



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 25 June 2013

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 25 June 2013 at 7.00pm
held at the Moonee Valley Civic Centre

PRESENT

Members:	Cr Narelle Sharpe	Mayor
	Cr Jim Cusack	
	Cr Jan Chantry	
	Cr Shirley Cornish	
	Cr Nicole Marshall	
	Cr Cam Nation	
	Cr John Sipek	
	Cr Andrea Surace	
Officers:	Mr Neville Smith	Chief Executive
	Mr Bryan Lancaster	Director City Works & Development
	Mr Anthony Smith	Director Corporate Services
	Mr Stuart Gillespie	Executive Manager Citizen Services & Information Management
	Mr Tony Ball	Executive Manager Community Services
	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 Sharpe, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 25 June 2013.

2. Apologies

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

3. Confirmation of Minutes

Moved by Cr Chantry, seconded by Cr Surace that the Minutes of the Special Committee of Council Meeting held on Tuesday, 28 May 2013 and the Minutes of the Ordinary Council Meeting held on Tuesday, 28 May 2013, subject to corrections being made to the following items:

9.8 part 2, to read:

- “2. Consult owners and occupiers of Sydenham Street, Moonee Ponds regarding a proposal to convert the existing Permit Zones in Sydenham Street to 1P, 9am to 6pm Monday to Friday and 9am to 12noon Saturday, Permit Zone All Other Times.”; and

9.16 parts 2 and 3, to read:

- “2. Consider including the City Sustainability Policy as a reference document in the Municipal Strategic Statement, as part of the Planning Scheme Review Process.
3. Receive a further report following the completion of the community consultation.”

as amended, be confirmed.

CARRIED

4. Declarations of Conflict of Interest

In accordance with Section 79 of the Local Government Act 1989:

Cr Surace declared a conflict of interest in Item 9.3, as the property owners are known to her; and Item 12.1, as a family member is employed by an organisation which has a commercial involvement with the property owner.

Cr Marshall declared a conflict of interest in Item 9.8, as the determination of this matter may have an impact on her residential amenity.

5. Presentations

Nil.

6. Petitions And Joint Letters

Nil.

7. Public Question Time

The Chief Executive, Mr Neville Smith informed the meeting that Mr Peter Bourke of Ascot Vale had lodged a question regarding the land owned by the Victoria Racing Club in the Fisher Parade-Leonard Crescent area of Ascot Vale. Mr Smith advised that as Mr Bourke was not in attendance, a written response would be provided to him, confirming that efforts had been made to meet with the Minister for Planning; however Council had not been successful to date.

8. Reports By Mayor And Councillors

File No. FOL/12/1435

Minute No. 2013/89

Council Resolution

Moved by Cr Cornish, seconded by Cr Marshall that the written reports by the Mayor and Councillors with the exclusion of Crs Cornish, Giuliano and Sipek be received.

CARRIED

Cr Sipek left the meeting at 7.20pm and returned at 7.22pm.

9. Reports

9.1 Adoption of Council Plan 2013-17

File No: FOL/11/176
Author: Manager Community Development
Directorate: Citizen Services & Information Management
Ward: Municipal
Minute No: 2013/90

Council Resolution

Moved by Cr Chantry, seconded by Cr Cusack that Council adopt the Council Plan 2013-17.

CARRIED

9.2 Budget 2013-2014

File No: FOL/12/745
Author: Manager Finance
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/91

Council Resolution

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

1. Adopts the Annual Budget 2013/2014, attached separately at Appendix A.
2. Authorise the Chief Executive to give public notice of this decision in accordance with Section 129 of the *Local Government Act 1989*.
3. Respond to those who lodged a submission on the Proposed Budget 2013/2014 in writing advising of Council's decision and the reason for the decision in accordance with Section 223(1) (d) of the *Local Government Act 1989*.
4. Grant a rebate in relation to rates and charges to all Moonee Valley residents eligible for the State Government rebate. The maximum rebate is \$20.
5. Declare the Rates, Levies and Annual Service Charges for the 2013/2014 financial year, attached separately as Appendix B.

