



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 23 May 2017 at 6.30pm

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 23 May 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 Richard Lawrence
Cr Nicole Marshall
Cr Narelle Sharpe
Cr John Sipek

Officers: Mr Bryan Lancaster Chief Executive Officer
Ms Kendrea Pope Director Organisational Performance
Ms Natalie Reiter Acting Director City Services
Ms Kate McCaughey Acting Director Planning & Development
Mr Gil Richardson Acting Director Planning & 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, 23 May 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

Nil.

3. Confirmation of Minutes

Minute No: 2017/122

Council Resolution

Moved by Cr Sipek , seconded by Cr Nation that the Minutes of the Ordinary Meeting of Ordinary held on Tuesday, 9 May 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Cr Nation declared a direct conflict of interest in Item 9.6.

Cr Sharpe declared a direct conflict of interest in Item 9.6.

Bryan Lancaster declared a conflict of interest in relation to Item 9.7 – Communications on Buckley Street Level Crossing Removal.

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 Proposed street tree options for Lorgrove Court, Avondale Heights

File No. 17/112364

Cr Byrne a petition signed by 25 residents has been received concerning proposed street tree options for Lorgrove Court, Avondale Heights.

7. Public Question Time

Having declared a conflict of interest in the Buckley Street Level Crossing, Mr Bryan Lancaster, Chief Executive Officer left the meeting at 6.39pm.

Question 1

Mr Gino Potenza of Avondale Heights has asked the following question:

“What legal action has been planned to stop/injunct the State Government from proceeding with the level crossing removal at Buckley Street, Essendon and how much has been allocated to fund legal action?”

The Acting Director City Services responded at this stage no additional funds for legal intervention have been allocated. All matters including funding for legal

consideration of the project have been contained within the amount endorsed by Council at the Special Meeting of Council on 18 April 2017, authorising.

"expenditure up to \$50,000 to undertake the necessary advocacy and support activities to advance Council's preferred position of a rail under road solution for the Buckley Street level crossing removal"

Question 2

Mr Angelo Baronessa of Essendon has asked the following question:

"How prepared is Council unanimously to take the fight for their preferred outcome of the Buckley Street Level Crossing, particularly as more than x10 was spent on East West Link and Moonee Valley Racecourse, each?"

What more can be done from Council to stop this project proceeding? Has VicRoads and Yarra Trams been involved, as there will be impacts to their infrastructure too?"

The Acting Director City Services responded that the LXRA has announced that their preferred option is for a Road under Rail outcome at Buckley Street. At this stage any alternative outcome would require legal intervention.

The preferred option for a Road under Rail outcome will have a direct impact on Buckley Street, which is managed by VicRoads.

The known key changes to VicRoads infrastructure will be through the reduction in lane numbers, introduction of service lanes and changes to the turning movements from intersecting roads. Council is not aware the views of VicRoads to these changes.

Council resolved at the ordinary meeting of 9 May 2017 to write:

" to the Minister for Transport, outlining the issues and concerns raised at the public forum on Saturday 29 April 2017 at the Clocktower Centre, Moonee Ponds including;

c) requesting full details of VicRoads' engagement in the decision of the LXRA's decision making process to announce a preference for a Road under Rail outcome;

A response has yet to be received.

The Road Under Rail outcome would not have a physical impact on Yarra Trams infrastructure given that the existing tram routes are located beyond the likely works area. The views of Yarra Trams on the Road under Rail option are not known to Council.

Mr Bryan Lancaster, Chief Executive Officer, returned to the meeting at 6.45pm.

8. Reports by Mayor and Councillors

File No. FOL/17/11

Minute No: 2017/123

Council Resolution

Moved by Cr Marshall, seconded by Cr Sharpe that the reports by the Mayor and Councillors be received with the following amendments:

1. Removal of an item as listed in Cr Cusack's report for date: 19 April 2017.
2. Inclusion of an item for Cr Surace during the reporting period for date 25 April 2017 – ANZAC Day event.

