



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 11 April 2017 at 6.34pm

Minutes

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The following reports were considered:

9. Reports

- 9.1 3-5 North Street, Ascot Vale (Lots 3, 5, 7 and Common Property on PS618003A) - Construction of a multi-storey building containing dwellings, to extend a dwelling on common property and on a lot less than 300 square metres including a reduction to the car parking requirement5
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Minutes of the Ordinary Meeting of Council

Tuesday, 11 April 2017 at 6.34pm
held at the Moonee Valley Civic Centre

PRESENT :

Members: Cr Andrea Surace Mayor
Cr Cam Nation
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence
Cr Nicole Marshall
Cr John Sipek

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr Peter Hiransi A/Director Organisational Performance
Ms Natalie Reiter A/Director City Services
Mr Gil Richardson A/Director Planning & Development
Ms Vera Mitrovic-Misik A/Manager Statutory Planning

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 11 April 2017.

The Mayor welcomed all present and respectfully acknowledged the traditional custodians of this land - the Wurundjeri people of the Kulin Nation, their spirits, ancestors, elders and community members past and present. Council also extends this respect to the elders and descendants of other Aboriginal peoples here today.

The Mayor then recited the Councillor Creed:

“We commit to making positive strategic decisions for the future, remembering we are here to collectively deliver on the broader vision for Moonee Valley in a fair and equitable manner, always showing respect for one another.

Through strong leadership and maturity, we will engage in robust, intelligent debate before coming to informed, evidence-based decisions, being respectful

of the outcome once the votes are cast. We will ensure we focus on policy, always mindful our role is to serve our local community.”

2. Apologies

An apology was received from Cr Sharpe.

3. Confirmation of Minutes

Minute No: 2017/54

Council Resolution

Moved by Cr Nation, seconded by Cr Marshall that the Minutes of the Ordinary Meeting of Ordinary held on Tuesday, 28 March 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Bryan Lancaster, Chief Executive Officer declared an indirect interest in item 9.9 as he is the owner of a property in close proximity to the proposed site development.

5. Presentations

Nil.

6. Petitions and Joint Letters

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

Nil.

7. Public Question Time

Nil.

8. Reports by Mayor and Councillors

Nil.

9. Reports

9.1 **3-5 North Street, Ascot Vale (Lots 3, 5, 7 and Common Property on PS618003A) - Construction of a multi-storey building containing dwellings, to extend a dwelling on common property and on a lot less than 300 square metres including a reduction to the car parking requirement**

File No: FOL/17/11
Author: Lachlan Orr
Senior Statutory Planner
Directorate: Planning & Development
Ward: Myrnong
Minute No: 2017/55

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council resolves, with respect to an Application for Review against Council's failure to decide the application within the prescribed time, to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/258/2016 for the construction of a multi-storey building containing dwellings, to extend a dwelling on common property and on a lot less than 300 square metres including a reduction to the car parking requirement at 3-5 North Street, Ascot Vale (Lots 3, 5, 7 and Common Property on PS618003A), in accordance with the following grounds:

1. The proposal fails to meet the objective and the strategies of Clause 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to contribute positively to the local character.
2. The proposal fails to meet the objectives and strategies contained within Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond to its location and the surrounding context.
3. The proposal fails to comply with the relevant decision guidelines of Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and would exacerbate traffic and parking problems in the surrounding area. The provision of unallocated car spaces is an inappropriate outcome.
4. The height, bulk and scale of the proposal is excessive in this context, noting it was excluded from the abutting Design and Development Overlay (Schedule 3) and would not qualify as a 'key site'.
5. The proposal will have an adverse effect on the amenity of nearby residential land.
6. The proposal fails to achieve a suitable level of internal amenity.

7. The proposal would cause an unreasonable impact on the equitable development rights of the neighbouring property to the east.

CARRIED/ UNANIMOUSLY

9.2 Combined Planning Scheme Amendment C148 and Permit Application MV/900/2015 (9 Newsom Street, Ascot Vale) - Post Exhibition

File No: FOL/17/11

Author: David Kilroe, Senior Strategic Planner; and
Matt Spozio, Team Leader Statutory Planning

Directorate: Planning & Development

Ward: Myrnong

Minute No: 2017/56

Council Resolution

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

1. Formally receive the revised application plans submitted by the applicant and forward these to the Planning Panel for its consideration (**Appendix D** – separately circulated and **Appendices E & F**).
2. Acknowledge revisions to the draft Design and Development Overlay – Schedule 13 (DDO13) (**Appendix G**) and draft Planning Permit MV/900/2015 (**Appendix H** – separately circulated) and forward these to the Planning Panel for its consideration.
3. Circulate the revised plans, summary of design changes, draft planning permit and draft DDO13 to all submitters for their consideration prior to the Panel's Directions Hearing.

