



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 20 December 2016

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 20 December 2016 at 7.03pm
held at the Moonee Valley Civic Centre

PRESENT :

Members:	Cr Andrea Surace	Mayor
	Cr Cam Nation	
	Cr Samantha Byrne	
	Cr Jim Cusack	
	Cr Rebecca Gauci Maurici	
	Cr Richard Lawrence	
	Cr Nicole Marshall	
	Cr Narelle Sharpe	
	Cr John Sipek	
Officers:	Mr Bryan Lancaster	Chief Executive Officer
	Mr Anthony Smith	Director Corporate & Community Services
	Ms Gail Conman	Director City Services
	Ms Kendrea Pope	Director Organisational Performance
	Ms Natalie Reiter	Director Planning & Development
	Ms Yvonne Hansen	Manager Legislative Services & Support

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 20 December 2016.

2. Apologies

Nil.

3. Confirmation of Minutes

Minute No. 2016/192

Council Resolution

Moved by Cr Cusack, seconded by Cr Lawrence that the Minutes of the Ordinary Meeting of Council held on Tuesday, 22 November 2016 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

- 4.1 Cr Gauci Maurici declared an indirect conflict of interest in Report 9.5 due to a close association. A family member lives within the proximity of the site subject to this report.
- 4.2 Cr Lawrence declared an indirect conflict of interest in Report 9.1 due to a close association. A family member owns property within the proximity of the site subject to this report.
- 4.3 Cr Sharpe declared a conflict of interest in relation to Item 12.1 due to close association.
- 4.4 Mr Lancaster declared an indirect conflict of interest in Item 9.2 due to residential amenity. Mr Lancaster owns property in close proximity to the subject site and the outcome of the decision may directly impact on his residential amenity.

5. Presentations

The Mayor, Cr Surace presented Council with an award which was received jointly with Hobsons Bay and Maribyrnong City Councils at the recent Government Design Awards, for the joint My Smart Garden website.

6. Petitions and Joint Letters

6.1 Essendon Station Level Crossing

File No. FOL/16/42

Cr Gauci Maurici tabled a petition signed by 10 residents concerning various matters relating to the Essendon Station Level Crossing.

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

7. Public Question Time

Nil.

8. Reports by Mayor and Councillors

File No. FOL/16/130

Minute No. 2016/193

Council Resolution

Moved by Cr Sipek, seconded by Cr Marshall that the reports by the Mayor and Councillors be received noting the inclusion of Crs Marshall and Cusack at a Remembrance Day event held on 11 November 2016 and the attendance of Cr Lawrence at the Principals breakfast held on 17 November 2016.

CARRIED UNANIMOUSLY

9. Reports

With the agreement of all Councillors, the Chairperson advised that Report 9.4 will be brought forward for consideration.

9.4 Response to NOM 2016/23 - Permanent Heritage Overlay controls for 3 Dagonet Street, Strathmore - 'The Castle' Film Site

Author: David Kilroe
Strategic Planner

Directorate: Planning & Development

Ward: Buckley

Minute No. 2016/194

Council Resolution

Moved by Cr Cusack, seconded by Cr Gauci Maurici that Council:

1. Not pursue permanent Heritage Overlay Controls for 3 Dagonet Street, Strathmore – 'The Castle' film site.
2. Advise the Minister for Planning in writing that Council wishes to withdraw the request for Amendment C173 (Interim Heritage Controls) as it relates to 3 Dagonet Street, Strathmore – 'The Castle' film site.
3. Note that the owner and occupier will be advised of the outcome.

For: Crs Gauci Maurici, Cusack, Surace, Nation and Sipek.
Against: Crs Lawrence, Byrne, Marshall and Sharpe.

CARRIED

Having declared an indirect interest in Item 9.1 Cr Lawrence left the meeting at 7.45pm.

9.1 72 Nimmo Street, Essendon (Lot 213 on LP 2735) - Construction of five dwellings

Author: Lachlan Orr
Senior Statutory Planner

Directorate: Planning & Development

Ward: Buckley

Minute No. 2016/195

Council Resolution

Moved by Cr Cusack, seconded by Cr Surace that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/364/2016 for the construction of five dwellings at 72 Nimmo Street, Essendon (Lot 213 on LP 2735), subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The

plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

- a) Fencing provided along the southern boundary to comply with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
- b) The doors of the storage area to Dwelling 3 designed so that they do not encroach onto the minimum internal garage dimensions required by Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
- c) The over-bonnet storage areas of Dwellings 2, 4 and 5 to have a minimum clearance height of 1.5 metres;
- d) Each crossover to be located alongside the northern and southern boundaries with a maximum width of 3 metres along the street frontage, with subsequent modifications to landscaping;
- e) Each crossover to be constructed as a double crossover with the neighbouring properties;
- f) A distance of at least 12.2 metres to be provided between each crossover at the kerb;
- g) The visitor parking space to be clearly line-marked and provided with signage, as well as directional signage provided near the entrance to the accessway;
- h) The deletion of the pedestrian door to the Right of Way, replaced with appropriate fencing; and
- i) Any changes as a result of Conditions 3, 4 and 7.