CARRIED UNANIMOUSLY

Leave of Absence

Minute No: 2017/124

Council Resolution

Moved by Cr Sharpe, seconded by Cr Marshall, that a Leave of Absence be granted to Cr Surace for the period 29 May to 19 June 2017 inclusive.

CARRIED UNANIMOUSLY

9. Reports

9.1 8 Patrick Court, Airport West (Lot 123 on Plan of Subdivision 067853) - Construction of four dwellings

File No: FOL/17/11

Author: Duarte Martins

Statutory Planner

Directorate: Planning & Development

Ward: Rosehill

Minute No: 2017/125

Council Resolution

Moved by Cr Nation, seconded by Cr Lawrence that Council with respect to an Application for Review against Council's failure to decide the application within the prescribed time, resolves 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 Grant a Planning Permit for Application No. MV/313/2016 for the construction of four dwellings at 8 Patrick Court, Airport West (Lot 123 on Plan of Subdivision 067853), subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with

dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:

- a) Any Stormwater treatment measures and notations as a result of Condition 3.
- b) Any BESS related measures and notations as a result of Condition 4.
- c) The permeable and non-permeable surfaces clearly shown on all relevant drawings which accords with submitted STORM Report.
- d) The relocation of any rainwater tanks away from any easements.
- e) The windows nominated to have screening to contain a notation which states that these windows to be treated in accordance with 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme.
- f) The provision of pedestrian visibility splays to both sides in accordance with Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme.
- g) The fire hydrant relocated a minimum of 1.0 metres from the proposed vehicular crossover and or appropriately modified to the satisfaction of the relevant servicing Authority.
- h) The stormwater pit to be relocated or modified to the satisfaction of the relevant servicing Authority.
- i) All mailboxes and services facilities to be no higher than 1.5 metres in height.
- j) The vehicular crossover constructed in accordance to Council's Vehicle Crossing Policy.
- k) The side boundary fences to taper to 1.2 metres in height when within the front setback.

When approved, these plans will be endorsed and will form part of this permit.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. STORM Assessment report/s must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Assessment must obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme and be practically located to ensure that all measures are fully functional.
4. An amended BESS report (Published) must be submitted simultaneously with the submission of amended plans and accord with any submitted STORM Report which is published version.
5. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) Design Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the

technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.

6. A minimum 30 days prior to any building or works commencing, a WSUD Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;

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

7. A maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) inspection frequency;
 - b) cleanout procedures;
 - c) as installed design details/diagrams including a sketch of how the system operates; and
 - d) a report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder's User's Guide or a Building Maintenance Guide.

8. Floor levels shown on the endorsed plans must not be altered or modified without written consent of the Responsible Authority.
9. Before the buildings approved by this permit are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking objective) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.

10. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or

adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.

11. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
12. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and manufacturer's, specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

When approved, the Drainage Layout Plan will form part of this permit.

The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

13. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) available for use in accordance with the endorsed plans;
 - c) properly formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
 - d) finished with a permanent trafficable surface (such as concrete, asphalt or paving),

in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:

- e) be maintained and made available for such use; and
- f) not be used for any other purpose.

to the satisfaction of the Responsible Authority.

14. Before the buildings approved by this permit are occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel to the

satisfaction of the Responsible Authority.

All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the prior written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.

15. Before the buildings approved by this permit are occupied, a timber paling fence of a minimum 1.8 metres in height must be erected along the south-eastern boundary to the satisfaction of the Responsible Authority.
16. The existing street tree on Patrick Court must not be removed or damaged as a result of the permitted development.
17. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and electronic copies must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:

- a) Any changes as a result of Condition 1 of this permit.

When approved, the amended landscape plan will be endorsed and will form part of this permit.

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

18. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
19. 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 six (6) months afterwards, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the

expiry date.

Permit Notes

- This is not a building permit under the *Building Act*. A separate building permit is required to be obtained for any demolition or building works.
- Before commencement of the development occurs, the applicant must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy etc.
- No on street parking permits will be provided to the occupiers of the land.

