



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 28 October 2014

Minutes

Report Index

The following reports were considered:

9.1	40 Hall Street and 34-36 Margaret Street, Moonee Ponds Development Plan.....	8
9.2	Moonee Valley Racecourse Proposal - Amendment C120 and C124 - Gazettal Notice.....	9
9.3	Planning Scheme Amendment C145 - Newmarket Station Heritage Overlay	9
9.4	Strategic Planning Advisory Committee Nominations	10
9.5	Draft Sports Development Plan.....	10
9.6	Western Alliance for Greenhouse Action Climate Change Adaptation Strategy and Action Plan	11
9.7	Low Carbon West Strategy	11
9.8	2014/15 Community Grants	12
9.9	Municipal Early Years Plan	12
9.10	68 Pin Oak Crescent, Flemington - Building Encroachment Over Council Land.....	13
9.11	Moonee Valley City Council Annual Report 2013/14	13
9.12	Report on Tenders and Contracts Awarded.....	14
9.13	Report on Assemblies of Council	13
9.14	Report on Advisory Committees	13

Minutes of the Ordinary Meeting of Council

Tuesday, 28 October 2014 at 7.00pm
held at the Moonee Valley Civic Centre

PRESENT

Members Cr Nicole Marshall Deputy Mayor
Cr Shirley Cornish
Cr Jim Cusack
Cr Paul Giuliano
Cr Cam Nation
Cr Narelle Sharpe
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 Tony Ball Director Community Services
Mr Scott Widdicombe Director Environment & Lifestyle
Mr Henry Bezuidenhout Manager Strategic & Statutory Planning
Ms Yvonne Hansen Manager Governance & Local Laws

1. Opening

The Deputy Mayor, Cr Marshall, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 28 October 2014.

2. Apologies

The Mayor, Cr Jan Chantry has been granted Leave of Absence for this meeting.

Moved by Cr Giuliano, seconded by Cr Cusack that the Deputy Mayor be appointed as the Acting Mayor for the period 28 October to 3 November 2014 inclusive."

CARRIED

3. Confirmation of Minutes

Moved by Cr Cusack, seconded by Cr Surace that the Minutes of the Ordinary Meeting of Council held on Tuesday, 23 September 2014 and the Special Meeting of Council held 15 October 2014 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Nil.

6. Petitions and Joint Letters

6.1 Parking Restrictions, Union Road

File No: FOL/14/200

Cr Cusack tabled a petition signed by 19 individuals requesting a review of the parking restrictions surrounding the properties at 106 – 116 Union Road, Ascot Vale.

6.2 Alf Pearce Park

File No: FOL/14/200

Cr Sharpe tabled a petition signed by 219 individuals requesting that Council fence off a section of Alf Pearce to create an enclosed off-lead dog area.

6.3 Carpark, Riverside Park

File No: FOL/14/200

Cr Giuliano tabled a petition signed by 387 individuals requesting that Council stop the construction of a car park in Riverside Park.

7. Public Question Time

Question 1

Mr Norman Dench of Aberfeldie raised the following:

1. In considering an application to construct a new pavilion for the EMPLCC, why has Council ignored the assurance given by the Executive Manager of the Environment & Lifestyle directorate on 11 February 2013 that any pavilion built would be 25 square metres less in floor area than 520 square metres?
2. As a consequence of the City Works & Development directorate report providing false and misleading information, influencing Councillors' decision, a Notice of Decision to Grant a Permit for the construction of a new EMPLCC pavilion has been issued in error.
What is Council's intended course of action to deal with this error?

The Chief Executive advised that at the public meeting held on 11 February 2013, the Executive Manager responding to questions on the size of the pavilion agreed that Council would review the size of the proposed building and redesign to reduce it, if possible. At this time no assurance was given by the Executive Manager as to the extent that this reduction could be, due to the fact that he was not in the position to provide such a response and he would have to refer back to Council's architects on this matter.

At the second Community reference group meeting, held on the 9 May, the Executive Manager confirmed that the original design of the pavilion would be reviewed and a design prepared which would consider all of the building requirements and constraints of the site, with the intention to minimise the size of the building wherever possible.

As a consequence, the report presented to Council did not provide false or misleading information.

Question 2

Mr Joseph Raso of Avondale Heights raised the following:

1. We are the holders of Planning Permit No: MV/496/2011, 28 Violet Street Essendon. Council has imposed several conditions. We have attended to the matters regarding the access road, however I notified Council on the 22 January 2014 of the encroachment to the road which requires enforcement by the Council. Why has the Council not acted? Council was made aware of this encroachment on 2 September 2011.