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

2. Except with the prior written consent of the Responsible Authority, the layout of the land 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.
3. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessments must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. A minimum 30 days prior to any building or works commencing, all WSUD Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
5. A minimum 30 days prior to any building or works commencing, a Construction and 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 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 prevention of contamination which must be in the form of a detailed statement or report which outlines all 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) Arrangements for chemical storage;
- l) Noise and vibration control;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected to work on the site at any one time.

When approved, the CSMP will be endorsed and will form part of this permit.

The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

6. A maximum 30 days following completion of the building or works, 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; and
 - 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.

7. Before the development commences, an amended Sustainable Design Assessment (SDA) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended SDA shall refer to the endorsed plans. Upon approval the SDA will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SDA to the satisfaction of the Responsible Authority. The SDA must be generally in accordance with the SDA submitted with the application, but modified to include:

- a) Any changes as a result of Conditions 1 and 3.

The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
11. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.

12. Before the buildings approved by this permit are occupied, the concrete vehicular crossing must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel 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 prior 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.

13. The central street tree must not be removed or damaged as a result of the permitted development to the satisfaction of the Responsible Authority.
14. The street trees in proximity to the north-western and south-western corners of the site must not be relocated or replaced without the prior written consent of the Responsible Authority. Any replacement trees planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street trees must be borne by the permit applicant and must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.
15. 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.
16. 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 manufacturer's 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.
17. 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.
18. 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.
19. Before the development starts, or any trees or vegetation removed, a landscape plan (an electronic copy) 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) Any changes as a result of Condition 1;
 - 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 two canopy trees within the front setback capable of achieving a minimum mature height of 4 metres;
- e) Canopy tree planting within the ground floor open space areas of each dwelling;
- f) Planting alongside vehicle access points to comply with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme; and
- g) 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.

20. 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.
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 Moonee Valley City Council regarding legal point of discharge, new crossings, building over easements, etc.
- No on-street parking permits will be provided to 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 Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council 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.

For: Crs Cusack, Byrne, Surace, Marshall and Nation.

Against: Crs Gauci Maurici, Sharpe and Sipek.

CARRIED

Cr Lawrence returned to the meeting and Cr Sipek left the meeting at 7.56pm.

Having declared an indirect interest in Item 9.2 Mr Lancaster left the meeting at 7.56pm.

Cr Sipek returned to the meeting at 8.01pm.

9.2 Essendon Junction Grade Separation Options - Council Submission

File No: FOL/16/130

Author: Colin Harris
Senior Project Manager – Infrastructure & Land Use Developments

Directorate: Planning & Development

Ward: Buckley

Minute No. 2016/196

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Nation that Council:

1. Endorse the attached submission to the Level Crossing Removal Authority's Preferred Option proposal (Appendix A – separately circulated).
2. Write to the Chief Executive, Level Crossing Removal Authority seeking:
 - a) The LXRA further investigate Council's preferred option of rail-under that does not require land acquisition, including a joint meeting with the Executive Director, Heritage Victoria to discuss options, and the potential development of Integrated Development Opportunity (IDO) sites.
 - b) Details of the LXRA project boundary and the public realm, heritage and public transport improvements to be included as part of any road-under option, including the level of funding available to deliver these necessary components.

- c) Details of information used to support the LXRA's decision to announce a preferred a road-under option, in particular, the traffic congestion work to inform their position on expected future traffic in the local street network.
 - d) Clarification as to how the road-under option is consistent with the LXRA's published Urban Design Framework.
 - e) To confirm that in the event a rail-under option is deemed unviable, the Buckley Street level Crossing project be deferred until such time as a full cost benefit analysis of a corridor solution inclusive of Park Street and Puckle Street be undertaken.
3. Write to the Minister for Planning seeking:
 - a) Details of when the Government's Standing Advisory committee will be engaged, to consider the IDO site(s).
 - b) Clarification as the status of Amendment C159, and timing for progression.
 4. Authorise Officers to seek to explore with the LXRA the best outcomes for the precinct, even if LXRA proceed with a road under option.