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

CARRIED

9.2 Update on the Minister for Planning's Decision on the Flemington Hill and Epsom Road Advisory Committee Report

File No: FOL/17/11

Author: Colin Harris

Senior Project Manager – Infrastructure & Land Use
Developments

Directorate: Planning & Development

Ward: Municipal

Minute No: 2017/126

Council Resolution

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

1. Note the Minister for Planning's decision on Flemington Green and Epsom Road, Planning Scheme Amendments (Melbourne C290) and Melbourne and Moonee Valley (GC40)
2. Council's position in relation to any future boundary realignment is maintained, the objective being that the whole of the Flemington Green site should be within a single municipal boundary, being the City of Moonee Valley.
3. At the time that the revised Comprehensive Development Plans are completed and adopted by the Minister for Planning, that the State Government undertakes the appropriate steps to amend the municipal boundary, to include the Flemington Green area CDZ area currently within the City of Melbourne to be incorporated within the City of Moonee Valley.

CARRIED UNANIMOUSLY

9.3 North Essendon Local Area Traffic Management Study

File No: FOL/17/11
Author: James Kempen
Traffic and Transport Engineer
Directorate: Planning & Development
Ward: Buckley
Minute No: 2017/127

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council:

1. Endorse the Draft Traffic Management Plan for the North Essendon Local Area Traffic Management Study (as shown in **Appendix A**) as detailed below:
 - a) Refer item C, Prince Street Footpaths, to Council's Infrastructure Maintenance budget,
 - b) Refer items E, H and T to Council's Transport operational budget, and
 - c) Endorse all other items for community consultation.
2. Endorse the Draft Parking Management Plan for the North Essendon Local Area Traffic Management Study, (as shown in **Appendix B**), for community consultation.
3. Receive a further report at the conclusion of the consultation.

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

Against: Cr Sharpe

CARRIED

9.4 Open Space Master Plans

File No: FOL/17/11
Author: Venta Slizys
Coordinator Open Space & Urban Design
Directorate: Planning & Development
Ward: Municipal
Minute No: 2017/128

Council Resolution

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

1. Endorse the following Draft Master Plans for consultation:
 - a) AJ Davis Reserve (**Appendix A** – separately circulated);

- b) Buckley Park (**Appendix C** – separately circulated);
 - c) Clifton Park (**Appendix E** – separately circulated);
 - d) Overland Reserve (**Appendix G** – separately circulated); and
 - e) Woodlands Park and Salmon Reserve (**Appendix I** – separately circulated).
2. Receive a further report following the completion of community consultation.

CARRIED UNANIMOUSLY

9.5 Response to NoM 2016/27 - New Residential Zones

File No: FOL/12/1012-2
Author: Brian Labadie
Senior Strategic Planner
Directorate: Planning & Development
Ward: Municipal
Minute No: 2017/129

Council Resolution

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

CARRIED UNANIMOUSLY

Having declared a conflict of interest, Cr Nation left the meeting at 7.49pm.
Having declared a conflict of interest, Cr Sharpe left the meeting at 7.49pm

9.6 Biannual Grants 2016/17 Round 2 Recommendations

File No: FOL/17/11
Author: Nina Stanwell
Community Grant Officer
Directorate: Planning & Development
Ward: Municipal
Minute No: 2017/130

Amendment

Moved by Cr Cusack, seconded by Cr Marshall that Council fund the United Through Football application for \$15,000.

The Amendment in the name of Cr Cusack was put:

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

LOST

At the request of Cr Sipek, the Chairperson accepted that each part of the motion be put to the vote separately.

Minute No: 2017/131

Council Resolution

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

1. Note the Grant Assessment Panel recommendations for allocation of Round 2 of 2016/17 Biannual Grants funding as presented in **Appendix A**.
2. Note all applicants will be advised of Round 2 outcomes and successful applicants will be published on Council's website following endorsement.
3. Endorse the Grants Assessment Panel recommendations for allocation of Round 2 of 2016/17 Biannual Grants as presented in **Appendix A** with the amendments listed below.

