

Minutes

Ordinary Meeting of Council

Tuesday, 14 August 2018

6.30pm

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The following reports were considered:

10. Reports

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Minutes of the Ordinary Meeting of Council

Tuesday, 14 August 2018 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT :

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

Officers:	Steven Lambert	Director City Services
	Natalie Reiter	Director Planning and Development
	Petrus Barry	Acting Director Organisational Performance
	Gil Richardson	Acting Director Asset Planning and Strategic Projects
	Vera Mitrovic-Misic	Acting Manager Statutory Planning
	Lee McSweeney	Coordinator Governance

1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 14 August 2018.

2. Reconciliation Statement

The Mayor, Cr Sipek, respectfully acknowledged the Traditional Custodians of the land on which Moonee Valley is located – the Wurundjeri People of the Kulin Nation; and paid respect to their Spirits, Ancestors, Elders and their Community Members past and present.

The Mayor also extended this respect to other Aboriginal and Torres Strait Islander Peoples who call Moonee Valley home.

3. Apologies and Leave of Absence

Cr Surace has sought an extension of her approved leave of absence from 28 July 2018 until 28 August 2018 inclusive.

Council Resolution

Moved by Cr Lawrence, seconded by Cr Marshall that Council grant Cr Surace Leave of Absence for the period 28 July until 28 August 2018 inclusive.

CARRIED UNANIMOUSLY

4. Confirmation of Minutes

Council Resolution

Moved by Cr Lawrence, seconded by Cr Nation that the Minutes of the Ordinary Meeting of Council held on Tuesday, 24 July 2018 be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Nil

Suspension of standing orders

The Chairperson, Cr Sipek, called for a motion to suspend standing orders for a presentation to Council.

Council Resolution

Moved by Cr Marshall, seconded by Cr Sharpe that standing orders be suspended.

CARRIED UNANIMOUSLY

6. Presentations

Lt Colonel Don Blanksby of the 58th Battalion, presented Council with the Book of Remembrance which was damaged in a fire at the Courthouse Museum in June 2016, and which has been restored and presented to Council to remain in its care.

Resumption of standing orders

The Chairperson Cr Sipek, at the conclusion of the presentation, called for a motion to resume standing orders.

Council Resolution

Moved by Cr Sharpe, seconded by Cr Nation that standing orders resume.

CARRIED UNANIMOUSLY

Cr Sharpe left the meeting at 6:45pm.

7. Petitions and Joint Letters

Council received a petition requesting parking restrictions on Union Road, Ascot Vale be extended from 60 minutes to 90 minutes. The petition was received in two parts:

- A hard copy, paper-based version with 707 signatures
- An electronic version with 354 signatures.

Council Resolution

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

1. Receives and notes the online and hard copy petition regarding parking in Union Road, Ascot Vale
2. Refers this matter to the Director Planning and Development for investigation and reporting back to Council
3. Advises the petition organiser accordingly

CARRIED

8. Public Question Time

Question 1

Brent Lavery asked Council:

I would like to know how the 60 minute time restrictions on Union Road is a proactive / logical amount of time for people to patronize several businesses in one outing and whether it could be increased to 2hrs or 90 minutes?

Natalie Reiter, Director Planning and Development responded that After extensive consultation we made a large set of changes in 2014 along Union Road, and in the side streets off it. One hour parking in most of Union Road was maintained as an outcome of that study, so shifting to longer-term stays/less turnover would be a significant step. We would prefer you direct requests for parking restriction changes via your Traders' Association (<http://www.unionroad.com.au/about-us/>) to help ensure that changes put to us are broadly supported.

8. Public Question Time continued

Question 2

Brent Lavery asked Council:

We have been told the new installation of the electronic sensors is to gather information about parking habits etc and to generate more turnover of cars, how will this information be quantified regarding the impact on businesses on Union road?

Natalie Reiter, Director Planning and Development responded that in an effort to better manage parking in Moonee Valley, we have begun the process of installing new parking monitoring sensors, with the aim to have this completed by the end of August 2018. Sensors will be installed in business areas and select residential streets. These sensors will help you to be able to see the available parking in your area via an app, and for Council to monitor the availability of parking spaces, collect useful data about parking trends, and assist our Parking Control officers to ensure parking restrictions in your street are followed. How this information will be quantified in Union Road is unknown until we commence the program and review the data collected from the sensors.

9. Reports by Mayor and Councillors

Nil.

Cr Sharpe returned to the meeting at 6.52pm

10. Reports

10.1 320-322 Racecourse Road, Flemington (Lot 1 TP393972A) - Demolition works and construction of a multi-storey building in a Commercial 1 Zone and Heritage Overlay (HO25), use of the land for a residential hotel (serviced apartments) and a reduction in car parking requirements

File No: FOL/18/32

Author: William Wheeler
Principal Statutory Planner

Directorate: Planning and Development

Minute No: 2018/147

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/958/2017 for demolition works and construction of a multi-storey building in a Commercial 1 Zone and Heritage Overlay (HO25), use of the land for a residential hotel (serviced apartments) and a reduction in car parking requirements at No.320-322 Racecourse Road, Flemington (Lot 1 TP393972A), in accordance with the following grounds of refusal:

1. The proposed building height, scale and massing fails to meet the overarching objective and strategies of Clause 15.01-2S (Building Design) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to positively contribute to the local context and enhance the public realm;
2. The proposal fails to meet the objectives and strategies contained within Clause 15.03-1S (Heritage Conservation) and Clause 21.06-2 (Heritage) of the Moonee Valley Planning Scheme and would result in a development that is not sympathetic and does not integrate with surrounding heritage buildings;
3. The proposed building height, scale and massing fails to meet the objectives and strategies of Clause 21.06-4 (Urban Design) of the Moonee Valley Planning Scheme as it fails to appropriately respond to its location and surrounding context;
4. The development would present a visually dominant and unsympathetic built form to the area and will have an adverse effect on the residential amenity of neighbouring land;
5. 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 car parking problems in the surrounding area;
6. The proposed vehicle accessway does not provide for safe or efficient vehicular movements, which will result in adverse safety impacts; and

7. The proposal will cause adverse traffic and pedestrian safety impacts on the surrounding area, including the laneway and existing road network, which will be substantial and unreasonable.