CARRIED UNANIMOUSLY

Mr Lancaster returned to the meeting and Cr Gauci Maurici left the meeting at 8.23pm.

Cr Gauci Maurici returned to the meeting at 8.25pm.

9.3 Planning Scheme Amendment C163 - New heritage policy to introduce updated heritage guidelines

Author: David Kilroe
Strategic Planner

Directorate: Planning & Development

Ward: Municipal

Minute No. 2016/197

Council Resolution

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

1. Adopt the City of Moonee Valley Heritage Guidelines (CMVHG) at Appendix A (separately circulated).
2. Having complied 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 C163 in accordance with the amendment documentation at Appendix B (separately circulated).
3. Submit Moonee Valley Planning Scheme Amendment C163 to the Minister for Planning for approval pursuant to Section 31(1) of the Planning and Environmental Act 1987.

CARRIED UNANIMOUSLY

Having declared an indirect interest in Item 9.5 Cr Gauci Maurici left the meeting at 8.26pm.

9.5 Amendment C132 Moonee Ponds Activity Centre Car Parking Plan - Post Panel

Author: Brian Labadie
Senior Strategic Planner

Directorate: Planning & Development

Ward: Myrnong

Minute No. 2016/198

Council Resolution

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

1. Adopt the Moonee Ponds Activity Centre Car Parking Plan and Strategic Justification for Cash-in-Lieu of On-Site Parking Provision.
2. Endorse Maddocks Review of the strategic basis for the introduction of a parking overlay at the Moonee Ponds Activity Centre, incorporating a car parking contributions scheme.
3. Having complied 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 C132 with the changes outlined in this report.
4. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Moonee Valley Planning Scheme Amendment C132 to the Minister for Planning for approval accompanied by the Maddocks Review, specifying that Council would only support the Amendment being approved with the financial contributions scheme in its entirety.
5. In coordination with other interested municipalities and the Municipal Association of Victoria, write to the Minister for Planning to request that Practice Note 22 – Using the Car Parking Provisions and Practice Note 57 – The Parking Overlay be reviewed to ensure clarity for councils seeking to apply the Parking Overlay within their municipality. In particular, the review should consider establishment of a standard methodology for determining appropriate ‘cash-in-lieu’ rates to be paid in place of providing car parking spaces.
6. Should Amendment C132 be approved by the Minister for Planning, review the operation of the financial contribution scheme including the value of contributions within 12 months of the gazettal date.

CARRIED UNANIMOUSLY

Cr Gauci Maurici returned to the meeting at 8.37pm.

At the request of Cr Sipek, the Chairperson accepted to bring Reports 9.11- 9.15 and Reports 9.17 – 9.23 forward to be considered En Bloc.

Reports Considered En Bloc

Minute No. 2016/199

Council Resolution

Moved by Cr Sipek, seconded by Cr Marshall that that the recommendations contained in reports:

- 9.11 Response to NOM 2016/17 - Neighbourhood Safety
- 9.12 St Leonards Road Chicane - Petition For Retention
- 9.13 Strategic directions for a climate adapted, low carbon, water sensitive city
- 9.14 Response to NoM 2016/11 - Plastic bags and related waste at events on Council managed land
- 9.15 Draft Road Management Plan (2017-2021)
- 9.17 Review of the Pavilion Redevelopment Plan
- 9.18 Spirit of Moonee Valley Community Awards
- 9.19 Council Plan 2017-21 integrating the Health Plan
- 9.20 Financial Performance Report September 2016
- 9.21 Receipt of Oaths of Office
- 9.22 Review of Council's Meeting Structure and Meeting Dates for 2017
- 9.23 Review of Council's Special Committees: Chief Executive Performance Review Special Committee and Appointment of the Chief Executive Officer Special Committee

be adopted by Council.

CARRIED UNANIMOUSLY

9.11 Response to NOM 2016/17 - Neighbourhood Safety

Author: Peter Crowley
Community Safety Officer

Directorate: Planning & Development

Ward: Municipal

Minute No. 2016/199

Council Resolution

Moved by Cr Sipek, seconded by Cr Marshall that Council receive this report and note a program of promoting community safety will continue beyond the lodging of this report and into 2017. As with most elements of Council's Community Safety Program, this work will be undertaken in partnership with Victoria Police, Neighbourhood Watch and other community safety partners.

CARRIED UNANIMOUSLY

9.12 St Leonards Road Chicane - Petition For Retention

Author: Deryck Chan
Senior Traffic & Transport Engineer

Directorate: Planning & Development

Ward: Myrnong

Minute No. 2016/199

Council Resolution

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

1. Proceed with the removal of the chicane and kerb outstands.
2. Proceed with installation of road humps and replacement of planting.
3. Advise the signatories of the petition of the outcome of this report and offer them a meeting with Council staff regarding tree planting.

