



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 13 February 2018 at 6.30pm

Minutes

Report Index

The following reports were considered:

9. Reports

9.1 Buckley Street - Level Crossing Removal Update6

Minutes of the Ordinary Meeting of Council

Tuesday, 13 February 2018 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT :

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

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr David Benallack Chief Financial Officer
Mr Steven Lambert Director City Services
Ms Kendrea Pope Director Organisational Performance
Ms Natalie Reiter Director Planning & Development
Mr Petrus Barry Manager Statutory Planning
Ms Allison Watt Manager Communications & Governance

1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 13 February 2018.

The Mayor paid tribute to the late Allan Arvidson and recognised the former Mayor's significant contribution to the City of Essendon and civic life more generally.

2. Apologies

Nil.

3. Confirmation of Minutes

Council Resolution

Minute No: 2018/01

Moved by Cr Byrne, seconded by Cr Cusack that the Minutes of the Ordinary Meeting of Council held on Tuesday, 12 December 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

4.1 Cr Surace declared an indirect conflict of interest in Item 9.2 2B McPherson Street, Moonee Ponds for reasons disclosed to the CEO in writing.

4.2 Cr Nation declared an indirect conflict of interest in Item 9.2 2B McPherson Street, Moonee Ponds due to an applicable gift.

4.3 Cr Sharpe declared an indirect conflict of interest in Item 9.2 2B McPherson Street, Moonee Ponds due to an applicable gift. Cr Sharpe also declared a direct conflict of interest in item 9.13 Union Road Business Precinct Special Rate and Charge Declaration due to place of work.

4.4 Cr Byrne declared an indirect conflict of interest in Item 9.2 2B McPherson Street, Moonee Ponds due to an applicable gift. Cr Byrne also declared an indirect conflict of interest in Item 9.9 Community Facility Management Policy Update due to a conflicting duty.

4.5 Cr Cusack declared an indirect conflict of interest in Item 9.2 2B McPherson Street, Moonee Ponds due to an applicable gift.

4.6 Cr Sipek declared an indirect conflict of interest in Item 9.2 2B McPherson Street, Moonee Ponds due to an applicable gift.

4.7 Mr Bryan Lancaster declared an indirect conflict of interest in Item 9.1 Buckley Street Level Crossing Removal Update due to residential amenity.

Cr Marshall advised that she would not be participating in discussion or voting on Item 9.1 Buckley Street Level Crossing Removal Update for reasons previously disclosed to the CEO.

5. Presentations

The Mayor tabled a letter from the Make a Wish Foundation which thanked Council for its recent fundraising efforts at the 2017 Queens Park Carols.

6. Petitions and Joint Letters

Nil.

7. Public Question Time

Mr Lyndon Horsburgh of Ascot Vale asked the following questions:

Question 1

Please articulate how Council can approve applications where requirements like building scale and height are only 'generally' consistent (meaning inconsistent in some areas), and proposed height is 'non-compliant'?

Question 2

At what point something that is judged in a Council report to be inconsistent or non-compliant (such as building scale and height) is able to be waived through Council with subjective assessments such as 'considered appropriate.'

Response

Ms Natalie Reiter, Director of Planning & Development provided the following response:

I'll start by saying that there's very few things in planning that are black and white and why planning is so contentious.

Council is obligated to review, assess and form a recommendation on all planning applications received. In doing so, Council must endeavour to integrate a range of planning policies and balance conflicting and competing objectives in favour of net community benefit and sustainable development for the benefit of present and future generations. As the Responsible Authority we must have regard to Clause 65 (the Decision Guidelines within the Planning Scheme) and these Decision Guidelines say that 'the responsible authority must decide whether the proposal will produce acceptable outcomes.'

Building scale and height is one of many considerations within the decision-making process, which integrates environmental, social and economic factors in the interests of net community benefit.

It is important to note that society as a whole has various needs and expectations such as land for settlement, protection of the environment, economic well-being, and various social needs, so proper management of resources and infrastructure are part of this. Planning aims to meet the needs and expectations by addressing all relevant aspects of economic, environmental and social well-being affected by land use and development applications lodged with the local government.

So, for example, a proposed development may or may not exceed the preferred building height for a specific zone or overlay, but there are still a range of other factors that need to be considered, including State Planning Policies which

encourage urban consolidation and infill development in areas with good access to existing infrastructure and services, especially public transport. Exceeding a preferred building height may not necessarily be fatal to an application. This is why each application undergoes an objective assessment on its own merits, including the development's response and impact in the context of the site, and could then still achieve an acceptable level of compliance with all planning policies in place.

8. Reports by Mayor and Councillors

Nil.

9. Reports

Having declared a conflict of interest in the following item, Mr Bryan Lancaster left the meeting at 6.40pm.

Having previously declared that she would not participate in discussions on the following item, Cr Marshall left the meeting at 6.40pm.

9.1 Buckley Street - Level Crossing Removal Update

File No: FOL/18/32

Author: Colin Harris

Senior Project Manager – Infrastructure & Land Use
Developments

Directorate: Planning & Development

Minute No. 2018/02

Council Resolution

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

1. Agree that the Mayor and CEO of Moonee Valley City Council meet with Minister for Public Transport as a matter of urgency, requesting to discuss project related outcomes that can assist the future strategic development of Essendon.
2. Agree that, given the declaration of the Buckley Street Level Crossing Removal Project as a "declared project" under section 10(1)(b) of the *Major Transport Projects Facilitation Act, 2009 (MTPFA)*, and authorisation of Amendment C180 to the Moonee Valley Planning Scheme under 20(4) of the *Planning and Environment Act, 1987*, pursuing legal action will not deliver the necessary outcomes to justify such action.
3. Commence engagement with Essendon traders, the LXRA and key stakeholders in order to assist in preparing strategies to mitigate the economic impacts associated with construction activity.
4. Agree future updates on this project will be via progress reports via Council's website and Councillor Updates.

CARRIED

For: Crs Sipek , Byrne, Cusack, Sharpe

Against: Crs Gauci Maurici, Lawrence, Nation, Surace

CARRIED ON THE CASTING VOTE OF THE MAYOR

The Mayor adjourned the meeting for five minutes to allow the gallery to disperse.

The Mayor returned to the Chamber and requested the gallery to come to order. Following repeated interjections from members of the gallery, the Mayor adjourned the meeting to a future date.

10. Close of Meeting

The meeting concluded at 7.25pm.

**CR JOHN SIPEK
MAYOR**