The Motion in the name of Cr Lawrence – points 1, 2 and 3 when put:

CARRIED UNANIMOUSLY

4. Increase funding amount from \$4,702 to \$9,405 for the Italian Community of Keilor Association application (**Appendix A**, page 3).

The Motion in the name of Cr Lawrence – point 4 when put:

CARRIED UNANIMOUSLY

5. Fund the Farnham Street Neighbourhood Learning Centre application (**Appendix A**, page 4) for \$10,000.

The Motion in the name of Cr Lawrence – point 5 when put:

For: Crs Byrne, Cusack, Gauci Maurici, Marshall, Sipek

Against: Crs Surace, Lawrence

CARRIED

6. Not fund the North West Aquatic Swimming Club Inc. application (**Appendix A**, page 1).

The Motion in the name of Cr Lawrence – point 6 when put:

CARRIED UNANIMOUSLY

Cr Nation returned to the meeting at 8.35pm.

Cr Gauci Maurici left the meeting at 8.35pm.

Cr Lawrence left the meeting at 8.36pm.

Cr Gauci Maurici returned to the meeting at 8.37pm.

Cr Sharpe returned to the meeting at 8.37pm.

Cr Lawrence returned to the meeting at 8.40pm.

9.7 Response to NoM 2017/03 - Pavilion Design

File No: FOL/17/11
Author: Amanda Allen
Coordinator, Sports & Recreation
Directorate: Planning & Development
Ward: Municipal
Minute No: 2017/132

Council Resolution

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

1. Note that the design for new or upgraded pavilion projects are be based on the standard design reflected in the Sports Development Plan (2014-23) and minimum area requirements set out by each State Sporting Association.
2. Consider the remaining projects in the revised Pavilion Redevelopment Plan, presented to Council 20 December 2016, through Council's annual budget process.

CARRIED UNANIMOUSLY

At the request of Cr Sipek, the Chairperson accepted to consider Reports 9.8, 9.9 and 9.10 En Bloc.

Reports Considered En Bloc

Minute No. 2017/133

Council Resolution

Moved by Cr Sipek, seconded by Cr Nation that that the recommendations contained in reports:

- 9.8 Financial Performance Report March 2017
- 9.9 Strathaird Reserve, 1-15 Strathaird Street, Strathmore – Proposed Response to VicRoads Regarding Sale of Land
- 9.10 Report on Assemblies of Council

be adopted by Council.

CARRIED UNANIMOUSLY

9.8 Financial Performance Report March 2017

File No: FOL/17/11
Author: Damian Hogan
Manager Finance
Directorate: Financial Services
Ward: Municipal
Minute No. 2017/133

Council Resolution

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

1. Receive and note the Financial Performance Report for the period 1 July 2016 to 31 March 2017; and
2. Receive and note the Grants Status Report for March 2017.
3. Receive and note the Quarterly Councillor Report from 1 April 2016 to 31 March 2017.

CARRIED UNANIMOUSLY

9.9 Strathaird Reserve, 1-15 Strathaird Street, Strathmore - Proposed Response to VicRoads Regarding Sale of Land

File No: FOL/17/11
Author: Gary Mills
Coordinator Property Management
Directorate: City Services
Ward: Buckley
Minute No. 2017/133

Council Resolution

Moved by Cr Sipek , seconded by Cr Nation that Council advise VicRoads Corporation that it does not intend to proceed in purchasing the property at 1-15 Strathaird Street Strathmore, comprising Lots 16-23 on Plan of Subdivision 57622, being the whole of the land in Certificates of Title Volume 8425 Folios 537-544.