CARRIED UNANIMOUSLY

9.13 Strategic directions for a climate adapted, low carbon, water sensitive city

Author: Kelly Heffer
Coordinator Sustainability & Climate Change

Directorate: Planning & Development

Ward: Municipal

Minute No. 2016/199

Council Resolution

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

1. Note that the strategic commitments to create a climate adapted, low carbon and water sensitive city, as set out in this Report, will be incorporated into 'MV2040' – the long-term strategic plan for the city being developed throughout 2017.
2. Note the long-term targets to 2040 will be set to drive action to create a climate adapted, water sensitive and low carbon city.
3. Note that budget to fund actions is to be allocated through Council's annual operational and capital works budgeting processes.

CARRIED UNANIMOUSLY

9.14 Response to NOM 2016/11 - Plastic bags and related waste at events on Council managed land

File No: FOL/16/130
Author: Stephanie Mitten
Snr Sustainability Officer
Directorate: Planning & Development
Ward: Municipal
Minute No. 2016/199

Council Resolution

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

1. Support the staged approach proposed in this report to reduce single use plastics at events held on Council owned or managed land.
2. Support a proposed education campaign to change community attitudes and behaviours around plastic bag use and their impacts, including working through local schools.
3. Advocate to the State Government to legislate a ban on single use lightweight bags across Victoria, by the Mayor writing to the Minister for Environment, the Member for Essendon and Member for Niddrie.
4. Note that Council officers will report back to Council at the end of 2017 with an update on initiatives to reduce plastics usage and on the advocacy work undertaken.

CARRIED UNANIMOUSLY

9.15 Draft Road Management Plan (2017-2021)

Author: Peter Gaffney
Manager Infrastructure Services
Directorate: City Services
Ward: Municipal
Minute No. 2016/199

Council Resolution

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

1. Endorse for the purpose of community consultation, the Draft Moonee Valley Road Management Plan 2017-2021 shown as Appendix A for the purpose of consultation in accordance with Section 54 of the Road Management Act 2004.
2. Consider a further report advising Council of submissions received with the intention to adopt the Road Management Plan 2017-2021 with or without amendment by 30 June 2017.

CARRIED UNANIMOUSLY

9.17 Review of the Pavilion Redevelopment Plan

Author: Peter Gaffney
Manager Infrastructure Services

Directorate: City Services

Ward: Municipal

Minute No. 2016/199

Council Resolution

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

1. Endorse the revised of the Pavilion Redevelopment Plan (PRP), shown as Appendix A.
2. Note that the design for the pavilion projects in the 2016/17 capital works budget at Cross Keys Reserve, Essendon; Overland Reserve, Keilor East; Maribyrnong Park, Moonee Ponds and Boeing Reserve, Strathmore Heights are based on the construction of new buildings at each location.
3. Approve the current budget shortfall, currently estimated at \$1.1 Million for the construction of a new pavilion at Overland Reserve Pavilion by including the current budget shortfall in the 2017/18 budget.
4. Consider the cost of construction of the three pavilion projects in the 2016/17 budget, which have been designated for design only at Maribyrnong Park, Cross Keys Reserve and Boeing Reserve (cricket/football/hall) as the most immediate priorities for future budget approvals.
5. Consider the remaining projects in the revised Pavilion Redevelopment Plan through Council's annual budget process.
6. Provide Council with a review of the Pavilion Redevelopment Plan by December 2017.

CARRIED UNANIMOUSLY

9.18 Spirit of Moonee Valley Community Awards

Author: Patricia Keenan
Acting Manager Arts & Culture

Directorate: City Services

Ward: Municipal

Minute No. 2016/199

Council Resolution

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

1. Note the format and costs associated with 2016 Spirit of Moonee Valley Community Awards and confirms continuation of the 2016 format.
2. Note the proposed date of Saturday 7 October for the 2017 Spirit of Moonee Valley Community Awards.

CARRIED UNANIMOUSLY

9.19 Council Plan 2017-21 integrating the Health Plan

Author: Julie Tipene-O'Toole,
Corporate Planning Officer

Directorate: Organisational Performance

Ward: Municipal

Minute No. 2016/199

Council Resolution

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

1. Endorse the:
 - a) The integration of the Council Plan 2017-21 and Municipal Health and Wellbeing (Health Plan);
 - b) The Public Health and Wellbeing Background Paper (Appendix A);
 - c) The Municipal Profile (Appendix B);
 - d) The Health Plan Evaluation Report 2013-17 (Appendix C); and
 - e) The approach to community and stakeholder engagement as outlined in the Engagement Plan (Appendix D).
2. Note these documents will be released publicly once endorsed by Council.