CARRIED UNANIMOUSLY

9.3 Moonee Valley Planning Scheme Amendment C170 Rezoning of 27 Kittyhawk Court Airport West - Adoption and Approval Request

File No: FOL/17/11

Author: Sharon Macaulay
Strategic Planner

Directorate: Planning & Development

Ward: Rosehill

Minute No: 2017/57

Council Resolution

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

1. Having complied with Part 3, Division 1 and 2 of the *Planning and Environment Act 1987* in accordance with Section 29 (1), adopt Moonee Valley Planning Scheme Amendment C170 as exhibited.
2. Submit Moonee Valley Planning Scheme Amendment C170 to the Minister for Planning for approval pursuant to Section 31(1) of the *Planning and Environmental Act 1987*.
3. If sold, the money to be used for projects within the Rosehill Ward.

CARRIED UNANIMOUSLY

**9.4 Proposed Moonee Valley Planning Scheme Amendment
C169 - Correction of Errors and Anomalies**

File No: FOL/17/11

Author: Sharon Macaulay
Strategic Planner

Directorate: Planning & Development

Ward: Municipal

Minute No: 2017/58

Council Resolution

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

1. Seek authorisation from the Minister for Planning to prepare and exhibit Moonee Valley Planning Scheme Amendment C169.
2. Pursuant to Section 20 (1) and (2) of the *Planning and Environment Act 1987* request an exemption from the Minister for Planning for reduced notification so notification is limited to the requirements of Section 19 (1) (c) of the Act.
3. Adopt a revision to the *Moonee Ponds Activity Centre Structure Plan 2010*, a Reference Document to the Moonee Valley Planning Scheme to delete the “Existing Landmark Building” status from 345-349 Ascot Vale Road, Moonee Ponds to correct the Structure Plan Map on page 6.

CARRIED UNANIMOUSLY

9.5 Response to NOM 2016/25 - Draft Dog Park Policy

File No: FOL/17/11

Author: Venta Slizys
Coordinator Open Space & Urban Design

Directorate: Planning & Development

Ward: Municipal

Minute No: 2017/59

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council approve the Draft Dog Park Policy (**Appendix A** – separately circulated) for consultation with key internal and external stakeholders with the following changes:

1. Amend section 8.8.1 'Primary Evaluation Criteria' dot point 4 to read:
The space available in the open space to accommodate a dog park without it unreasonably impacting on the space available for existing park activities or amenity of nearby residents. This will also include an assessment of the effect on the amenity of nearby residents to ensure it is not unreasonable.
2. Amend section 8.9 Design Guidelines, subsection 'Fenced Dog Park Design Criteria', to read:
Design elements to refer to relevant Australian Standards and Universal Design Principles and include core infrastructure to ensure best use and visitation of the dog park and provide a different experience to a dog off leash area. Activity Areas will be considered in light of any effects on open space and other park users and the costs associated with the provision of the Activity Areas.
3. Under 8.9 Design Guidelines, subsection 'Other' insert an additional dot point:
'To ensure that any dog park is designed to ensure it is cost effective and any expenditure is appropriate.'

CARRIED UNANIMOUSLY

9.6 Draft Council Plan 2017-2021

File No: FOL/17/11

Author: Julie Tipene-O'Toole
Coordinator Corporate Planning

Directorate: Organisational Performance

Ward: Municipal

Minute No: 2017/60

Council Resolution

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

1. Endorse the Council Plan **Appendix A** (separately circulated);
2. Authorise the Chief Executive Officer to give public notice of the preparation of the Plan in accordance with the Act (s223); and make minor amendments as required that are non-significant content changes during public exhibition;
3. Make the Council Plan available for public inspection and invite public submissions pursuant to the Act (s125 and s223); and
4. Hear and consider any submissions received on the Plan (if required) at a Special Committee of Council, comprising all Councillors, to be held on Tuesday, 6 June 2017 commencing at 6.00 pm at Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

CARRIED UNANIMOUSLY

9.7 Proposed Budget 2017/18

File No: FOL/17/11

Author: Damian Hogan
Acting Manager Finance

Directorate: Chief Financial Officer

Ward: Municipal

Minute No: 2017/61

Council Resolution

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

1. Adopt in principle the Proposed:
 - a) Proposed Budget 2017/18 as per Appendix A (separately circulated) as its budget for the 2017/18 financial year as required by the Local Government Act, with the following amendments:
 - i) Remove Capital Works Item – Boathouse Café Resurfacing (Maribyrnong River Master Plan 2011) as referenced on page 52;
 - ii) Add Capital Works Item – Pin Oak Crescent Seating wall public realm improvement (Racecourse Road and Pin Oak Crescent Streetscape Plan 2016);
 - iii) Reinstate \$170,000 worth of funding to the following expense items within the Economic Development 17/18 Budget, including:
 - Placemaking \$35,000
 - Branding & Marketing \$35,000
 - Eco Dev Marketing Plan \$70,000
 - Leaders in Business Event \$10,000
 - Women in Business Event \$17,000

And that Officers identify savings within the Urban Design budget to ensure there is no additional costs to the proposed draft 2017/18 budget'.

