



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

**Tuesday, 15 March 2011**

**Minutes**

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The following reports were considered:

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# Minutes of the Ordinary Meeting of Council

Tuesday, 15 March 2011 at 7.01pm  
held at the Moonee Valley Civic Centre

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## PRESENT

**Members:** Cr John Sipek                      Mayor  
                 Cr James Rankin  
                 Cr Jan Chantry  
                 Cr Shirley Cornish  
                 Cr Jim Cusack  
                 Cr Miriam Gillis  
                 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 Nigel Higgins                      Acting Executive Manager Community Services  
                 Mr Scott Widdicombe                      Acting Executive Manager Environment & Lifestyle  
                 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 February 2011.

### 2. Apologies

Apologies for non-attendance were received for Cr Kenos and Cr Giuliano.

### 3. Confirmation of Minutes

Moved by Cr Cornish, seconded by Cr Chantry that the Minutes of the Ordinary Meeting of Council held on Tuesday, 15 February 2011 be confirmed.

**CARRIED**

### 4. Declarations of Conflict of Interest

Nil.

**5. Presentations**

**Council Resolution**

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

**CARRIED**

The Mayor announced that Meika Clark was the third winner of the Moonee Valley Youth Voice Award and presented her with a certificate and voucher.

**Council Resolution**

Moved by Cr Rankin, seconded by Cr Chantry that Standing Orders be resumed.

**CARRIED**

**6. Petitions And Joint Letters**

Nil.

**7. Public Question Time**

Nil.

**8. Reports By Mayor And Councillors**

**File No.** FOL/10/357

**Minute No.** 2011/12

**Council Resolution**

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

**CARRIED**

**9. Council Advisory Committee Minutes**

**Minute No.** 2011/13

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Rankin that Council receive and note the minutes of the Moonee Valley Integrated Waterways Advisory Committee – Appendix A.

**CARRIED**

## 10. Notices of Motion

### 10.1 Notice of Motion No. 2011/3

**Title:** Review of the Municipal Boundary between Moonee Valley and Melbourne  
**From:** Cr John Sipek  
**Ward:** Municipal  
**File No.** FOL/09/1551  
**Minute No:** 2011/14

#### Council Resolution

Moved by Cr Rankin, seconded by Sharpe that Council write to the Minister for Local Government requesting a review of the municipal boundary between Moonee Valley and Melbourne, giving consideration to transferring the responsibility for those areas (Flemington Racecourse /Showgrounds) that are now having a significant impact on the orderly planning of this municipality.

**CARRIED**

### 10.2 Notice of Motion No. 2011/4

**Title:** Proposed Change to the EPA Noise Regulations  
**From:** Cr Jim Cusack  
**Ward:** Municipal  
**File No.** FOL/09/1551  
**Minute No:** 2011/15

#### Council Resolution

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

1. Write to EPA Victoria, seeking a change to the noise regulations, specifically State Environmental Protection Policy (Control of Music Noise from Public Premises) No N-2, to include a restriction on BASS levels, similar to those that exist in NSW.
2. Write to the Minister for Planning and other relevant Ministers raising the urgent need to update regulations to noise under the State Environmental Protection Policy (Control of Music Noise from Public Premises) No N-2 Section No 2 to take into account bass sounds, similar to NSW.
3. Lodge a Motion to the MAV State Council Meeting, in terms of 1 above.

**CARRIED**

## 11. Reports

### 11.1 1-5 Glass St, Essendon - Use and Development of a three storey building comprising a retail premises at ground level and six dwellings above along with a waiver of the car parking and loading/unloading requirements

**File No:** MV/21351/2010  
**Author:** Principal Town Planner  
**Directorate:** City Works and Development  
**Ward:** Buckley  
**Minute No:** 2011/16

#### Motion

Moved by Cr Chantry, seconded by Cr Sharpe that with respect to application for Planning Permit MV/21351/2010 Council issue a Refusal to Grant a Permit for the use and development of a three storey building comprising a retail premises at ground level and six dwellings together with a waiver of the car parking and loading/unloading requirements of 1-5 Glass St, Essendon (Part Lot 1 TP874904N) on the following grounds:

1. The proposed development does not sufficiently comply with Clause 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme as the proposed development would result in:
  - a) A large Scale development which is not responsive to the surrounding context and fails to appropriately address the existing residential interfaces.
  - b) Unacceptable building bulk and scale.
2. The waiver of car parking is inappropriate and will exacerbate parking problems in the surrounding area.
3. The Proposal is an overdevelopment of the site.