The Chief Executive acknowledged that Mr Raso advised the Council that his neighbour is encroaching into the laneway and therefore limits his access to the rear of the units being built and that both parties have apparently had a number of discussions in relation to the encroachment and the neighbour has advised he is not prepared to move his fence or his garage wall. Furthermore the neighbour is claiming that they have had occupation of the land for a considerable period and is investigating an adverse possession claim.

The laneway in question is not a Council lane, Right of Way, or road and therefore the Council is not involved in what is essentially a civil dispute between the two neighbours.

The Chief Executive suggested that the most appropriate course of action to resolve the matter is for it to be referred to mediation through Dispute Settlement Centre of Victoria to try to mediate an agreeable outcome. Council is happy to refer the matter if requested.

Question 3

Mr Haroon Moosa of Aberfeldie raised the following:

1. With regard to relocation of the Riverside Park car park, what other options have been considered? What are they? What are the costings and why was this site chosen over other sites and what was the criteria used to determine this location? Why has there been no community consultation or information to the local residents?
2. Why was the existing car park not better utilised to save money?

The Chief Executive advised that Council engaged traffic consultants, engineering specialists and landscape architects to help inform it on the best option that could deliver the best outcome and minimise the impact on the open space and surrounding area. Points of consideration included site topography, visibility issues, safety issues, retention of trees associated with the Avenue of Honour and retaining the same number or more car spaces within a smaller space.

As stated in the Maribyrnong River Master Plan, 'the existing car park is awkwardly located within the very middle of the park, severely compromising the sense of continuity and unity of the overall landscape. The car park should be carefully integrated into the park and visually concealed through shade tree planting'. The existing car park also presented safety issues due to its poor placement and layout.

However it is acknowledged further consultation is required and a letter has been forwarded to surrounding residents providing information on the project with an open morning set for 9 November 2014 where further information can be provided.

Question 4

Ms Colleen Watt of Aberfeldie raised the following:

1. When did "explore the possibilities" of relocating the Riverside Car park (as mentioned in the Master Plan) become a firm intention of Council's and why weren't residents informed or consulted on this matter?
2. Given the sizable and angry public backlash to the moving of Riverside Park Car Park, what are the Council's intentions with regard to this matter? Will they carry on with the building of this unwanted car park on the Boulevard Parkland or are their plans to take into account the wishes of their rate payers?

The Chief Executive advised that Council intends to allow all of the community to be heard with regard to the proposed works and once consultation has closed on the 9 November 2014, Council will be able to make an informed decision on whether to proceed, amend or not proceed.

Question 5

Mr Gary Belford of Aberfeldie raised the following:

1. In relation to Riverside Park I am concerned that I was misinformed or provided with misleading information about the car park when I contacted Council. Also the lack of information about the pirate ship and the car park has been poor.

The Chief Executive acknowledged the unfortunate error of the officer and their understanding of the project. The officer realised the error and met with residents to apologise. This was held on the 21 October 2014 at 128 The Boulevard.

Council have undertaken a review of the communication throughout the project and note the following was undertaken:

- 13/12/2013 - Letter to Residents advising of commencement of Riverside Playspace Upgrade in early 2014
- Week ending 21/03/2014 - Signage was erected on site to advise of construction of Stage 1 Riverside Park Play Space Upgrade (pirate ship)
- 15/7/2014 - Pirate Ship Party. Marquee with colour plans installed to provide information on upcoming Stage 2 works.
- August / September 2014 - Valley View. P.16. 'In Focus / Riverside Park Pirate Ship Playground'
- 20-26 October 2014 - Valley Life Weekly Update. 'Riverside Park Playspace Upgrade'
- October / /November 2014 - Valley View. Mentioned under portfolio of Cr Paul Giuliano
- 22/9/2014 - Signage erected on site to advise of construction of Stage 2 Riverside Park Playspace
- 6 October 2014 -Letter to Residents advising of commencement of construction of Stage 2 Riverside Park Playspace Upgrade

8. Reports by Mayor and Councillors

File No. FOL/12/1435

Minute No. 2014/152

Council Resolution

Moved by Cr Sharpe, seconded by Cr Nation that the reports by the Mayor and Councillors be received with the following amendments to the Report by Councillor Sharpe:

1. Deletion of references to:
 - a) 10 September 2014 – Attended Clocktower Theatre Performance 'Food'.
 - b) 2 October 2014 – Attended Hopetoun Children's Centre for Minister's Visit.