CARRIED

Cr Surace had declared a conflict of interest in Council report 9.3 and therefore left the meeting before any discussion or voting had taken place on the item.

9.3 55 Dinah Parade, East Keilor (Lot 13 on PS 058846) - Use of the land for the sale of liquor (packaged liquor licence)

File No: MV/88/2013
Author: Planner
Directorate: Strategic & Statutory Planning
Ward: Rose Hill
Minute No: 2013/92

Council Resolution

Moved by Cr Cusack, seconded by Cr Chantry that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/88/2013 for the use of the land for the sale of liquor (packaged liquor license) at 55 Dinah Parade, East Keilor (Lot 13 on PS 058846), subject to the following conditions: 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.

2. Once the use is commenced, the land must only be used for the permitted use and to the satisfaction of the Responsible Authority.
3. The sale of liquor must only occur between the hours of:
 - a) Monday to Saturday and public holidays : 9 am to 11 pm;
 - b) Sunday: 10 am to 11 pm; and
 - c) ANZAC Day: 12 noon to 11pm.unless these hours are varied with the written consent of the Responsible Authority.
4. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
5. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
6. The amenity of the area must not be detrimentally affected by the use of land, through:
 - a) Transportation of materials, goods or commodities to or from the land.
 - b) Appearance of any building, works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil.
 - d) Presence of vermin.
 - e) Or in any other way.to the satisfaction of the Responsible Authority.

7. This permit will expire if:-
- a) The use does not start within two (2) years of the date of this permit, or
 - b) The use is discontinued for a period of two (2) years.

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 permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.

DIVISION CALLED

A Division was called and voting was as follows:

FOR: Crs Marshall, Cusack, Cornish, Chantry, Sharpe and Nation.

AGAINST: Cr Sipek.

CARRIED

Cr Surace returned to the meeting here.

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

Cr Sipek left the meeting at 8.03pm and returned at 8.05pm.

9.4 Moonee Valley Racecourse Redevelopment

File No: FOL /11/1394

Author: Senior Strategic Planning Officer

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2013/93

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council endorse the submission to the MVRC Redevelopment Advisory Committee, provided as Appendix A (separately circulated).

CARRIED

Cr Sharpe vacated the Chair, for Council report 9.5 (to participate in debate) and the Deputy Mayor, Cr Cusack assumed the Chair.

Cr Surace left the meeting at 8.22pm and returned at 8.24pm.

**9.5 Moonee Valley Planning Scheme Amendment C117 -
Implementation of Keilor Road and North Essendon Structure
Plans**

File No: FOL/11/1332
Author: Strategic Planner
Directorate: City Works & Development
Ward: Buckley
Minute No: 2013/94

Council Resolution

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

1. Having complied with Part 3, Division 1 and 2 of the *Planning and Environment Act 1987*, and in accordance with Section 29(1), that Council adopt Moonee Valley Planning Scheme Amendment C117. The revised amendment will incorporate changes numbered 2-13 (inclusive) recommended by the Panel as per page 20 of the Panel Report included in Appendix B (separately circulated).
2. Pursuant to Section 31(1) of the *Planning and Environment Act 1987*, submit Moonee Valley Planning Scheme Amendment C117 to the Minister for Planning for approval, outlining the following reasons why not all the Panel recommendations have been adopted:
 - 2.1. Recommendation 1 does not respect the existing or preferred neighbourhood character for the activity centres.
 - 2.2. Recommendation 1 does not seek to achieve the preferred built form outcomes for the activity centres.
 - 2.3. Recommendation 1 is not consistent with community expectations for these activity centres.

CARRIED

Cr Sharpe resumed the Chair.