CARRIED UNANIMOUSLY

9.20 Financial Performance Report September 2016

Author: Damian Hogan
Acting Manager Finance

Directorate: Corporate & Community Services

Ward: Municipal

Minute No. 2016/199

Council Resolution

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

1. Receive and note the Financial Performance Report for the period 1 July 2016 to 30 September 2016.
2. Receive and note the Grants Status Report for September 2016.

CARRIED UNANIMOUSLY

9.21 Receipt of Oaths of Office

Author: Troy Delia
Coordinator Legislative Services

Directorate: Corporate & Community Services

Ward: Municipal

Minute No. 2016/199

Council Resolution

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

1. Receive the Oaths of Office made by each Councillor, before the Chief Executive Officer on 13 December 2016.
2. Re-confirm the Minutes of the Statutory Meeting held on 10 November 2016.

CARRIED UNANIMOUSLY

9.22 Review of Council's Meeting Structure and Meeting Dates for 2017

Author: Yvonne Hansen
Manager Legislative Services & Support

Directorate: Corporate & Community Services

Ward: Municipal

Minute No. 2016/199

Council Resolution

Moved by Cr Sipek, seconded by Cr Marshall that Council adopt the following meeting schedule for the 2017 calendar year and that these meetings be held at the Moonee Valley Civic Centre:

1. Ordinary Council meetings commencing at 6.30pm on 14 February, 28 February, 14 March, 28 March, 11 April, 26 April, 9 May, 23 May, 13 June, 27 June, 11 July, 25 July, 8 August, 22 August, 12 September, 26 September, 10 October, 24 October, 14 November, 28 November, and 12 December.
2. Statutory Meeting of Council at 6.30pm on 9 November 2017.
3. Hold Community Public Forums at the Moonee Valley Civic Centre, commencing at 6pm on 21 February, 21 March, 18 April, 16 May, 20 June, 18 July, 15 August, 19 September, 17 October and 21 November.
4. Discontinue to hold Tenders Committee Meetings, and therefore hereby revoke the Instrument of Delegation dated 6 July 2009.
5. Call a Special Meeting of Council to be held at 6.30pm on 21 February 2017, solely for the purpose of reviewing the Councillor Code of Conduct.

6. Authorise the Chief Executive Officer to amend the 2017 Meeting Schedule as required, to cover for workload or other special circumstances.
7. Request the Chief Executive Officer to ensure that the Schedule of Council Meetings and any meeting date changes are appropriately advertised in the local newspapers and on Council's website.

CARRIED UNANIMOUSLY

9.23 Review of Council's Special Committees: Chief Executive Performance Review Special Committee and Appointment of the Chief Executive Officer Special Committee

Author: Yvonne Hansen
 Manager Legislative Services & Support

Directorate: Corporate & Community Services

Ward: Municipal

Minute No. 2016/199

Council Resolution

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

1. Disband the Chief Executive Performance Review Special Committee and revoke the standing Instrument of Delegation (dated 11 March 2011).
2. Disband the Appointment of the Chief Executive Officer Special Committee and revoke the standing Instrument of Delegation (dated 30 April 2015).
3. Establish the Chief Executive Officer Special Committee, as a Special Committee under Section 86 of the Local Government Act 1989, with delegated authority, as set out in Instrument of Delegation, provided as Appendix A.

CARRIED UNANIMOUSLY

9.6 Planning for Flemington Estate Precinct

File No: FOL/16/130

Author: Natalie Reiter
 Director Planning & Development

Directorate: Planning & Development

Ward: Myrnong

Minute No. 2016/200

Council Resolution

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

1. Requests Officers work with the Department of Health & Human Service (DHHS) to prepare a Master Plan for the Flemington Estate precinct.
2. Request DHHS for Council to be the lead stakeholder responsible for community engagement on this project for the duration of the project through to service provision on the ground post project delivery to ensure people centred outcomes are achieved.
3. Work with the DHHS to consult with the inter-agency work group, incorporating Public Transport Victoria (PTV), Vic Roads and other authorities and a Community Working Group convened by Council to ensure local community aspirations are considered in the Master Planning exercise.
4. Enter into a Memorandum of Understanding (MOU) with Council and DHHS agreeing the parties will work to:
 - a) achieve the successful implementation and completion of the Project and ensure a value for money outcome for the State.
 - b) identify and maximise the economic, social, urban design and public realm improvements arising from the Project.
 - c) ensure best practice community and stakeholder engagement is undertaken through the process to allow collective input and delivery of innovative and outcome focussed solutions.