#### DIVISION CALLED

A Division was called and voting was as follows:

**FOR:** Crs Chantry and Sharpe.

**AGAINST:** Crs Gillis, Cusack, Sipek, Rankin and Cornish.

**MOTION LOST**

### Alternative Motion

Moved by Cr Cusack, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/21351/2010 for the use and development of a three storey building comprising a retail premises at ground level and six dwellings together with waiver of the car parking and loading/unloading requirements at 1-5 Glass Street, Essendon (Part Lot 1 TP 874904N) subject to the following conditions:

1. 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) A notation to indicate provision for 3 on-street car spaces within Glass Street as recommended within the traffic assessment prepared by Cardno Grogan Richards (dated 24 February 2009).

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

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to the occupation of the development, the car spaces as provided for in Condition 1a must be completed to the requirement and satisfaction of the Responsible Authority.
4. Prior to the issue of a Certificate of Occupancy, all boundary walls must be cleaned and finished 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. Before the use starts a Waste/Recycling Management Plan must be submitted to and approved by the responsible authority. In the preparation of the waste/recycling management plan, provision must be made to the following items:
  - a) How the collection of refuse and recycling material will be managed;
  - b) What will be the frequency for the removal of such refuse and recycling materials;
  - c) How it is intended to control the emission of odour caused by such refuse and recycling material when it is being stored within the site;
  - d) Where such refuse and recycling will be stored within the site;
  - e) That the bin storage areas are sufficient to cater for the amount of waste that will be produced;
  - f) What type of bins will be used on the site;

- g) Where these bins will be stored including details of screening and ventilation;
- h) Who will be responsible for taking bins in and out for collection, and where this will occur;
- i) How recycling materials will be dealt with and collected;
- j) Hours of bin collection not being outside the hours of;
  - 7:00am to 8:00pm Monday to Friday; and
  - 9:00am to 8:00pm Saturday, Sunday and public holidays.
- k) If private waste collection is utilised access routes (for private waste collection vehicles) that do not rely on reversing movements.
- l) Compaction of refuse and the breaking up of bottles not occurring whilst the collection vehicle is standing stationary at or near the site.

Once submitted and approved the works detailed by the Waste/Recycling Management Plan must be carried out to the satisfaction of the Responsible Authority.

7. 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 to 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.

8. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
9. 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.
10. The loading and unloading of goods from vehicles must not be conducted before 8am or after 6pm daily.
11. Provision must be made for the drainage of the land including landscape and paved areas all to the satisfaction of the Responsible Authority.
12. All stormwater runoff from the proposed development is to be harvested via rainwater tank(s) and reused for the building's facilities (toilets, irrigation etc). All stormwater overflow from the rainwater tank(s) is to drain via an underground drainage system and discharge to the kerb and channel via an On Site Detention System. A drainage layout plan prepared by a Civil Engineer together with computations, indicating the tank specifications and location is to be provided to this department for approval. 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  $C=0.80$ . A drainage layout prepared by a Civil Engineer together with computations for the On Site Detention System and manufacturers specifications are to be submitted to this department for approval.
13. Before the use of the land starts, the Owner must enter into an Agreement under Section 173 of the Planning and Environment Act 1987 satisfactory to the Responsible Authority. That agreement must be registered on the title to the land, be free of cost to the Responsible Authority (by the Owner paying the costs and expense of negotiation, preparation, execution and registration of the Agreement and the Section 181 Application) and include:
  - a) Provision for not less than 10 additional commuter car spaces to be located within the existing car park associated with Glenbervie Train Station.
14. 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 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

- A legal point of discharge is required for any development of this site.
- Paving abutting an adjacent property must be provided with 150mm high concrete kerb.
- All works within the road reserve shall be in accordance with the requirements of Council's Assets & Engineering Services Department
- Council will not accept any modifications to existing levels within the road reserve or to any R.O.W. Any change in levels to match existing surface levels along property boundary line must be made within the property boundary.
- This permit relates only to the use and/or development of the land and does not comprise approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land shall be the subject of a separate application.
- No on-street parking permits will be provided to the occupiers of the subject site.

