



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 28 February 2017 at 6.31pm

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 28 February 2017 at 6.31pm
held at the Moonee Valley Civic Centre

PRESENT :

Members: Cr Andrea Surace Mayor
Cr Cam Nation
Cr Samantha Byrne
Cr Jim Cusack
Cr Richard Lawrence
Cr Nicole Marshall
Cr Narelle Sharpe

Officers: Mr Bryan Lancaster Chief Executive Officer
Ms Gail Conman Director City Services
Ms Natalie Reiter Director Planning & Development
Ms Michele Leonard Senior Manager Corporate & Community Services
Mr Petrus Barry Manager Statutory Planning
Mr Troy Delia Senior Coordinator Legislative Services & Support

1. Opening

The Mayor, Cr Surace, opened the Ordinary Council Meeting of Tuesday, 28 February 2017, 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.”

The Mayor also acknowledged last week's tragic accident at DFO Essendon Fields which saw the loss of five lives and on behalf of Moonee Valley City Council, offered Council's deepest condolences to the families and friends of those lost.

2. Apologies

Apologies were received from Cr Gauci Maurici and Cr Sipek.

Leave of Absence

Minute No: 2017/10

Council Resolution

Moved by Cr Sharpe, seconded by Cr Marshall, that a Leave of Absence be granted to Cr Lawrence for the period 9 March to 27 March 2017 inclusive.

CARRIED UNANIMOUSLY

3. Confirmation of Minutes

Minute No: 2017/11

Council Resolution

Moved by Cr Cusack, seconded by Cr Lawrence that the Minutes of the Ordinary Meeting of Council held on Tuesday, 14 February 2017 and the Special Meeting of Council held 21 February 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Cr Byrne declared a direct conflict of interest in Item 12.2. A written disclosure was provided to the Chief Executive Officer outlining the reasons for this conflict.

5. Presentations

On 16 February Council hosted a delegation from Matsubara City, Japan, to showcase our community safety projects. Moonee Valley City was chosen for this visit, as it was the first Australian Council certified as a 'safe community' by the Pan Pacific Safety Communities Network in 2014.

The Mayor Hirofumi Sawai presented the Mayor, Cr Surace with a metal vase.

6. Petitions and Joint Letters

Nil

7. Public Question Time

Nil

8. Reports by Mayor and Councillors

File No. FOL/17/11

Minute No: 2017/12

Council Resolution

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

1. Removal of items as listed in Cr Marshall's report for dates: 7 December, 11 December, 24 December and 26 December 2016.
2. Inclusion of an item for Cr Marshall during the reporting period – Attendance at planning permit application sites.

CARRIED UNANIMOUSLY

9. Reports

9.1 484-486 Mt Alexander Road, Ascot Vale (Lots 1, 2 & 3 LP4866) - Construct a five storey building in a Design and Development Overlay (DDO3), use of the land for dwellings, reduce car parking requirements and waive loading bay requirements

File No: FOL/17/11

Author: William Wheeler
Principal Statutory Planner

Directorate: Planning & Development

Ward: Myrnong

Minute No: 2017/13

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/556/2016 to construct a multi-storey building in a Design and Development Overlay (DDO3), use of the land for dwellings, reduce car parking requirements and waive loading bay requirements at No.484-486 Mt Alexander Road, Ascot Vale (Lots 1, 2 & 3 LP4866), in accordance with the following grounds of refusal:

1. The proposed building height, bulk and scale fails to meet the overarching 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 positively contribute to the local character and enhance the public realm.

2. The proposed building height, bulk and scale 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 proposed development, including building height and front setback, fails to adequately comply with the design objectives and requirements of Schedule 3 to the Design and Development Overlay (DDO3).
4. 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, taking note of current private and commercial parking restrictions and impact of clearways on Mt Alexander Road.
5. The proposal will cause adverse traffic impacts on the surrounding area, which will be substantial, unreasonable and have significant implications for safety of pedestrians such as restricted sightlines at Warwick Street caused by the bend at the laneway.
6. The development impacts the highly sensitive heritage buildings opposite the proposed development in Warwick Street and in Mt Alexander Road.