For: Crs Lawrence, Gauci Maurici, Cusack, Byrne, Surace, Marshall and Nation.

Against: Crs Sipek and Sharpe.

CARRIED

Cr Sipek left the meeting at 8.54 and returned at 8.56pm.

9.7 Holmes Local Area Traffic Management study – Update

Author: Jessica Van Elst
Traffic & Transport Engineer

Directorate: Planning & Development

Ward: Myrnong

Minute No. 2016/201

Council Resolution

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

1. Proceed with the proposed 2P parking changes on Clarinda Road, Robb Street and Scott Street, as shown in Appendix A.
2. Proceed with the proposed 'No Stopping' area signs on Court Street, as shown in Appendix A.
3. Undertake further consultation on parking changes, including 2P parking, in Levien Street, due to concerns raised by local residents during the consultation process.

4. Abandon the proposal to install three (3) road humps in Lorraine Street, as shown in Appendix D.
5. Abandon the proposal to install two road humps within the laneway between Riverview Road and Levien Street, as shown in Appendix E and leave the existing road humps as is.
6. Proceed with the proposal to install 2P on the south side of Holmes Road, and the modified proposal to remove the Permit Zone on the south side of Holmes Road and install a balance of 2P and Unrestricted parking, as shown in Appendix C.
7. Undertake community consultation on the proposals for Park Street, including the proposal to install a zebra crossing east of Margaret Street, pedestrian refuges at Clarinda Road and pedestrian refuge at Mount Alexander Road, as shown in Appendix F and Appendix G.
8. Refer the proposed raised threshold on Sussex Street to future capital works budgets for funding consideration.

CARRIED UNANIMOUSLY

Cr Lawrence left the meeting at 8.57pm.

9.8 Flemington Hill Traffic and Parking Study - Update

Author: Senior Traffic & Transport Engineer

Directorate: Planning & Development

Ward: Myrnong

Minute No. 2016/202

Council Resolution

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

1. Not proceed with the six trial partial road closures.
2. Consult on the installation of a road narrowing and raised pavement in Princes Street near Racecourse Road as shown in Appendix D.
3. Request VicRoads assess the traffic signal phasing on Racecourse Road at Pin Oak Crescent, Wellington Street and Boundary Road, to facilitate main and collector road traffic movements.
4. Advise residents and traders within the Flemington Hill Study area of the outcome of this report.

For: Crs Gauci Maurici, Cusack, Byrne, Surace, Marshall, Nation, Sharpe and Sipek.

CARRIED UNANIMOUSLY

Cr Lawrence returned at 9.03pm.

9.9 Alf Pearce Dog Park

Author: Venta Slizys
Coordinator Open Space & Urban Design

Directorate: Planning & Development

Ward: Buckley

Minute No: 2016/203

Council Resolution

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

1. Note the design has been through considerable consultation including preliminary consultation and consultation on the draft design. Additional consultation to consist of signage on site.
2. Note the implications of the various options in terms of initial capital layout, ongoing maintenance and user experience.
3. Note the expenditure for this project depending on the design for construction option selected:
 - a) Option 1: Dog park as per community consultation, estimated to cost \$284,000.00 Appendix A (separately circulated).
 - b) Option 2: Dog park with gravel surface, reduced area and furniture, estimated to cost \$234,000.00 Appendix B (separately circulated).
 - c) Option 3: Dog park with grass run about surface, reduced area and furniture estimated to cost \$210,600.00 Appendix C (separately circulated).
4. Revise the Capital Works expenditure to reflect the preferred Option 2, achieving a balance between community expectation, capital investment and ongoing maintenance costs.

CARRIED UNANIMOUSLY

9.10 Cross Keys Reserve Master Plan

Author: Venta Slizys
Coordinator Open Space & Urban Design

Directorate: Planning & Development

Ward: Buckley

Minute No: 2016/204

Motion

Moved by Cr Lawrence, seconded by Cr Nation that Council defer the decision of Report 9.10 until the next meeting of Council.

For: Crs Lawrence, Sipek and Nation.

Against: Crs Gauci Maurici, Cusack, Byrne, Surace, Marshall and Sharpe.

