



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 14 March 2017 at 6.30pm

Minutes

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The following reports were considered:

9. Reports

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Minutes of the Ordinary Meeting of Council

Tuesday, 14 March 2017 at 6.30pm
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 Nicole Marshall
Cr Narelle Sharpe
Cr John Sipek

Officers: Mr Bryan Lancaster Chief Executive Officer
Ms Kendrea Pope Director Organisational Performance
Ms Kate McCaughey Acting Director Planning and Development
Mr Gil Richardson Acting Director Planning and Development
Mr Lee McSweeney Coordinator Governance

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 14 March 2017.

The Mayor 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

Cr Lawrence has a Leave of Absence for this meeting.

3. Confirmation of Minutes

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 28 February 2017 be confirmed.

Minute No: 2017/24

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that the confirmation of the Minutes of the Ordinary Meeting of Council held on Tuesday, 28 February 2017 be moved to the end of tonight's Agenda.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Nil.

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.

6.1 Petition - Improved Traffic Safety, Hoffmans Road

File No.17/6035

Cr Byrne tabled a petition signed by 7 residents requesting improved traffic safety on the western side of Hoffmans Road between Muriel and Crespian Streets, Niddrie.

7. Public Question Time

Question 1

Ms Rose Iser, of Travancore has asked the following question:

a) Are councillors are aware of the problems with the planned Travancore bike path:

- that there are quite a few changes from Option C to the current plan, some of which are quite significant;
- that while the option approved by the Council indicated 4 trees would be removed, this now numbers 37;

- that residents support a dedicated bike path (which can be 2.5m), but council is building a shared path at 3m - hence the loss of trees;
- that the plan on the website has no indication at all of new plantings and there is no detailed landscaping plan at this time despite contracts being signed;
- that residents supported a plan 3 years ago, changes have been made to the number of trees being removed, and no additional consultation has been undertaken with residents;
- that the plan seems to be under construction in isolation from the Moonee Ponds Creek rejuvenation plan;
- that a large number of healthy trees along the Moonee Ponds Creek are about to be removed with no articulated plan for any re-plantings?

b) Will Councillors require the CEO to suspend the implementation of the plan while these matter are addressed?

Response:

The Chief Executive Officer responded that the Council resolution from 2013 was to:

- a. Approve **shared path** alignment Option C as recommended by the Travancore Park Feasibility and Options Study.

The detailed design is consistent with the Council resolution to proceed with a 3.0m wide shared path and does not compromise the key objective of the project around separating commuter cyclists from other users of the park. The new shared path also provides an alternative / circuit access for pedestrians. The minimum width for dedicated bicycle path where volumes and speeds are not low is 3.0m.

The adopted Concept Plan indicated 25 trees to be removed or assessed for removal. During the detailed design every effort has been made to maintain existing vegetation, whilst still complying with relevant standards and guidelines to ensure the safety of park and path users. This included minor adjustments to path alignment, reduced clearance near the significant gum tree, raising path levels to reduce excavation and impact on root zones and boring of drainage near trees.

Reducing the clearance requirement at other locations may also enable the retention of some additional trees. Council designers will review the path clearance and consider reduced buffer zones of 0.5m at locations where this will result in the retention of any trees that are in good health, provide a reasonable landscape contribution and have a useful life expectancy. 1.0m buffer zones will be maintained in other locations where significant trees are not impacted. This review will completed by the end of this next week.

Council plans to replace trees that are to be removed with native stock and species which are appropriate for rider safety as well as for screening and habitat. Council is developing a detailed landscape proposal and will seek input from the community on the plan. The plan will seek to enhance Travancore Park

and provide a net gain in planting to offset any tree loss as a result of the path works.

The consultant preparing the Moonee Ponds Creek Linear Master Plan was provided with all relevant background documents including the proposed shared path.

Council designers will review the path clearance and consider reduced buffer zones of 0.5m at locations where this will result in the retention of any trees that are in good health, provide a reasonable landscape contribution and have a useful life expectancy.

My advice to Council is not to suspend implementation of the path as suspension may result in delay penalties on the Contract and would be subject to negotiation with the Contractor.

The Licence Agreement between MVCC and CPB Contractors Pty Ltd (contractor for CTW) includes a \$100,000 contribution to the Travancore Park Shared Path. Any suspension of works may impact on this contribution.

8. Reports by Mayor and Councillors

Nil.