9.6 Events Area Parking Study

File No: 43/008/035
Author: Senior Traffic Engineer
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2013/95

Council Resolution

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

1. Not proceed with the previously adopted position to divide the 'Events Area' into three (3) parking precincts and not create an External Working Group for each parking precinct.
2. Endorse the following for community consultation:
 - a) Retention of the general parking restrictions including the event day permit zone restrictions.
 - b) Introduction of signage at the major access points to the precinct to allow easier interpretation of an 'event'.
 - c) Updating of signage throughout the 'Events Area' to refer to both Melbourne Showgrounds and Flemington Racecourse and include Council's phone number and website address.
 - d) Incorporation of parking restrictions changes per the outcomes of the 'Narrow Streets' framework, the Municipal Parking Strategy and the Union Road Activity Centre Parking Study.
3. Advise residents, traders, businesses and organisations within the 'Events Area' of the outcome of this report and the results of the previous survey undertaken.
4. Note that the consultation to be undertaken in relation to Events Area Parking Study will include any parking restriction changes in the following streets:
 - a) Epsom Road – Union Road to Mirams Street
 - b) Union Road – Mirams Street to Epsom Road
 - c) Mirams Street
 - d) Geddes Street
 - e) Francis Street
 - f) Burrowes Street.
5. Undertake additional consultation in Munro Street and Ferguson Street, as part of the consultation for the Events Area Parking Study.
6. Undertake a review of the boundary of the Events Area, taking into consideration parking demand during major events associated with the Showgrounds and Flemington Racecourse.

CARRIED

9.7 **Trader Permit Parking**
File No: FOL/12/706
Author: Acting Coordinator Transport
Directorate: City Works and Development
Ward: Municipal
Minute No: 2013/96

Council Resolution

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

1. Adopt Sections 6.1, 6.3, 6.4, 6.5 and 6.6 of the Parking Permit Policy.
2. Adopt Section 6.2 of the Parking Permit Policy with the following addition:
 4. “If a business parking permit for Wallis Street Car Park was issued on and continuously before 25 June 2013, the person who holds the parking permit is eligible to have their permit renewed each year while they remain at their current place of employment.”

CARRIED

Cr Marshall had declared a conflict of interest in Council report 9.8 and therefore left the meeting before any discussion or voting had taken place on the item.

9.8 Union Road Activity Centre Parking Study

File No: FOL/10/92
Author: Senior Traffic Engineer
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2013/97

Council Resolution

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

1. Adopt the Recommended Parking Management Plan as presented in Appendix H – (separately circulated), except proposals for Munro Street and Ferguson Street.
2. Note that Council has resolved to include any parking restriction changes in the following streets as part of the consultation for Events Area Parking Study:
 - a) Epsom Road – Union Road to Mirams Street
 - b) Union Road – Mirams Street to Epsom Road
 - c) Mirams Street
 - d) Geddes Street
 - e) Francis Street, and
 - f) Burrowes Street (Council resolution 25 June 2013 Item 9.6).
3. Note that Council has resolved to undertake additional consultation in Munro Street and Ferguson Street, as part of the consultation for the Events Area Parking Study (Council resolution 25 June 2013 Item 9.6).
4. Undertake additional consultation in St Leonards Road, Lorne Street, Epsom Road and Brunton Street, to determine which proposals under the Narrow Street Framework are best supported.

5. Commence parking works as identified in the recommended Parking Management Plan as soon as practical.
6. Increase the frequency of parking enforcement throughout the Union Road precinct, in particular:
 - a) To ensure long-term parking is not occurring within short-term parking restrictions.
 - b) To ensure non-resident parking is not occurring within resident permit zones.
7. Advise residents and traders within the Union Road Activity Centre Study area of the outcome of this report.

CARRIED

Cr Marshall returned to the meeting here.