LOST

Council Resolution

Moved by Cr Sharpe, seconded by Cr Gauci Maurici that Council:

Adopt the Cross Keys Reserve Master Plan 2016 with the following amendments:

- a) Delete the path which currently in the plan is traversing the middle of the grounds.
- b) Reduce the 12m high barrier fence along Woodland Street to a 10m high barrier fence.
- c) Present further options of the type of fencing that can be produced for Council consideration.

Note that delivery of the Master Plan is subject to Council's annual budget process.

For: Crs Gauci Maurici, Cusack, Byrne, Surace, Marshall, Nation, Sharpe and Sipek.

Against: Crs Lawrence.

**The foreshadowed motion in the name of Cr Sharpe
was put and CARRIED**

With the agreement of all Councillors, the Chairperson advised that Report 10.2 will be brought forward for consideration.

10.2 Notice of Motion No. 2016/29 - Special Charge Scheme in Tennyson Street

File No: FOL/16/130

From: Councillor Narelle Sharpe

Ward: Buckley

Minute No. 2016/205

Council Resolution

Moved by Cr Sharpe, seconded by Cr Sipek that Council receive a report regarding the Tennyson Street Right of Way (ROW) Construction Special Charge Scheme considering:

1. The outcome of the Scheme consultation and questionnaire responses;
2. Providing a contribution towards the drainage component of the scheme, taking into account the connection point of the new drain to Council's existing underground drainage system;
3. Alternative scheme apportionment reflecting potential Council contribution; and
4. A revised apportionment model to potentially provide a more even contribution from each property, as there is currently a significant variation in amounts to be levied.

CARRIED UNANIMOUSLY

9.16 Proposed New Lease with Optus Mobile Pty Ltd - Telecommunications Facility at Walter Street Reserve Ascot Vale

Author: Gary Mills
Coordinator Property Management

Directorate: City Services

Ward: Myrnong

Minute No. 2016/206

Council Resolution

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

1. Defer consideration of the proposed new lease with Optus Mobile Pty Ltd for occupancy and use of the nominated site at Walter Street Reserve Ascot Vale, to obtain further advice and a further briefing on the draft lease and issues associated with any potential relocation of the telecommunications tower.
2. Following that briefing, receive a further report at an Ordinary Council meeting to be determined as appropriate.

CARRIED UNANIMOUSLY

9.24 Councillor Appointments to Advisory & Other Committees 2016/17

Author: Troy Delia
Coordinator Legislative Services

Directorate: Corporate & Community Services

Ward: Municipal

Minute No. 2016/207

Council Resolution

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

1. Appoints representatives to external bodies, advisory and special committees for the period December 2016 to October 2017, as follows:
 - a) ANZAC Centenary Community Co-ordinating Committee:
Cr Surace, Cr Byrne and Cr Cusack
 - b) Audit Committee:
Cr Cusack and Cr Gauci Maurici and Sipek
 - c) Biannual Community Grants Advisory Panel:
Cr Byrne, Cr Cusack and Cr Lawrence
 - d) Liquica District Partnership Working Group:
Cr Cusack

- e) Moonee Ponds Rate Levy Association:
Ward Councillors
 - f) Municipal Emergency Management Planning Committee:
Cr Surace
 - g) Place Naming Committee:
Cr Surace and Cr Nation
 - h) Responsive Grants Advisory Committee:
Cr Gauci Maurici, Cr Marshall and Cr Nation
 - i) Community Aviation Consultation Group for Essendon Airport:
Cr Sharpe and Cr Lawrence (sub)
 - j) Essendon Airport/Essendon Fields/Council Working Group:
Ward Councillors, Cr Nation and Cr Surace
 - k) Essendon Citizens Advice Bureau:
Cr Surace
 - l) Farnham Street Neighbourhood Learning Centre Committee of
Management:
Cr Cusack and Cr Marshall
 - m) Moonee Valley Foundation:
Cr Surace
 - n) Moonee Valley U3A Committee:
Cr Marshall
 - o) Public Transport Providers:
Cr Surace and Cr Sharpe
 - p) Shareholder Rep for Regional Kitchen P/L:
Cr Sipek
 - q) Wingate Avenue Community Centre - Committee of Management:
Cr Cusack and Cr Marshall
 - r) Flemington Chamber of Commerce:
Ward Councillors
 - s) Moonee Ponds Chamber of Commerce:
Ward Councillors
 - t) Niddrie Traders Association:
Ward Councillors
 - u) North Essendon Traders Association:
Ward Councillors
 - v) Union Road Traders Association:
Ward Councillors
2. Replace the appointment of Cr Surace to the Australian Mayoral Aviation Council and appoint Cr Sipek.