CARRIED UNANIMOUSLY

9.2 177A Mt Alexander Road, Flemington (Lot 1 TP803253F) - Construct a five storey building in a Design and Development Overlay (DDO3) and Environmental Significant Overlay (ESO2), use of the land for dwellings, reduce car parking requirements, waive loading bay requirements and alter access to a road in a Road Zone, Category 1

File No: FOL/17/11
Author: William Wheeler
Principal Statutory Planner
Directorate: Planning & Development
Ward: Myrnong
Minute No: 2017/14

Council Resolution

Moved by Cr Marshall, seconded by Cr Cusack that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/332/2016 to construct a multi-storey building in a Design and Development Overlay (DDO3) and Environmental Significant Overlay (ESO2), use of the land for dwellings, reduce car parking requirements, waive loading bay requirements and alter access to a road in a Road Zone, Category 1 at No.177A Mt Alexander Road, Flemington (Lot 1 TP803253F), in accordance with the following grounds of refusal:

1. The proposed building height, bulk and scale fails to meet the overarching 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 positively contribute to the local character and enhance the public realm.

2. The proposed building height, bulk and scale fails to meet the objective 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 proposed development and building height fails to adequately comply with the design objectives and requirements of Schedule 3 to the Design and Development Overlay (DDO3).
4. 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.
5. The proposed automated car parking system will cause adverse traffic impacts on the surrounding area, which will be substantial and unreasonable.
6. The proposed development lacks sufficient residential storage space for the proposed dwellings.

CARRIED UNANIMOUSLY

9.3 10 Beryl Street, West Essendon (Lot 22 Section 5 on PS002314 and Lot 1 on TP644504Q) - Construction of four dwellings

File No: FOL/17/11
Author: Grant Michell
Senior Statutory Planner
Directorate: Planning & Development
Ward: Rosehill
Minute No: 2017/15

Council Resolution

Moved by Cr Byrne, seconded by Cr Lawrence that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/546/2016 for the construction of four dwellings at **10 Beryl Street, Essendon West** (Lot 22 Section 5 on PS002314 and Lot 1 on TP644504Q) in accordance with the following grounds of refusal:

1. The proposal has not adequately addressed the existing street context in relation to traffic and on-street parking and is expected to lead to an increased pressure for on-street parking in the surrounding area to an unacceptable degree and unreasonably impact upon the surrounding road network.
2. The proposed development is an overdevelopment of the site.

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

CARRIED

9.4 Amendment C164 - 2015 Heritage Study Permanent and Interim Heritage Controls - Post Panel adoption and approval

File No: FOL/17/11
Author: Anthony Diaferia
Strategic Planner
Directorate: Planning & Development
Ward: Municipal
Minute No: 2017/16

Council Resolution

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

1. Adopt the revised 'Moonee Valley Heritage Study 2015 report REVISED FINAL, January 2017' at **Appendix D** (separately circulated).
2. 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 C164 in accordance with the changes outlined in this report and amendment documentation at **Appendix A** (separately circulated).
3. Submit Moonee Valley Planning Scheme Amendment C164 to the Minister for Planning for approval pursuant to Section 31(1) of the *Planning and Environmental Act 1987*.

CARRIED UNANIMOUSLY

9.5 Financial Performance Report December 2016

Author: Damian Hogan
Acting Manager Finance
Directorate: Corporate & Community Services
Ward: Municipal
Minute No: 2017/17

Council Resolution

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

1. Receive and note the Financial Performance Report for the period 1 July 2016 to 31 December 2016.

2. Receive and note the Grants Status Report for December 2016.

CARRIED UNANIMOUSLY

9.6 Report on Assemblies of Council

File No: FOL/17/11
Author: Lee McSweeney
Team Leader Council Business
Directorate: Corporate & Community Services
Ward: Municipal
Minute No: 2017/18

Council Resolution

Moved by Cr Sharpe, 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 December 2016.

CARRIED UNANIMOUSLY

10. Notices of Motion

Nil.

11. Urgent Business

Nil.

12. Confidential Reports

Minute No: 2017/19

Council Resolution

Moved by Cr Nation, seconded by Cr Marshall 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 Junction Lane - 350 Ascot Vale Rd, Moonee Ponds - Legal Abuttal

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

12.2 12 Craig Street, East Keilor - Consideration of VCAT Amended Plans

Item 12.2 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (f) legal advice.

CARRIED UNANIMOUSLY

Minute No: 2017/24

Council Resolution

Moved by Cr Nation, seconded by Cr Lawrence that Council resume in open Council.

CARRIED UNANIMOUSLY

Cr Byrne returned to the meeting at 8.16pm.

13. Close of Meeting

The meeting concluded at 8.16pm

**CR ANDREA SURACE
CHAIRPERSON**