### DIVISION CALLED

A Division was called and voting was as follows:

**FOR:** Crs Gillis, Cusack, Sipek, Rankin and Cornish.

**AGAINST:** Crs Chantry and Sharpe.

### ALTERNATIVE MOTION CARRIED

**11.2                    6 Shuter Street, Moonee Ponds (Lot 33 PS 002872) -  
Construction of a five storey building comprising nine  
dwellings, including a home office at ground level, along with  
a reduction in the car parking requirements.**

**File No:** MV/21086/2010  
**Author:** Principal Town Planner  
**Directorate:** City Works & Development  
**Ward:** Myrnong  
**Minute No:** 2011/17

### Council Resolution

Moved by Cr Rankin, seconded by Cr Cusack that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/21086/2010 for the use and development of the land for the purpose of a four storey building comprising an office at ground level and six dwellings along with a reduction in the car parking requirements at 6 Shuter Street, Moonee Ponds (Lot 33 PS 002872) subject to the following conditions:

1. 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) Deletion of the fourth level.
  - b) Provision for an office at ground level along with the subsequent deletion of Dwelling 1 generally in accordance with the plans prepared by the Herniman Group identified as TP201 Revision B and dated 1/11/10.
  - c) Provision for a 'green roof' space area.
  - d) Storage areas for each dwelling.
  - e) The ground floor stairwell shifted a minimum of 1 metre in order to improve vehicle access/egress from the westernmost car stacker along with any subsequent internal modifications.
  - f) A landscape plan in accordance with condition 4.
  - g) A full schedule of external colours and materials specified on the elevation plans.
  - h) The elevation plans to 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. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
4. Buildings and 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.
5. Before the development starts a Waste/Recycling Management Plan must be submitted to and approved by the responsible authority. In the preparation of the waste/recycling management plan, provision must be made to the following items:
  - a) How the collection of refuse and recycling material will be managed;

- b) What will be the frequency for the removal of such refuse and recycling materials?
  - c) How it is intended to control the emission of odour caused by such refuse and recycling material when it is being stored within the site.
  - d) Where such refuse and recycling will be stored within the site.
  - e) That the bin storage areas are sufficient to cater for the amount of waste that will be produced.
  - f) What type of bins will be used on the site.
  - g) Who will be responsible for taking bins in and out for collection, and where this will occur.
  - h) How recycling materials will be dealt with and collected;
  - i) Hours of bin collection not being outside the hours of;
    - 7:00am to 8:00pm Monday to Friday; and
    - 9:00am to 8:00pm Saturday, Sunday and public holidays.
  - j) If private waste collection is utilised access routes (for private waste collection vehicles) that do not rely on reversing movements.
  - k) Compaction of refuse and the breaking up of bottles not occurring whilst the collection vehicle is standing stationary at or near the site.
  - l) Once submitted and approved the works detailed by the Waste/Recycling Management Plan must be carried out to the satisfaction of the Responsible Authority.
6. 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.

- 7. 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.
- 8. 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 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.
- 9. Before the development starts, a Sustainable Design Statement detailing sustainable design initiatives to be incorporated into the development must be submitted to, and approved in writing by the Responsible Authority. The Sustainable Design Statement must outline proposed sustainable design initiatives within the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection. Upon approval the development must be constructed in accordance with the Sustainable Design Statement to the satisfaction of the Responsible Authority. The approved Sustainable Design Statement will be endorsed and will form part of this permit.
- 10. Provision must be made for the drainage of the land including landscaped and paved areas all to the satisfaction of the Responsible Authority.
- 11. Stormwater runoff from the development is to drain via an underground drainage system and discharge to the Council drainage pit at the corner of Shuter and Gladstone Streets via an onsite detention system.

