The document in general should be updated to reflect more recent policy directives (e.g. Plan Melbourne as opposed to Melbourne@5 million and Melbourne 2030) and to better reflect the current local context.

It is furthermore important that the Minister be requested to involve all relevant councils and government agencies and other role-players in the proposed review.

CARRIED

10.2 Notice of Motion No. 2014/7

Title: Newmarket Railway Station

From: Cr Nicole Marshall

Ward: Municipal

File No: FOL/12/1253

Minute No: 2014/84

Council Resolution

Moved by Cr Marshall, seconded Cr Cusack that Council:

1. Write to the Minister for Planning urgently requesting him to prepare interim heritage controls for the Newmarket Railway Station, in accordance with Section 20(4) of the Planning and Environment Act 1987.
2. Concurrently with the above, undertake a heritage assessment of the Newmarket Railway Station, and send this to the Minister for Planning as justification for the interim heritage controls as well as permanent heritage controls.
3. Prepare an exemptions policy to facilitate the ability to maintain and develop the station in accordance with the Transport Integration Act 2010. This policy would also apply to the other railway heritage places already in the Heritage Overlay, except for the Victorian Heritage Register places.
4. Keep the community updated on the status of the matters referred to above.

CARRIED

10.3 Notice of Motion No. 2014/8

Title: Kindergarten Funding

From: Cr Narelle Sharpe

Ward: Municipal

File No: FOL/09/724

Minute No: 2014/85

Council Resolution

Moved by Cr Sharpe, seconded Cr Cornish that the Chief Executive Officer:

- a) Write to the Hon. Tony Abbott MP, Prime Minister, Hon. Christopher Pyne MP, Minister for Education and the Hon. Sussan Ley MP, Assistant Minister for Education seeking that the Government confirm its commitment to the National Partnership Agreement on Universal Access to Early Childhood Education and recognise the importance of 15 hours of preschool for children and ensure the ongoing funding of this significant program.
- b) Write to the Hon. Dr Denis Napthine MP, Premier of Victoria and the Hon. Wendy Lovell MLC, Minister for Children and Early Childhood Development seeking that they strongly advocate to the Federal Government to maintain the National Partnership Agreement on Universal Access to Early Childhood Education and to continue funding arrangements to ensure the provision of 15 hours of four year old preschool for children.
- c) Seek that the State Government underwrite the provision of funding for Universal Access in the instance that the Federal Government fails to continue its contribution to the National Partnership Agreement on Universal Access to Early Childhood Education to ensure Victorian children are able to access quality, early childhood learning programs, prior to attending school.

CARRIED

10.4 Notice of Motion No. 2014/9

Title: Municipal Parking Strategy Review
From: Cr Jim Cusack
Ward: Municipal
File No: FOL/09/728
Minute No: 2014/86

Council Resolution

Moved by Cr Cusack, seconded Cr Marshall that the Chief Executive prepares a report for the July 2014 Ordinary Council Meeting, in respect of the implementation of the Municipal Parking Strategy, that will manage and expedite efficiently, resolutions of issues raised by residents where at a local level there has been an unintended consequence and subsequent disadvantage to residents since the introduction of parking permit areas on 1 November 2013.

One area to be addressed as a priority but is not the limit of this motion is consideration of borders between parking permit areas that run down the centre of streets where there is a high demand for parking associated the major activity centres of Moonee Ponds and Keilor Road.

CARRIED

11. Urgent Business

Nil.

12. Confidential Report

Council Resolution

Moved by Cr Nation, seconded by Cr Sharpe that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to consider a report which deals with a contractual matter.

CARRIED

Cr Marshall, Cr Cusack, Mr Ball and Mr Widdicombe had declared conflicts of interest in Council report 12.1 and therefore left the meeting before any discussion or voting had taken place on the item.

Consideration of Confidential Report

12.1 Leasing of Crown Street Stables

Council Resolution

Moved by Cr Sipek, seconded by Cr Sharpe that Council resume in open Council.

CARRIED

The meeting concluded at 10.04pm.

CONFIRMED

**CR JAN CHANTRY
CHAIRPERSON**