CARRIED UNANIMOUSLY

9.10 Report on Assemblies of Council

File No: FOL/17/11
Author: Lee McSweeney
Coordinator Governance
Directorate: Organisational Performance
Ward: Municipal
Minute No. 2017/133

Council Resolution

Moved by Cr Sipek , seconded by Cr Nation that Council receive and note the written records of Assembly of Councillors, provided as **Appendix A**, received since the last report to Council in April 2017.

CARRIED UNANIMOUSLY

Cr Byrne left the meeting at 8.54pm.
Cr Byrne returned to the meeting at 8.57pm.

9.11 Proposed Sale of Land - 34 Wilson Street Moonee Ponds

File No: FOL/17/11
Author: Carey Patterson
Manager Building, Health & Property Services
Directorate: City Services
Ward: Myrnong

Minute No: 2017/134

Amendment

Moved by Cr Sharpe, seconded by Cr Byrne that point 1 of the Officers Recommendation be amended to include subject to the application of a Heritage Overlay over the site.

The amendment in the name of Cr Sharpe was put:

CARRIED UNANIMOUSLY

Minute No: 2017/135

Council Resolution

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

1. Commence statutory procedures under section 189 of the *Local Government Act 1989* ('the Act') to sell the parcel of land known as 34 Wilson Street, Moonee Ponds and described as Lot 71 on Plan of Subdivision 2241 and contained on Certificate of Title Volume 6222 Folio 299 as shown in **Appendix A** by either private sale or public auction

subject to the application of a Heritage Overlay over the site.

2. Establish a Committee of Council comprising Crs Nation, Sharpe and Surace pursuant to section 223(1) (c) of the Act to hear and consider any submissions received and requests to be heard.
3. Authorise the Chief Executive to fix the date and time for the Committee meeting, if required.
4. Ensure that the proceeds of the sale from the property are used to meet the future needs of the Moonee Valley community (including young people) within the southern parts of the municipality, which may be proposed as part of the annual budget process and in line with Council Plan priorities.

For: Crs Surace, Nation, Byrne, Gauci Maurici, Lawrence, Sharpe, Sipek

Against: Crs Cusack, Marshall

CARRIED

9.12 Response to Notice of Motion 2016/09 - Councillor Expenses

File No: FOL/17/11

Author: Lee McSweeney
Coordinator Governance

Directorate: Organisational Performance

Ward: Municipal

Minute No: 2017/136

Council Resolution

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

1. Receive and note the report on Response to Notice of Motion 2016/09 – Councillor Expenses;
2. Receive and note the Councillor Expense Reports (**Appendix A**) for the periods June 2016, September 2016, December 2016 and March 2017; and
3. Note a Councillor Expense report will be published on a quarterly cycle in the Financial Management Report commencing July 2017 and will appear on the website under www.mvcc.vic.gov.au/councillors.

CARRIED UNANIMOUSLY

10. Notices of Motion

Cr Sipek left the meeting at 9.38pm.

Cr Sipek returned to the meeting at 9.42pm.

10.1 Notice Of Motion No. 2017/09 - Crown Street Stables - Social Enterprise Review

File No: FOL/17/11
From: Councillor Jim Cusack
Ward: Myrnong

Minute No: 2017/137

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall take notice that at the Ordinary Meeting of Council to be held on 23 May 2017 it is my intention to move:

That Council:

1. That Officers undertake a review of the Crown Street Stables Social Enterprise and report back to Council on the performance of the operation relative to expectation at the Ordinary Meeting of Council to be held on 25 July 2017.
2. In particular advice is sought on but is not limited to:
 - a) any evaluation(s) (internal or external) that have been undertaken, noting the alignment of these outcomes with Council's intention for this social enterprise to provide training and employment outcomes for people with disabilities and creating a vibrant community hub
 - b) future planning for the social enterprise its direction setting, potential expansion of its operation
 - c) the immediate and longterm sustainability of the current social enterprise and its immediate and long term sustainability (linked to (b) above
 - d) progress against the current business plan, the current and future budget (noting separation between hall hire and café operation), achievements, risks for the future; and
 - e) the viability of maintaining the current model for the operation of this social enterprise under Council and an examination of other opportunities eg partnerships etc.