9.9 2013 Heritage Study

File No: FOL/12/1088
Author: Senior Strategic Planning Officer
Directorate: City Works & Development
Ward: Municipal
Minute No: 2013/98

Council Resolution

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

1. Endorse the draft 2013 Heritage Study for the purposes of community consultation.
2. Receive a further report at the conclusion of the consultation process.

CARRIED

Cr Nation left the meeting at 8.55pm and returned at 8.57pm.
Cr Marshall left the meeting at 8.58pm.

9.10 New Commercial and Industrial Zones

File No: FOL/12/1012
Author: Coordinator Strategic Planning
Directorate: City Works & Development
Ward: Municipal
Minute No: 2013/99

Council Resolution

Moved by Cr Cusack, seconded by Cr Cornish that Council inform the community of the new commercial and industrial zones, as provided in Appendices D and E respectively (separately circulated).

CARRIED

Cr Marshall returned to the meeting at 8.59pm.

9.11 Heritage Strategy - Update on Action Plan

File No: FOL/12/1054
Author: Coordinator Strategic Planning
Directorate: City Works & Development
Ward: Strategic & Statutory Planning
Minute No: 2013/100

Council Resolution

Moved by Cr Cusack, seconded by Cr Cornish that Council receive and note the update on the Heritage Strategy Action Plan.

CARRIED

9.12 Moonee Valley Leisure Strategy 2013-23

File No: FOL/12/846
Author: Manager Leisure & Open Space Planning
Directorate: Environment & Lifestyle
Ward: Municipal
Minute No: 2013/101

Council Resolution

Moved by Cr Sipek, seconded by Cr Cornish that Council endorse the Moonee Valley Leisure Strategy 2013-23.

CARRIED

Cr Sipek left the meeting at 9.09pm and returned at 9.11pm.

9.13 Draft Fairbairn Park Master Plan

File No: FOL/13/203
Author: Coordinator Open Space & Urban Design
Directorate: Environment & Lifestyle

Ward: Myrnong
Minute No: 2013/102

Council Resolution

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

1. Endorse the Draft Fairbairn Park Master Plan 2013 for the purpose of community consultation.
2. Receive a further report following the completion of the community consultation

CARRIED

9.14 Playspace Plan 2013-23

File No: FOL/12/980
Author: Senior Landscape Architect
Directorate: Environment & Lifestyle
Ward: Municipal
Minute No: 2013/103

Council Resolution

Moved by Cr Marshall, seconded by Cr Sipek that Council endorse the Playspace Plan 2013-23.

CARRIED

9.15 Regional Food Kitchen and Community Chef

File No: FOL/11/888
Author: Manager Aged & Disability
Directorate: Community Services
Ward: Municipal
Minute No: 2013/104

Council Resolution

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

1. Purchase three additional shares in the Regional Food Kitchen to support the future growth and development of this vital business and to protect Council's investment.
2. Authorise the Chief Executive to enter into a ten year meals supply agreement with Regional Food Kitchen trading as Community Chef.

CARRIED

9.16 2012-13 Urgent and Emergency Works Status Report

File No: FOL/11/903
Author: Manager Infrastructure
Directorate: City Works & Development
Ward: Municipal
Minute No: 2013/105

Council Resolution

Moved by Cr Cornish, seconded by Cr Surace that Council approve the Urgent/ Emergency Works projects to the value of \$49,980, as detailed in Appendix A.

CARRIED

9.17 2013-14 Community Grants Program Funding Round

File No: FOL/13/451
Author: Manager Community Development
Directorate: Citizen Services & Information Management
Ward: Municipal
Minute No: 2013/106

Council Resolution

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

1. Invites applications for the 2014 Community Grants Program from 1 July 2013 to 31 July 2013; 2014 – 2016 Partnership Grants will be accepted up until 14 August 2013.
2. Appoints Cr Sharpe and Cr Marshall to participate in the Assessment Panel for the Social Support, Community Development and Triennial Partnership Grants.
3. Appoints Cr Chantry to participate in the Assessment Panel for the Arts, Culture & Event Grants.
4. Appoints Cr Cornish to participate in the Assessment Panel for the Sustainable Environment Grants.
5. Receive recommendations from the Assessment Panels at its Ordinary Meeting to be held on 22 October 2013.

