



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 15 November 2011

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 15 November 2011 at 7.00pm
held at the Moonee Valley Civic Centre

PRESENT

Members: Cr John Sipek (Mayor)
Cr James Rankin
Cr Jan Chantry
Cr Shirley Cornish
Cr Jim Cusack
Cr Miriam Gillis
Cr Paul Giuliano
Cr Ange Kenos
Cr Narelle Sharpe

Officers: Mr Neville Smith Chief Executive
Mr Bryan Lancaster Director City Works & Development
Mr Anthony Smith Director Corporate Services
Mr Stuart Gillespie Executive Manager Citizen Services & Information Management
Mr Scott Widdicombe Executive Manager Environment & Lifestyle
Mr Henry Bezuidenhout Manager Statutory & Strategic Planning
Mr Ralph Anania Manager Governance & Local Laws

1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 15 November 2011.

2. Apologies

Nil.

3. Confirmation of Minutes

Moved by Cr Chantry, seconded by Cr Sharpe that the Minutes of the Ordinary Meeting of Council held on Tuesday, 18 October 2011 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Council Resolution

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

CARRIED

The Mayor announced that James Portelli was the winner of the Dick Reynolds Youth Sports Scholarship for 2011/2012 and presented him with his award.

Council Resolution

Moved by Cr Giuliano, seconded by Cr Cornish that Standing Orders be resumed.

CARRIED

6. Petitions And Joint Letters

Nil.

7. Public Question Time

Question 1

Ms Raquel Martinez of Flemington lodged the following questions in regards to the Draft Melbourne Showgrounds/Flemington Racecourse traffic and parking study:

Will all vehicles registered to the address continue to receive a free vehicle permit and will every household continue to receive two free transferable visitor permits? MVCC have suggested to issue temporary passes or vouchers visitors, these vouchers would be issued on a user pays booklet system. I disagree with residents paying for these voucher coupon booklets; to allow genuine visitors to use parking in our street while visiting residents ... no other residents of MVCC don't have to pay to allow their visitors to park to visit them, why should we be further penalised just because of these two large events venues; why aren't all associated cost worn by the venues not residents? The purpose of having restrictions are so as MVCC has officers available to enforce these restrictions, including on public holidays, will officers be rostered to enforce these new restrictions all year around ? as they were not available on Melbourne Cup day to enforce any restrictions! Has MVCC seriously considered raising the penalty for parking in a restricted area during a large event, (Spring Racing Carnival is classified as a Major Sporting Event with higher / tougher legislation applied to all patrons) so as the penalty really hurts the vehicle owners pocket? one vehicle has a \$60 fine shared amongst 5 passengers and is cheaper than a taxi fare one way!

The Chief Executive, Mr Neville Smith asked if Ms Martinez was in attendance and although not present, Mr Smith did read out the responses to the questions lodged:

As Melbourne's population increases and as Moonee Valley accommodates a percentage of this growth, providing up to 6 permits (4 residential and 2 visitor) will no longer be sustainable. Therefore, as part of the draft Municipal Parking Strategy actions to address these issues have been developed, and include changes to the Resident Permit Parking Policy. This will involve reducing the number of resident permits allowed per dwelling from 4 to 2 and visitor permits would stay the same (at 2 per dwelling). Furthermore, for every crossover a property has, one less resident or visitor permit will be issued. At this stage, there are no fees proposed for resident or visitor parking permits, however, a review and update on the Resident Permit Parking Policy will be undertaken within 12 months of adoption of the Strategy, and this will include a review of the current parking permit fees associated with the Resident Permit Parking Policy.

Another change to the Resident Permit Parking Policy will involve reducing the current temporary visitor system from a maximum of 5 permits to a time based booklet with vouchers scheme. The temporary visitor vouchers will be issued in a booklet form for short term (typically daily use) and will be further defined as part of the Resident Permit Parking Policy review. No fees are proposed for temporary visitor vouchers, however should a pricing system be introduced it will be implemented municipality wide and not limited to residents within the Major Event Precinct.

Council acknowledges that enforcement is a key management tool for encouraging parking compliance, as such, as part of the draft Municipal Parking Strategy Council is proposing to improve parking enforcement across the municipality and this includes the Major Event Precinct surrounding the Flemington Racecourse and Royal Melbourne Showgrounds. One of the key actions of the Strategy is to develop a parking enforcement operational procedure document which will look at how to better enforce parking restrictions including days when major events are occurring.

Comments around increasing penalties for parking in a restricted area during major events is noted, however, Council cannot increase penalty fees as they are set by the State Government.