CARRIED UNANIMOUSLY

Suspension of Standing Orders

Minute No: 2017/138

Council Resolution

Moved by Cr Surace, seconded by Cr Marshall that standing orders be suspended to seek advice on meeting procedure.

CARRIED UNANIMOUSLY

Minute No: 2017/139

Council Resolution

Moved by Cr Surace, seconded by Cr Marshall that standing orders be resumed.

CARRIED UNANIMOUSLY

**10.2 Notice Of Motion No. 2017/10 - Changes to My Aged Care -
Community Forum**

File No: FOL/17/11

From: Councillor Samantha Byrne

Ward: Myrnong

Minute No: 2017/140

Council Resolution

Moved by Cr Byrne, seconded by Cr Sipek take notice that at the Ordinary Meeting of Council to be held on 23 May 2017 it is my intention to move:

That Officers bring a paper before Council exploring the opportunities and challenges presented as a result of the changes to Aged Care at a Council Meeting no later than December 2017 with a view to delivering sustainable outcomes for our community and identified options for the way forward. The report to consider the following items, including but not limited to:

- a) Community forums in neighbourhoods to educate and inform the primary target audience, including offspring, of the options for managing the care of older people.
- b) a full page spread in a 2017 issue of 'Valley View' regarding the My Aged Care changes.

CARRIED UNANIMOUSLY

**10.3 Notice Of Motion No. 2017/11 - North Essendon Shopping Precinct
Parking**

File No: FOL/17/11

From: Councillor Narelle Sharpe

Ward: Buckley

Minute No: 2017/141

Council Resolution

Moved by Cr Sharpe, seconded by Cr Gauci Maurici take notice that at the Ordinary Meeting of Council to be held on 23 May 2017 it is my intention to move that Council review the parking arrangements surrounding the North Essendon Shopping Precinct, in consultation with the traders, previously adopted in the St Therese's, Fletcher and Buckley Local Area Traffic Management Studies, with a view of increasing long term parking options.

CARRIED UNANIMOUSLY

Having declared a conflict of interest, Bryan Lancaster, Chief Executive Officer left the meeting at 10.12pm.

Suspension of Standing Orders

Minute No: 2017/142

Council Resolution

Moved by Cr Sipek, seconded by Cr Cusack that standing orders be suspended to seek advice on meeting procedure.

CARRIED UNANIMOUSLY

Minute No: 2017/143

Council Resolution

Moved by Cr Sipek, seconded by Cr Sharpe that standing orders be resumed.

CARRIED UNANIMOUSLY

Cr Marshall, elected not to participate and left the meeting at 10.23pm.

10.4 Notice Of Motion No. 2017/12 - Buckley Street Level Crossing Advocacy

File No: FOL/17/11

From: Councillor Rebecca Gauci Maurici

Ward: Buckley

Minute No: 2017/144

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence take notice that at the Ordinary Meeting of Council to be held on 23 May 2017 it is my intention to move to request officers:

1. Urgently prepare a comprehensive impact assessment and advocacy plan that:
 - a) addresses both Council's endorsed option of rail under, and the suite of improvements and requests which would be required under the LXRA road under plan; and
 - b) incorporates expert advice, including but not limited to, that which is currently available, and noting the challenges of getting expert advice since the most knowledgeable consultants on level crossing removal are fully committed to work with the LXRA.
2. To bring this advocacy plan to the next Ordinary meeting of Council for its consideration of its content and associated budgetary implications.

CARRIED UNANIMOUSLY

Bryan Lancaster, Chief Executive Officer returned to the meeting at 10.49pm.

Cr Marshall returned to the meeting at 10.49pm.

Cr Gauci Maurici left the meeting at 10.54pm.

Cr Gauci Maurici returned to the meeting at 10.56pm.