12. A new barrel drain (minimum 300mm dia RCP) will need to be constructed from 6 Shuter Street to the approved point of discharge at the corner of Gladstone Street. Submission of Engineering Design plans is required prior to the commencement of any drainage or building works. Barrel drain is to be constructed in accordance with Moonee Valley City Council guidelines.
13. Paving abutting an adjacent property must be provided with 150mm high concrete kerb.
14. This permit will expire if:
  - a) The development does not start within two (2) years of the date of issue of this permit; or
  - b) The development is not completed within four (4) years of the date of issue of this permit

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

**Permit Notes**

- All works within the road reserve shall be in accordance with the requirements of the Moonee Valley City Council's Engineering Services Department.
- Before commencement of the development occurs, the applicant shall contact the Moonee Valley City Council's Engineering Services regarding legal point of discharge, new crossings, building over easements etc.
- This is not a building permit. A separate building permit is required to be obtained for any demolition or building works.
- No on street parking permits will be provided to the occupiers of the subject site.
- This permit relates only to the use and/or development of the land and does not comprise approval for the erection of any advertising signs. The location and details of any advertising signs to be erected on the land shall be the subject of a separate application.

**CARRIED**

**11.3 Arvon Road Special Charge Scheme - Variation of Special Charge**

**File No:** FOL/09/896  
**Author:** Manager Assets & Engineering  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2011/18

**Council Resolution**

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

1. Note that the construction works for the Arvon Road Special Charge Scheme have now been completed and the total cost of the project is \$148,318.32.
2. Vary the amount to be paid under the Scheme in accordance with section 166(b)(i), of the Local Government Act 1989, to equal this final cost.

**CARRIED**

**11.4 Planning Scheme Amendment C107 - Implementation of Airport West Structure Plan**

**File No:** FOL/10/1570  
**Author:** Strategic Research & Planning Officer  
**Directorate:** City Works & Development  
**Ward:** Rose Hill  
**Minute No:** 2011/19

**Council Resolution**

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

1. Seek authorisation from the Minister for Planning to prepare Moonee Valley Planning Scheme Amendment C107.
2. Request the Minister for Planning to exempt Council from the notice requirements of Section 19 of the Planning and Environment Act 1987, in accordance with Section 20(2) of the Planning and Environment Act 1987.

**CARRIED**

**11.5 Reallocation of project budgets and urgent emergency works - 2010 - 2011 Capital Works Program**

**File No:** FOL/11/73  
**Author:** Contracts Officer  
**Directorate:** City Works & Development  
**Ward:** Buckley and Myrnong  
**Minute No:** 2011/20

**Council Resolution**

Moved by Cr Sharpe, seconded by Cr Rankin that Council approves:

1. The reallocation of \$200,000 from the 2010-2011 Local Roads budget to the Buckley, Ogilvie, Batman Streets, Drainage Upgrade.
2. The reallocation of \$73,000 from the 2010-2011 Local Roads budget to the Warrick Court Drainage Upgrade.

3. The allocation of \$65,000 from its 2010-11 operating budget for the Maribyrnong Park Tennis Court Improvements project.
4. The allocation of \$16,500 from the 2010-2011 Urgent/Emergency Works budget to the Essendon North Shopping Centre Village Signage project.

**CARRIED**

#### **11.6 Report on Audit Committee**

**File No:** FOL/09/1556  
**Author:** Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2011/21

#### **Council Resolution**

Moved by Cr Cusack, seconded by Cr Rankin that Council receive and note the Minutes of the Audit Committee Meeting held 11 October 2010.

**CARRIED**

#### **12. Urgent Business**

Nil.

#### **13. Confidential Reports**

##### **Council Resolution**

Moved by Cr Cusack, seconded by Cr Chantry that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss matters which relate to contractual and legal matters.

**CARRIED**

#### **Consideration of Confidential Report**

- 13.1 Tender Report for Regional Landfill Service

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Gillis that Council resume in Open Council.

**CARRIED**

The meeting concluded at 8:04pm.

**CONFIRMED**

**CR JOHN SIPEK  
CHAIRPERSON**