- iv) On pages 46 and 47 of Appendix A, note line item Edward / Thistle Street speed cushions, and Richardson Street two road humps, to be included in the final budget pending further consultation; and
 - b) Adopt the Strategic Resource Plan 2017/18 to 2020/21 as per **Appendix B** (separately circulated)
2. Authorise the Chief Executive Officer to:
- a) Give public notice of the preparation of the Proposed Budget 2017/18 and Strategic Resource Plan 2018-2021 in accordance with the Act;
 - b) Make available for public inspection the information required by Regulation 9 of the Local Government (Planning and Reporting) Regulations 2014 and invite submissions under Section 223 of the Act.
3. Consider any submissions received on the Proposed Budget 2017/18 (if required) at a Special Committee of Council, comprising all Councillors, to be held on Tuesday 6 June 2017 commencing at 6.00 pm at Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

CARRIED UNANIMOUSLY

Cr Gauci Maurici left the meeting at 7.33pm.

Cr Gauci Maurici returned to the meeting at 7.36pm.

Cr Sipek left the meeting at 7.38pm.

9.8 Notice of Motion 2016/31 Kindergarten Registration Process and Programming

File No: FOL/17/11

Author: Kerryn Lockett

Coordinator Education & Planning, Family & Children's Services

Directorate: City Services

Ward: Municipal

Minute No: 2017/62

Council Resolution

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

1. Note the response to the Notice of Motion 2016/31, Kindergarten Registration Process and Programming.
2. Agree that if more than 45 families nominate the 2-long day sessions at Coronation Kinder as their first preference, Council will contact those families who nominated the 3 5-hour sessions and ask them their appetite to shift to the

2 long day sessions. If there is a general agreement to the 2 long day sessions, we would shift the 3 5-hour sessions to 2 long day sessions.

Cr Sipek was not present for the vote.

CARRIED

Cr Sipek returned to the meeting at 7.40pm.

Having declared a conflict of interest in item 9.9, Mr Bryan Lancaster, Chief Executive Officer left the meeting at 7.40pm

9.9 Advocacy for Improved Solution to Buckley Street Level Crossing Removal

File No: FOL/17/11

Author: Natalie Reiter

Director Planning & Development

Directorate: Planning & Development

Ward: Buckley

Minute No: 2017/63

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council: defer the item to be heard at a Special Meeting of Council to be held 18 April 2017.

For: Crs Surace, Nation, Byrne, Cusack, Lawrence, Marshall, Sipek

Against: Cr Gauci Maurici

CARRIED

Mr Bryan Lancaster returned to the meeting at 7.47pm.

9.10 Councillor and Mayoral Allowances - Review 2017

File No: FOL/17/11

Author: Lee McSweeney

Coordinator Governance

Directorate: Organisational Performance

Ward: Municipal

Minute No: 2017/64

Council Resolution

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

1. In accordance with Section 74 of the Local Government Act 1989, initiate a review of its Councillor and Mayoral allowances.
2. Propose to:
 - a) Retain the maximum level payable of \$29,630 per annum (Councillors) and \$94,641 per annum (Mayoral) respectively, plus 9.5% (equivalent of superannuation guarantee contribution).
 - b) Not accept any annual increases to the Councillor and Mayoral allowances as determined by the State Government for this term of Council.
3. Invite submissions in accordance with Section 223 of the Local Government Act 1989 and consider any submissions at a Special Committee of Council (comprising all Councillors) to be held on Tuesday, 6 June 2017 commencing at 6.00pm at the Moonee Valley Civic Centre (if required).
4. Receive a further report following the consultation period, at the Ordinary Meeting of Council to be held on Tuesday, 27 June 2017.

For: Crs Nation, Byrne, Gauci Maurici, Marshall

Against: Crs Surace, Cusack, Lawrence, Sipek

**The Casting Vote by the Mayor, Cr Surace
was put and LOST**

Adjournment of Meeting

Minute No: 2017/65

Council Resolution

Moved by Cr Marshall, seconded by Cr Gauci Maurici that the meeting be adjourn for 5 minutes to prepare a Proposed Motion for item 9.10.

CARRIED UNANIMOUSLY

Minute No: 2017/66

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Nation that the meeting be resumed.

CARRIED UNANIMOUSLY

Minute No: 2017/67

Council Resolution

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

1. In accordance with Section 74 of the Local Government Act 1989, initiate a review of its Councillor and Mayoral allowances and propose to retain the maximum level payable of \$29,630 per annum (Councillors) and \$94,641 per

annum (Mayoral) respectively, plus 9.5% (equivalent of superannuation guarantee contribution).