8. Reports By Mayor And Councillors

File No. FOL/10/357

Minute No. 2011/132

Council Resolution

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

CARRIED

9. Council Reports

9.1 Moonee Valley Racecourse Redevelopment – Proposed process and consultation program

File No: FOL/11/404

Author: Coordinator Strategic Planning

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2011/133

Council Resolution

Moved by Cr Sharpe, seconded Cr Giuliano that Council endorse the process and the consultation program in relation to the proposed Moonee Valley Racecourse Master Plan and Rezoning application as outlined in Appendix A, with the inclusion of a preliminary Environmental Impact Study and a Social Impact Study to the Summary of Issues for Stage 1 of the initial assessment.

CARRIED

9.2 Moonee Valley Planning Scheme Amendment C110 - Consideration of Submissions

File No: FOL/11/580

Author: Strategic Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2011/134

Council Resolution

Moved by Cr Cusack, seconded Cr Rankin that Council:

1. Request the Minister for Planning to appoint a Panel in accordance with Section 23(1) (b) of the Planning and Environment Act 1987 to consider submissions in respect to Amendment C110.
2. Receive a further report following receipt of the Panel report and recommendations for consideration.

CARRIED

9.3 Moonee Valley Planning Scheme Amendment C106 - Hotham Road, Niddrie

File No: FOL/11/585

Author: Strategic Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2011/135

Council Resolution

Moved by Cr Giuliano, seconded Cr Chantry that Council:

1. Request the Minister for Planning to appoint a Panel in accordance with Section 23(1) (b) of the Planning and Environment Act 1987 to consider submissions in respect to Amendment C106.
2. Receive a further report following receipt of the Panel report and recommendations for consideration.

CARRIED

9.4 135-137 Union Road, Moonee Ponds - The construction of a four storey building comprising a shop at ground level, and use of the land for twelve (12) dwellings, reduction in the car parking requirements & a waiver of the loading/unloading requirements (Lot 1 TP906555P).

File No: MV/118/2011

Author: Principal Town Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2011/136

Council Resolution

Moved by Cr Giuliano, seconded Cr Cornish that Council in relation to Planning Permit Application MV/118/2011 issue a Notice of Decision to Grant a Permit for the construction of a four storey building comprising a shop at ground level and

use of the land for dwellings, a reduction in the carparking requirements and waiver of the loading/unloading requirements at 135-137 Union Road Ascot Vale, (Lot 1 TP906555P), subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted to and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The uppermost residential floor to be setback a minimum of 3 metres from the western boundary along with any subsequent internal modifications.
 - b) Provision for a total of 15 car spaces to be located within the basement level in accordance with Condition 11. This is to be achieved with no increase in the overall height of the building.
 - c) An amended sectional plan detailing the car stacker arrangements.
 - d) Provision for a minimum of 6m³ of storage for each dwelling.
 - e) The north-eastern entrance to the shop relocated to the northern elevation of the building to improve integration to Roseberry Street.
 - f) West facing habitable room windows provided with screening in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
 - g) The west facing balconies provided with 1.7 m high translucent screening to prevent overlooking in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
 - h) The elevation plans must specify natural ground level, finished ground level, finished floor level and total building heights measured relative to a level taken from a defined point on the footpath at the frontage of the site or in relation to Australian Height Datum (AHD).

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Buildings or works must not be commenced (and trees or vegetation must not be removed) until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and approved by the responsible authority. Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied. After completion of the landscaping it must be maintained in good order to the satisfaction of the Responsible Authority.
4. Before the issuing of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

5. Building or works must not be constructed over any easement without the written consent of the relevant authorities or agencies to the satisfaction of the Responsible Authority.
6. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
7. Before to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
8. Prior to the commencement of any building and works a Construction Management Plan must be submitted to and must be approved by the Responsible Authority detailing the construction activity proposed. The plan must include, but not be limited to:
 - a) Hours of construction.
 - b) Dust management.
 - c) Parking and traffic movements of all worker's vehicles and construction vehicles.
 - d) Any impacts upon adjacent roads and pedestrian walkways and providing for adequate movement and circulation of vehicles and pedestrians adjacent to the land during the construction phase.
 - e) Access routes for construction vehicles.
 - f) Temporary fencing works.
 - g) Number of workers expected to work on the site and any time.
 - h) Methods for limiting the escape of dust and litter from the site.
 - i) Details regarding the method by which the public can register complaints and the details for investigating, action taken and method of response to those complaints.
 - j) The method by which the public will be informed about the progress of works associated with construction.
 - k) A liaison officer for contact by residents and the Council in the event of relevant queries or problems experienced.
 - l) Where stock piling or other material will be placed.
 - m) Clean-up measures and corrective action for materials spilt off site specifying sweeping and or collection for disposal, but not hosing or sweeping of any materials down the stormwater drain system..