- c) 8 October 2014 – Attended meeting with Minister Guy.
 - d) 9 October 2014 – Attended Toy Library opening.
2. Addition the following entries:
- a) 26 September 2014 – attended Resident Meeting regarding location of Community Group.
 - b) 26 September 2014 – Attended Meeting with Essendon Baseball Representative.
 - c) 30 September 2014 – Attended dinner with Mayor/Councillors/Executive Team.
3. October 2014 – Attended Meeting with residents regarding permit parking changes.

CARRIED

9. Reports

9.1 **40 Hall Street and 34-36 Margaret Street, Moonee Ponds Development Plan**

File No: FOL/14/647

Author: Manager Strategic & Statutory Planning

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2014/153

Council Resolution

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

- 1. Adopt the Development Plan for the site located at 40 Hall Street and 34-36 Margaret Street, Moonee Ponds, excluding Section 3.8 – Drainage and Appendix G Traffic Report – as provided in Appendix A (separately circulated).
- 2. Delegate the further review and approval of Section 3.8 and Appendix G to Director City Works & Development, due to the technical nature of these documents.

CARRIED

9.2 Moonee Valley Racecourse Proposal - Amendment C120 and C124 - Gazettal Notice

File No: FOL/11/404

Author: Strategic Planner

Directorate: City Works & Development

Ward: Myrnong

Minute No: 2014/154

Council Resolution

Moved by Cr Cusack, seconded by Cr Surace that Council note the Minister for Planning's approval of Amendment C120 and C124 that:

- a) Applies the Comprehensive Development Zone- Schedule 1 to the land to be developed in the western part of the site.
- b) Amends the Special Use Zone – Schedule 2 to the land to be retained for horse racing activities.
- c) Applies a Mixed Use Zone to the north-east corner of the site, together with a Design and Development Overlay – Schedule 12.
- d) Amendment C124 applies the Heritage Overlay to the entire racecourse site, with the exception of the land in the north-east corner.

CARRIED

Crs Sharpe & Sipek left the meeting at 7.52pm and returned at 7.55pm.

Before consideration of Report 9.3, the Chief Executive advised that the reference to the 'Labor Member for Essendon' (refer page 35 of the report) be amended to read 'Labor Candidate for Essendon'.

9.3 Planning Scheme Amendment C145 - Newmarket Station Heritage Overlay

File No: FOL/14/617

Author: Strategic Planner

Directorate: City Works & Development

Ward: Municipal

Minute No: 2014/155

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation 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), adopt Moonee Valley Planning Scheme Amendment C145.

2. Pursuant to Section 31(1) of the Planning and Environment Act 1987 submit Amendment C145 to the Minister for Planning for Approval.

CARRIED

9.4 Strategic Planning Advisory Committee Nominations

File No: FOL/14/870

Author: Senior Strategic Planning Officer

Directorate: City Works & Development

Ward: Municipal

Minute No: 2014/156

Council Resolution

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

1. Amend the Strategic Planning Advisory Committee Terms of Reference to allow:
 - a) for the appointment of 13 community members.
 - b) for the appointment of Cr Sharpe as a Deputy Chairperson to the Strategic Planning Advisory Committee as a representative for Buckley Ward.
 - c) for all remaining Councillors to attend meetings as observers.
 - d) that there is at least one Councillor from each ward.
2. Appoint the following community members to the Strategic Planning Advisory Committee until the end of the Council term:

Charles Sowerwine, Maria Loiacono, Steven Zebic, Jennifer Nola, Paul Bird, Andrew Gunter, Peter Leydon, Adam Wojcik, Chris Macdonald, Senka Sastan, Kristen Bell, Anastasia Georgiou and Peter Burke.

CARRIED

Cr Giuliano left the meeting at 8.00pm and returned at 8.03pm.

9.5 Draft Sports Development Plan

File No: FOL/12/846

Author: Manager Leisure & Open Space Planning

Directorate: Environment & Lifestyle

Ward: Municipal

Minute No: 2014/157

Council Resolution

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

1. Endorse the draft Sports Development Plan and draft Action Plan for community consultation.
2. Receive a further report documenting consultation outcomes.

CARRIED

9.6 Western Alliance for Greenhouse Action Climate Change Adaptation Strategy and Action Plan

File No: FOL/13/595

Author: Manager Economic Development & City Sustainability

Directorate: Environment & Lifestyle

Ward: Municipal

Minute No: 2014/158

Council Resolution

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

1. Endorse the Western Alliance for Greenhouse Action (WAGA) Climate Change Adaptation Strategy and Action Plan 2013-2020 as reference documents for Council.
2. Continue to support WAGA in a regional climate change adaptation response.
3. Commence planning for a Moonee Valley climate change and greenhouse gas adaptation policy framework.