CARRIED

Reports Considered En Bloc

Minute No: 2013/107

Council Resolution

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

- 9.18 Procurement Policy 2013;
- 9.19 Review of Councillor and Mayoral Allowances;
- 9.20 Signing & Sealing of Section 173 Agreement – Former Milleara Primary School, Avondale Heights;
- 9.21 Report on Tenders and Contracts Awarded;
- 9.22 Report on Strategy Groups; and
- 9.23 Report on Assemblies of Councillors;

be adopted by Council.

CARRIED

9.18 Procurement Policy 2013

File No: FOL/09/1283

Author: Manager Finance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2013/107

Council Resolution

Moved by Cr Surace, seconded by Cr Marshall that Council adopt the Procurement Policy 2013 (provided as Appendix A - separately circulated) and that a copy of the adopted Policy be made available on Council's website.

CARRIED

9.19 Review of Councillor and Mayoral Allowances

File No: FOL/10/1660

Author: Coordinator Governance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2013/107

Council Resolution

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

1. Having undertaken its review and not having received any submissions, hereby determines that the Councillor and Mayoral allowances be set at Councillor \$26,843pa and Mayoral \$85,741pa, plus 9% (equivalent of superannuation guarantee contribution).
2. Note that the superannuation guarantee contribution in accordance with the Superannuation Guarantee (Administration) Amendment 2012 will increase to 9.25% from 1 July 2013.

CARRIED

9.20 Signing & Sealing of Section 173 Agreement – Former Milleara Primary School, Avondale Heights

File No: PR35130
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Rose Hill
Minute No: 2013/107

Council Resolution

Moved by Cr Surace, seconded by Cr Marshall that Council sign and seal the Agreement under Section 173 of the Planning and Environment Act 1987 relating to the former Milleara Primary School site, located at 76-86 North Road, Avondale Heights.

CARRIED

9.21 Report on Tenders and Contracts Awarded

File No: FOL/10/358
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/107

Council Resolution

Moved by Cr Surace, seconded by Cr Marshall that Council receive and note the report of Council's Tenders Committee and tenders awarded at its meeting held on 11 June 2013.

CARRIED

9.22 Report on Strategy Groups

File No: FOL/12/69
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/107

Council Resolution

Moved by Cr Surace, seconded Cr Marshall that Council receive and note the following confirmed Strategy Group Minutes for meetings held 7 May 2013:

1. Strategy Group Place (Appendix A);
2. Strategy Group People (Appendix B); and
3. Strategy Group Environment (Appendix C).

CARRIED

9.23 Report on Assemblies of Councillors

File No: FOL/09/1245
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2013/107

Council Resolution

Moved by Cr Surace, seconded by Cr Marshall that Council receive and note the written records of Assembly of Councillors, provided as Appendix A, received since the last report to Council in May 2013.

10. Notices of Motion

Nil.

11. Urgent Business

Nil.

Cr Surace had declared a conflict of interest in Council report 12.1 and therefore left the meeting before any discussion or voting had taken place on the item.

Cr Cusack left the meeting at 9.26pm and returned at 9.28pm.

12. Confidential Reports

Council Resolution

Moved by Cr Chantry, seconded by Cr Cornish that Council resolve to close the meeting to the public pursuant to Section 89(2) of the Local Government Act 1989 to discuss a matter which the Council considers would prejudice the Council.

CARRIED

Consideration of Confidential Report

12.1 Potential Land Purchase

Council Resolution

Moved by Cr Cusack, seconded by Cr Cornish that the meeting resume in Open Council.

CARRIED

The meeting concluded at 10.20pm.

CONFIRMED

**CR NARELLE SHARPE
CHAIRPERSON**