The Construction Management Plan must be to the satisfaction of the Responsible Authority. Once submitted and endorsed by Council the plan shall form part of this permit and must be carried out to the satisfaction of the Responsible Authority.

9. Any service units, including air conditioning units, must not be located on any of the balconies unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
10. The Construction Management Plan must be to the satisfaction of the Responsible Authority. Once submitted and endorsed by Council the plan shall form part of this permit and must be carried out to the satisfaction of the Responsible Authority.
 - a) be provided and completed prior to the commencement of the use hereby permitted.
 - b) thereafter 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. Prior to the use commencing, a Car Parking Management Plan prepared by an appropriately qualified traffic consultant must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must include:
 - a) The car parking layout generally in accordance with the relevant requirements of the Australian Standards for Off-Street Car Parking AS/NZS 2890.1-2004 (including ramp grades and dimensions, column location, headroom clearance, etc).
 - b) The provision of 15 car spaces with these spaces allocated as follows:
 - 12 Resident car spaces
 - 2 visitor spaces
 - 1 shop (staff) car space
 - c) The management of visitor parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances.
 - d) Lighting of parking areas, entries and exits.
 - e) Proposed signage to direct occupants and visitors to their designated spaces.

The Car Parking Management Plan must be to the satisfaction of the Responsible Authority. Once submitted and approved the plan must be carried out to the satisfaction of the Responsible Authority.
12. 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 the Council barrel drain in Roseberry Street. A drainage layout prepared by a Civil Engineer together with computations, indicating the tank specifications and location must be submitted and to the satisfaction of the Responsible Authority.

13. All redundant crossovers vehicle crossovers to be removed. Where crossovers are redundant, nature strip and kerb and channel must be reinstated to the satisfaction of the Responsible Authority.
14. 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.
15. This permit will expire if:
 - a) The development is not commenced within two (2) years from the date of issue of this permit; or
 - b) The development is not completed and the use is not commenced within four (4) years from the date of issue of this permit.

Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request the responsible authority to extend the expiry date.

Permit Notes

- This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.
- Before the commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Engineering Services Department regarding legal point of discharge, new crossings, building over easements, etc.
- All works within the road reserve shall be in accordance with the requirements of the Moonee Valley City Council's Engineering Services Department.
- The OSD is to limit the rate of stormwater discharge from the property to pre-development levels ($C=0.4$, $t_c=5$ mins, ARI 1in5). An ARI of 1in10 shall be used for storage and the greater of post development C or $C=0.80$.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.

No on street parking permits will be provided to the occupiers of the subject site.

CARRIED

Cr Giuliano left the meeting at 8.02pm and returned at 8.04pm.

9.5 Review of Draft Melbourne Showgrounds / Flemington Racecourse Traffic and Parking Study

File No: 43/008/035

Author: Senior Traffic Engineer

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2011/137

Council Resolution

Moved by Cr Cusack, seconded Cr Gillis that Council:

1. Consolidate the 8 Parking Precincts into one area, to be known as the Events Area, as outlined in Appendix A.
2. Undertake wide community consultation on the proposed implementation of permanent 1P, 2P, 'No Stopping' parking restrictions within the Events Area, as outlined in Appendix B.
3. Undertake consultation on the proposed implementation of permanent 'Permit Zone' restrictions in Wisewould Street and Duncan Street.
4. As part of the Municipal Parking Strategy, introduce an Events Area Permit for residents, businesses and organisations within the Events Area which will include residents of the public housing estate and staff of Ascot Vale West Primary School and local businesses.
5. Receive a further report following completion of the consultation period.

CARRIED

9.6 Update of Municipal Emergency Management Plan and Community Emergency Risk Management Workbook

File No: 12/012/001-10

Author: Manager Assets & Engineering

Directorate: City Works & Development

Ward: Municipal

Minute No: 2011/138

Council Resolution

Moved by Cr Chantry, seconded Cr Kenos that Council:

1. Endorse the Municipal Emergency Management Plan (July 2011).
2. Authorise the Chief Executive to endorse subsequent updates of the Municipal Emergency Management Plan.

3. Release the revised Municipal Emergency Management Plan (Public Version) and the Community Emergency Risk Management Workbook for public consultation and seek submissions.