CARRIED UNANIMOUSLY

Reports Considered En Bloc

Minute No. 2016/208

Council Resolution

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

9.25 Ministerial Correspondence Resulting from Notices of Motion

9.26 Report on Assemblies of Council

be adopted by Council.

CARRIED UNANIMOUSLY

9.25 Ministerial Correspondence Resulting from Notices of Motion

Author: Lee McSweeney
Team Leader Council Business

Directorate: Corporate & Community Services

Ward: Municipal

Minute No. 2016/208

Council Resolution

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

1. Receive and note the report on Ministerial Correspondence resulting from Notices of Motion for the past term of Council.
2. Note that the quarterly report on Ministerial Correspondence resulting from Notices of Motion for the current term of Council will be provided in April 2017.

CARRIED UNANIMOUSLY

9.26 Report on Assemblies of Council

File No: FOL/16/130

Author: Team Leader Council Business

Directorate: Corporate & Community Services

Ward: Municipal

Minute No. 2016/208

Council Resolution

Moved by Cr Nation, 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 September 2016.

CARRIED UNANIMOUSLY

10. Notices of Motion

10.1 Notice Of Motion No. 2016/28 - 40 Hall Street, Moonee Ponds - Construction activities

File No: FOL/16/130
From: Councillor Cam Nation
Ward: Myrnong
Minute No. 2016/209

Council Resolution

Moved by Cr Nation, seconded by Cr Marshall that Council request the Chief Executive Officer write to the Project Manager of Caydon Property Group Pty Ltd for 40 Hall Street, Moonee Ponds with regards to:

1. Their obligations to ensure the responsible builder, L.U. Simon complies with the endorsed Construction Management Plan (CMP);
2. The routine sweeping of spill from excavation trucks, particularly along the northbound lanes of Mt Alexander Road (inclusive of the bike lanes);
3. The washing down of trucks prior to exiting the site;
4. The monitoring of trucks to ensure they exit the site safely and without conflict of passing motorists / pedestrians;
5. The speed of trucks in the surrounding streets (particularly Homer Street);
6. Ensuring safe barriers are in place on all parts of the site's perimeter where excavation extends up to the footpath/road - to ensure the safety of motorists / pedestrians; and
7. The use of horns in residential areas.

CARRIED UNANIMOUSLY

10.3 Notice Of Motion No. 2016/30 - Feasibility Study - High Ball Stadium in Moonee Valley

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Myrnong
Minute No. 2016/210

Council Resolution

Moved by Cr Marshall, seconded by Cr Byrne take notice that Council request the Chief Executive Officer prepare a report to Council:

1. Providing an update in relation to the Feasibility Study regarding a High Ball Stadium in Moonee Valley; and
2. As part of that report, consider whether there is an opportunity to incorporate a gymnastics facility as part of any Stadium or what other opportunities there are to provide fit for purpose gymnastics facilities in Moonee Valley

CARRIED UNANIMOUSLY

10.4 Notice Of Motion No. 2016/31 - Kindergarten Enrolment Process and Programming

File No: FOL/16/130
From: Councillor Nicole Marshall
Ward: Myrnong
Minute No. 2016/211

Council Resolution

Moved by Cr Marshall, seconded by Cr Gauci Maurici that Council request the Chief Executive Officer to prepare a report considering the following issues relating to its current kindergarten enrolment process and programming:

1. Specifying the criteria for determining how kindergarten session times are allocated to children;
2. Considering whether these criteria are appropriate and equitable, including in light of the lack of kindergarten in Moonee Ponds, and what alternative criteria could be developed to ensure this allocation is done on an equitable basis;
3. The development of a waiting list to enable parents to clearly determine whether their child is likely to receive a position at their preferred kindergarten and/or for their preferred session times;
4. Whether the current combination of long and short session times is meeting the needs of Moonee Valley families, including providing a summary by kindergarten of family numbers requesting particular session times.

CARRIED UNANIMOUSLY

11. Urgent Business

Nil.

12. Confidential Reports

Minute No. 2016/212

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 matters of a contractual nature and an item which the Council considers would prejudice the Council or any person”.

CARRIED UNANIMOUSLY

Consideration of Confidential Reports

- 12.1 Biannual Grants 2016/17 Round 1 Recommendations
- 12.2 Riverside Park Upgrade
- 12.3 Drainage Improvement Works - Kelvin Close and Albert Street, Niddrie (Stage 1 & 2)
- 12.4 Tender Evaluation Report – Provision of Garden Maintenance Services 2017 – 2020

Council Resolution

Moved by Cr Cusack, seconded by Cr Byrne that Council resume in open Council.

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 9.55pm.

**CR ANDREA SURACE
CHAIRPERSON**