**10.5 Notice Of Motion No. 2017/13 - Councillor Expenses Implementation
- External Investigation**

File No: FOL/17/11

From: Councillor Nicole Marshall

Minute No: 2017/145

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack take notice that at the Ordinary Meeting of Council to be held on 23 May 2017 it is my intention to move:

Noting the circumstances outlined at 1) to 4) below, that Council requests the Chief Executive Officer write to (i) the Local Government Inspectorate and (ii) IBAC (Independent Broad-based Anti-Corruption Commission) if he suspects on reasonable grounds that "corrupt conduct" has occurred (in his capacity as a mandatory reporter), requesting they investigate the delay in implementing the disclosure of councillor expenses including:

- a) Why legal advice was sought on or around 21 June 2016 (as outlined below);
- b) Who initiated the request for legal advice and why;
- c) Who received a copy of the advice;
- d) Why the whole Councillor group was not advised of this request for legal advice or of there being any suggestion of ambiguity in relation to the resolution;
- e) Why the whole Councillor group was not given a copy of the advice, nor advised of the recommendations in the advice and why the recommendations were not implemented;
- f) The background to the comment in the legal advice regarding "senior management's independence on the matter",

given the following circumstances:

1. On 26 April 2016, Council resolved that councillor expenses be disclosed in Council's Annual Report and on Council's website on a quarterly basis. A copy of the resolution is at Annexure A;
2. That the resolution was a contentious one and it was only when a division was called and councillor votes recorded that the motion was supported unanimously;

3. On 9 June 2016, the then current Director of Corporate and Community Services emailed all Councillors and, in that correspondence, confirmed that everything was ready for the disclosure of councillor expenses to proceed, that there was "no reason" why the disclosure of expenses could not commence at the end of the June quarter and that he was "happy to commence at the end of June". The Director expressed no doubt as to the intention or interpretation of the resolution. A copy of the correspondence is at Annexure B;
4. On or before 21 June 2016, there appears to have been an intervening event, following which the Director sought legal advice. A copy of correspondence relating to this request and the advice is at Annexure C;
5. An internal investigation has been unable to determine the circumstances surrounding the failure to implement the Council resolution.

For: Crs Surace, Nation, Cusack, Marshall, Sharpe, Sipek
Against: Nil.

CARRIED

Suspension of Standing Orders

Minute No: 2017/146

Council Resolution

Moved by Cr Marshall, seconded by Cr Sipek that standing orders be suspended to seek advice on meeting procedure.

CARRIED UNANIMOUSLY

Minute No: 2017/147

Council Resolution

Moved by Cr Marshall, seconded by Cr Sipek that standing orders be resumed.

CARRIED UNANIMOUSLY

10.6 Notice Of Motion No. 2017/14 - Alf Pearce Dog Park

File No: FOL/17/11

From: Councillor Narelle Sharpe

Ward: Buckley

Minute No: 2017/148

Council Resolution

Moved by Cr Sharpe, seconded by Cr Sipek take notice that at the Ordinary Meeting of Council to be held on 23 May 2017 it is my intention to move that Council investigate options to install more grassed areas within the proposed Alf Pearce Dog Park.

CARRIED UNANIMOUSLY

11. Urgent Business

Nil.

12. Confidential Reports

Minute No: 2017/149

Council Resolution

Moved by Cr Cusack, 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 discuss the following matters:

- 12.1 436-442 Mt Alexander Road, Ascot Vale (Lots 22, 23 & 24 LP4866 and Lot 1 TP893954P) - Construction of a five storey building in a Commercial 1 Zone and a Design and Development Overlay (DDO3), use of the land for dwellings, reduction in car parking for visitors and retail use required under Clause 52.06 of the Moonee Valley Planning Scheme and waiver of loading bay requirements under Clause 52.07 of the Moonee Valley Planning Scheme**

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

CARRIED UNANIMOUSLY

Minute No: 2017/151

Council Resolution

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

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 11.28pm.

**CR ANDREA SURACE
CHAIRPERSON**