9. Reports

9.1 23-27 Dennis Avenue, East Keilor (Lots 74, 75 and 76 on LP44090) - Construction of eight dwellings and a reduction to the visitor car parking requirement

File No: FOL/17/11
Author: Lachlan Orr
Senior Statutory Planner
Directorate: Planning & Development
Ward: Rosehill
Minute No: 2017/25

Council Resolution

Moved by Cr Byrne, seconded by Cr Sipek that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/287/2016 for the construction of eight dwellings and a reduction to the visitor car parking requirement at 23-27 Dennis Avenue, East Keilor (Lots 74, 75 and 76 on LP 44090), in accordance with the following grounds:

1. The bulk, scale, form and layout of the proposal fails to meet the objectives and strategies contained within Clause 21.06 (Built Environment) of the Moonee Valley Planning Scheme, resulting in a development that does not appropriately respond to the opportunities and

constraints of the site as well as the surrounding context.

2. The proposal fails to provide sufficient car parking as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and would exacerbate parking problems in the surrounding area.
3. The proposal fails to comply with the following provisions of Clause 55 of the Moonee Valley Planning Scheme:
 - a) Clause 55.02-1 (Neighbourhood Character);
 - b) Clause 55.03-1 (Street Setback);
4. The proposal represents an overdevelopment of the land.

CARRIED UNANIMOUSLY

9.2 Empowering Business Growth - Business Confidence Survey

File No: FOL/17/11
Author: Jason Sharp
Coordinator Economic Development
Directorate: Planning & Development
Ward: Municipal
Minute No: 2017/26

Council Resolution

Moved by Cr Nation, seconded by Cr Gauci Maurici that Council receive and note this report.

CARRIED UNANIMOUSLY

9.3 Moonee Valley 2040 Engagement Program Update

File No: FOL/17/11
Author: Jonathan McCutcheon
Youth Planner
Directorate: Planning & Development
Ward: Municipal
Minute No: 2017/27

Council Resolution

Moved by Cr Sipek , seconded by Cr Sharpe that Council note the progress of the MV2040 engagement program currently underway.

CARRIED UNANIMOUSLY

9.4 Portfolios and Advisory Committees

File No: FOL/17/11
Author: Kendrea Pope
Director Organisational Performance
Directorate: Organisational Performance
Ward: Municipal
Minute No: 2017/28

Council Resolution

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

1. Adopt the Officers Recommendation with the following amendments:
 - a. An amendment to **Appendix A** to separate the Planning and Environment Committee into two committees namely the Strategic Planning Committee and the Environment Committee with the lead portfolio council representative to be Cnr Marshall.
 - b. The appointment of the following deputies to deputy portfolio positions not currently filled in **Appendix A**:
 - Community Wellbeing – Councillor Sharpe
 - Access, Diversity, Equity and Inclusion – Councillor Surace
 - Leisure and Active Communities – Councillor Cusack
 - Strategic Planning and Environment – Councillor Sipek
 - Sports and Community Organisations – Councillor Lawrence
 - Future Communities – Councillor Byrne
 - c. That the terms of reference be confirmed at an Ordinary Meeting of Council following consultation with the relevant Advisory Committee membership.

CARRIED UNANIMOUSLY

9.5 Documents for Sealing - March 2017

File No: FOL/17/11
Author: Lee McSweeney
Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal
Minute No: 2017/29

Council Resolution

Moved by Cr Sipek , seconded by Cr Sharpe that Council signs and seals the Contract Document – Drainage Improvement Works – Kelvin Close and Albert Street, Niddrie (Stage 1 & 2).

CARRIED UNANIMOUSLY

9.6 Appointment of Grants Advisory Panel members

File No: FOL/17/11
Author: Nina Stanwell
Community Grant Officer
Directorate: Planning & Development
Ward: Municipal
Minute No: 2017/30

Council Resolution

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

1. Endorse the appointment of community member representatives to the Grants Advisory Panel for Round 2 2016/17 Biannual Grants program as per officer recommendations (**Appendix A - confidential**).
2. Advise the unsuccessful applicants and offer a proxy position should any of the recommended applicants decline or withdraw their application.
3. Endorse the reviewed and updated Terms of Reference (**Appendix B**).

CARRIED UNANIMOUSLY

10. Notices of Motion

Nil.

11. Urgent Business

Nil.

12. Confidential Reports

Nil.

Minute No: 2017/31

Council Resolution

Moved by Cr Marshall, seconded by Cr Sipek that Council resolve to close the meeting to the public pursuant to Section 89(2) of the Local Government Act 1989 to consider a matter which the Council considers would prejudice the Council or any person.

Consideration of:

3. Confirmation of Minutes

CARRIED UNANIMOUSLY

Minute No: 2017/33

Council Resolution

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

CARRIED UNANIMOUSLY

Cr Byrne returned to the meeting at 7.17pm.

13. Close of Meeting

The meeting concluded at 7.17pm.

**CR ANDREA SURACE
CHAIRPERSON**