CARRIED

**9.7 Council Plan Key Strategic Activities Performance Report
September 2011**

File No: FOL/09/577

Author: Business Performance Officer

Directorate: Citizen Services & Information Management

Ward: Municipal

Minute No: 2011/139

Council Resolution

Moved by Cr Cornish, seconded Cr Cusack that Council receive and note the Council Plan Key Strategic Activities Performance Report for the September 2011 quarter.

CARRIED

**9.8 Proposed Road Discontinuance - Abutting 70 Grange Road
and 24 El Reno Crescent, Airport West**

File No: FOL/11/884

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Rose Hill

Minute No: 2011/140

Council Resolution

Moved by Cr Kenos, seconded Cr Cornish that Council:

1. Note after having given public notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 to the Local Government Act 1989 of a proposal to discontinue a 1,117m² section of road reserve abutting 70 Grange Road and 24 El Reno Crescent, Airport West contained on Certificate of Title volume 11184 folio 468 and shown hatched on the plan at Appendix B, one written submission of support was received.
2. Is of the opinion that the section of road reserve is no longer reasonably required for carriageway purposes and that it should be discontinued and retained by Council for municipal purposes.

3. Publish a notice, pursuant to clause 3(a) of Schedule 10 to the Local Government Act 1989 in the Victorian Government Gazette.
4. Authorise the Chief Executive to execute the transfer and other associated documents and advise the submitter of the resolution.

CARRIED

9.9 Proposed Part Road Discontinuance - Abutting 83-89 Fenton Street and 44 - 50 Brisbane Street, Ascot Vale

File No: FOL/10/1498

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Myrnong

Minute No: 2011/141

Council Resolution

Moved by Cr Cusack, seconded Cr Gillis that Council:

1. Note after having given notice pursuant to sections 223 and 206 and clause 3 of Schedule 10 to the *Local Government Act* 1989 of a proposal to discontinue a section of road abutting 83-89 Fenton St and 44-50 Brisbane St, Ascot Vale contained on Certificate of Title volume 1855 folio 922 and shown hatched in Appendix C, no written submissions were received.
2. Is of the opinion that the section of road is no longer reasonably required for public use and that it should be discontinued and sold by private treaty to the owners of 83-89 Fenton St and 44-50 Brisbane St, Ascot Vale.
3. Publish a notice, pursuant to clause 3(a) of Schedule 10 to the Local Government Act 1989 in the Victorian Government Gazette.
4. Authorise the Chief Executive to execute the transfer and other associated documents.

CARRIED

9.10 Financial Performance Report - September 2011

File No: 10/018/002 & 19/002/082

Author: Manager Finance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2011/142

Council Resolution

Moved by Cr Sharpe, seconded Cr Kenos that Council receive and note the Financial Performance Report for the period 1 July to 30 September 2011.

CARRIED

9.11 Report on Assemblies of Councillors

File No: FOL/09/1245

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2011/143

Council Resolution

Moved by Cr Kenos, seconded 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 October 2011.

CARRIED

10. Notices Of Motion

10.1 Notice Of Motion No. 2011/45

Title: Essendon Airport - Vegetation and Fly Neighbourly Agreement

From: Cr Jan Chantry

Ward: Buckley

File No: FOL/09/1092

Minute No: 2011/144

Council Resolution

Moved by Cr Chantry, seconded Cr Sharpe that Council:

1. Write to Essendon Airport Pty Ltd (EAPL) advising that:
 - a) Council and local residents are disappointed with the lack of commitment shown by EAPL in creating an appropriate vegetation barrier on its eastern boundary with Moonee Valley residents, and requesting that the eastern boundary be replanted with mature trees as previously promised by the former management of Essendon Airport;

- b) It seeks its cooperation by liaising with Council, in preparing a suitable planting guide for vegetation and possible earthworks for the remainder of the site and open space within the airport site;
 - c) Council would strongly encourage EAPL's efforts in having all its tenants sign the Fly Neighbourly Agreement by 31 December 2011.
2. Write to the Police Air Wing and Air Ambulance and complimenting both organisations on their recent adherence to the Fly Neighbourly Agreement and in showing their respect to the surrounding residents of the Strathmore Heights area.

CARRIED

11. Urgent Business

Nil.

Confidential Report

Nil.

Prior to the close of the meeting, the Deputy Mayor, Cr Rankin presented the outgoing Mayor, Cr Sipek with a replica Gavel and a Year Book containing a summary of the activities/events undertaken by Cr Sipek during his term as Mayor. Cr Sipek thanked Cr Rankin and his colleagues and stated that it had been a privilege to have been Mayor for the City of Moonee Valley.

The presentation was greeted with warm applause.

The meeting concluded at 8.33pm.

CONFIRMED

**CR JOHN SIPEK
CHAIRPERSON**