CARRIED

9.7 Low Carbon West Strategy

File No: FOL/10/1722

Author: Manager Economic Development & City Sustainability

Directorate: Environment & Lifestyle

Ward: Municipal

Minute No: 2014/159

Council Resolution

Moved by Cr Cornish, seconded by Cr Nation that Council endorse the Low Carbon West Strategy (provided as Appendix A) as a reference document.

CARRIED

9.8 2014/15 Community Grants

File No: FOL/14/389

Author: Manager Community Planning & Development

Directorate: Community Services

Ward: Municipal

Minute No: 2014/160

Council Resolution

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

1. Awards the first round of grants to organisations and individuals for the specified amounts recommended by the assessment panels in Appendix A.
2. Notes that applicants will be advised of the outcome of their applications.
3. Notes that successful applicants will be presented community grant certificates at the Mayoral Presentation Ceremony on 3 December 2014.
4. Provide an opportunity to unsuccessful grant applicants to receive feedback as to why their application was not successful.

CARRIED

Cr Surace left the meeting at 8.29pm and returned at 8.31pm.

9.9 Municipal Early Years Plan

File No: FOL/14/449

Author: Coordinator Family & Children Services Planning

Directorate: Community Services

Ward: Municipal

Minute No: 2014/161

Council Resolution

Moved by Cr Sharpe, seconded by Cr Cornish that Council endorse the Draft Moonee Valley Early Years Plan 2014-22 (provided as Appendix A) for community consultation.

CARRIED

**9.10 68 Pin Oak Crescent, Flemington - Building Encroachment
Over Council Land**

File No: PR11013

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Myrnong

Minute No: 2014/162

Council Resolution

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

1. Consent to the lodgement of an application for a two lot subdivision on Council owned land abutting 68 Pin Oak Crescent, Flemington (Certificate of Title Volume 2885 Folio 909) pursuant to Section 35(8) of the *Subdivision Act 1988*.
2. Retain Lot 1 as a road and Lot 2 consisting of the 1.84m² of occupied land by Dansam Investments Pty Ltd (the applicant) to be sold to the applicant at land value of \$4,000 (GST excl).
3. Subject to the successful completion of recommendation 1, commence statutory procedures pursuant to Section 189 of the *Local Government Act 1989* to dispose of Lot 2 to the applicant.
4. Authorise the Chief Executive to undertake any action required to replace Certificate of Title Volume 2885 Folio 909 (if required).
5. Note that all associated costs incurred by Council in the completion of the above tasks are to be borne by the applicant.

CARRIED

Reports Considered En Bloc

Minute No: 2014/163

Council Resolution

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

9.11 Moonee Valley City Council Annual Report 2013/14

9.13 Report on Assemblies of Council

9.14 Report on Advisory Committees

be adopted by Council.

CARRIED

9.11 Moonee Valley City Council Annual Report 2013/14

File No: FOL/09/1251
Author: Business Performance Officer
Directorate: Corporate Services
Ward: Municipal
Minute No: 2014/163

Council Resolution

Moved by Cr Cornish, seconded by Cr Giuliano that Council adopt the 2013/14 Annual Report (provided as Appendix A).

CARRIED

9.12 Report on Tenders and Contracts Awarded

File No: FOL/10/358
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2014/164

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sharpe that Council defer consideration of this report until the Ordinary Meeting of Council to be held 25 November 2014.

CARRIED

9.13 Report on Assemblies of Council

File No: FOL/09/1245
Author: Manager Governance & Local Laws
Directorate: Corporate Services
Ward: Municipal
Minute No: 2014/163

Council Resolution

Moved by Cr Cornish, seconded by Cr Giuliano 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 2014.

CARRIED

9.14 Report on Advisory Committees

File No: FOL/12/69

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2014/163

Council Resolution

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

1. Receive and note the following confirmed Advisory Committee Meeting Minutes, received since the last report to Council in August 2014:
 - a) Integrated Waterways Advisory Committee held 4 July 2014 (Appendix A); and
 - b) Early Years Reference Group held 12 August 2014 (Appendix B).
2. Note that the Place Naming Committee approved 'in-principle' the name of "Hallkeeper Lane" for the western section of Puckle Lane that runs at the rear of 82-102 Puckle Street, Moonee Ponds.

CARRIED

10. Notices of Motion

Nil.

11. Urgent Business

Nil.

12. Confidential Report

Nil.

The meeting concluded at 9.17pm.

CONFIRMED

**CR NICOLE MARSHALL
ACTING CHAIRPERSON**