2. Invite submissions in accordance with Section 223 of the Local Government Act 1989 and consider any submissions at a Special Committee of Council (comprising all Councillors) to be held on Tuesday, 6 June 2017 commencing at 6.00pm at the Moonee Valley Civic Centre (if required).
3. Receive a further report following the consultation period, at the Ordinary Meeting of Council to be held on Tuesday, 27 June 2017. The report will consider the feasibility of setting up a Council-facilitated mechanism for Councillors directing any annual increase to a charity or non-profit organisation within Moonee Valley if they so choose.

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

The foreshadowed motion in the name of Cr Sipek was put with the Casting Vote of the Mayor, Cr Surace and CARRIED

9.11 Attendance at the Australian Mayoral Aviation Council Annual Conference 2017

File No: FOL/17/11
Author: Rosie Ferreira
Business Support Officer
Directorate: Organisational Performance
Ward: Municipal
Minute No: 2017/68

Council Resolution

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

1. Endorse the attendance of Cr John Sipek to the Australian Mayoral Aviation Council (AMAC) Annual Conference and Planners Workshop to be held in Sydney, New South Wales from 3 to 5 May 2017.
2. Approve that the estimated costs associated with attendance to the AMAC Annual Conference and Planners Workshop be reimbursed in accordance with the Resources Facilities and Reimbursement of Expenses to Councillors Policy.

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Lawrence, Marshall
Against: Nil
Abstain: Cr Sipek

CARRIED

9.12 Motion for National General Assembly of Local Government 2017

File No: FOL/17/11
Author: Lee McSweeney
Coordinator Governance
Directorate: Organisational Performance
Ward: Municipal
Minute No: 2017/69

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council submit the following motion to National General Assembly of Local Government:

That the ALGA Executive give high priority to advocacy to the Federal Government and relevant government agencies for investment in the development of appropriate infrastructure links between airports and major capital cities and rural and regional Australia, such as the Melbourne Airport Rail Link.

LOST UNANIMOUSLY

10. Notices of Motion

10.1 Notice Of Motion 2017/04 - On-street Charity Spruikers

File No: FOL/17/11
From: Councillor Cam Nation
Ward: Municipal

Minute No: 2017/70

Council Resolution

Moved by Cr Nation, seconded by Cr Gauci Maurici take notice that at the Ordinary Meeting of Council to be held on 11 April 2017 it is my intention to move that Council Officers prepare a report to come before an Ordinary Meeting of Council, detailing:

- a) the prevalence of on-street charity spruiking in Moonee Valley's activity centres;
- b) any mechanisms in place to determine the dividend received by the charity from such work, and if a private entity is also profiting from the collection; and
- c) potential changes that could be made to Council's by-laws to ban on-street charity spruiking in Moonee Valley's activity centres and ensure any changes do not inadvertently capture genuine volunteer collectors.

CARRIED UNANIMOUSLY

10.2 Notice Of Motion 2017/05 - Strathmore North Primary School Zone

File No: FOL/17/11
From: Councillor Rebecca Gauci Maurici
Ward: Buckley
Minute No: 2017/71

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Nation take notice that at the Ordinary Meeting of Council to be held on 11 April 2017 it is my intention to move that the Chief Executive Officer write to the Premier, the Hon Daniel Andrews, Education Minister, the Hon James Merlino, State Member for Essendon, Danny Pearson MLA, and the Department of Education & Early Childhood Development's North West Victoria Region Director, requesting:

1. The complete reinstatement of the previous Strathmore North Primary School zone as at 2013;
2. The inclusion of Strathmore North & Strathmore Heights within the Strathmore North Primary School designated neighbourhood boundary; and
3. A firm commitment to undertake community consultation in considering any further changes to Neighbourhood boundaries within the municipality.

CARRIED UNANIMOUSLY

11. Urgent Business

11.1 Leave of Absence

Minute No: 2017/72

Council Resolution

Moved by Cr Byrne, seconded by Cr Cusack that a Leave of Absence be granted to Cr Nation for the period 17 April to 28 April 2017 inclusive.

CARRIED UNANIMOUSLY

12. Confidential Reports

Minute No: 2017/73

Council Resolution

Moved by Cr Byrne, seconded by Cr Cusack that Council resolve to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss the following matters:

12.1 98-102 The Parade, Ascot Vale - Consideration of an agreement reached at a VCAT Compulsory Conference

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.

CARRIED UNANIMOUSLY

Minute No: 2017/77

Council Resolution

Moved by Cr Sipek, seconded by Cr Gauci Maurici that Council resume in open Council.

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 9.09pm

**CR ANDREA SURACE
CHAIRPERSON**