CARRIED UNANIMOUSLY

**10.2 53 Hayes Road, Strathmore (Lot 321 on LP 012420) -
Construction of three dwellings**

File No: FOL/18/32

Author: Justin Scriha
Senior Statutory Planner

Directorate: Planning and Development

Minute No: 2018/148

Council Resolution

Moved by Cr Lawrence, seconded by Cr Gauci Maurici that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/55/2018 for the construction of three dwellings at 53 Hayes Road, Strathmore (Lot 321 on LP 012420), in accordance with the following grounds of refusal:

1. The proposal fails to meet the overarching objective and the strategies of Clause 15.01-1S (Urban Design) and Clause 15.01-5S (Neighbourhood Character) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond and contribute to neighbourhood character;
2. The visual bulk, scale, form and layout of the proposal fails to meet the objectives and strategies of Clause 21.06-1 (Neighbourhood Character) and Clause 21.06-4 (Urban Design) as it does not respect or contribute to the preferred character of the 'Garden Suburban 6' precinct and fails to appropriately respond to its location and surrounding context;
3. The proposal fails to satisfy the following standards contained within Clause 55 (Two or More Dwellings on a Lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
 - a) Clause 55.02-1 (Neighbourhood Character);
 - b) Clause 55.03-1 (Street Setback);
 - c) Clause 55.03-4 (Permeability);
 - d) Clause 55.03-8 (Landscaping); and
 - e) Clause 55.04-5 (Overshadowing Open Space).
4. The development would present a visually dominant and unsympathetic built form to the area and will have an adverse effect on the residential amenity of neighbouring land.
5. The proposal would exacerbate on-street car parking problems in the surrounding area.
6. The proposal will cause adverse traffic impacts on the surrounding area which will be substantial and unreasonable.
7. The proposal creates an unwanted precedent for development in the local area.

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

CARRIED ON THE CASTING VOTE OF THE MAYOR

**10.3 86 Glass Street, Essendon (Lot 1 on TP 680221Y) -
Construction of a double storey dwelling to the rear of
an existing dwelling**

File No: FOL/18/32

Author: Lachlan Orr
Senior Statutory Planner

Directorate: Planning and Development

Minute No: 2018/149

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/638/2017 for the construction of a double storey dwelling to the rear of an existing dwelling at 86 Glass Street, Essendon (Lot 1 on TP 680221Y), 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) The colour and material schedule amended to reduce the amount of dark colour finishes, replaced with lighter colours that better reflect the predominant palette seen in the immediate area in accordance with the Garden Suburban 3 precinct profile;
 - b) Modifications to the proposed dwelling to achieve compliance with the mandatory garden area requirement at Clause 32.08-4 of the Moonee Valley Planning Scheme;
 - c) The porch of the proposed dwelling to be less than 3.6 metres in height to comply with Standard B6 of Clause 55.03-1 (Street Setback) of the Moonee Valley Planning Scheme;
 - d) East-facing first floor habitable room windows of the proposed dwelling to be fixed and obscured to a height of 1.7 metres from Finished Floor Level to comply with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
 - e) Internal fencing to comply with Standard B23 of Clause 55.04-7 (Internal Views) of the Moonee Valley Planning Scheme;
 - f) The location of bin storage facilities for the proposed dwelling to comply with Standard B34 of Clause 55.06-4 (Site Services) of the Moonee Valley Planning Scheme;
 - g) The accessway of the proposed dwelling reduced to 3 metres in width at the Schofield Street frontage, with the crossover and splays updated accordingly to comply with Council's Vehicle Crossing

Policy;

- h) As a result of Condition 1 f), the garage and car space of the proposed dwelling modified to ensure all vehicles can safely and efficiently exit the site in accordance with Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
- i) The pedestrian visibility splay along the southern alignment of the proposed accessway annotated to comply with Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
- j) A notation that any equipment associated with the swimming pool will be located and designed to prevent noise impacts in accordance with Condition 10;
- k) Natural ground level, finished ground level and total building height level values clearly annotated on each elevation;
- l) Details of the northern boundary fence;
- m) Any changes to the stormwater treatment measures and associated annotations as a result of Conditions 3 and 4; and
- n) A Landscape Plan as required by Condition 7.

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. An amended STORM Rating Report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM Rating Report must correctly show the suitable treatment of stormwater from all balcony areas and obtain a minimum 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
- 4. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) 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.
- 5. A minimum 30 days prior to any building or works commencing, a 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;

The WSUD Site Management Plan may form part of a broader Site Management Plan that covers other project components, such as noise, EPA issues, traffic management, waste management etc.

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

6. 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 or MUSIC 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 or MUSIC model 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 Guide or a Building Maintenance Guide.

7. Before the development starts, or any trees or vegetation removed, a landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to and approved to the satisfaction of the Responsible Authority. The plan must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted with the application but modified to show:
 - a) Any changes as required by Condition 1 of this permit;
 - b) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - c) The use of drought tolerant species;
 - d) Canopy trees capable of achieving a minimum mature height of 4 metres within the front setback;
 - e) Planting with a maximum height of 900mm within the pedestrian visibility splays to comply with Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
 - f) The removal of the raised planter box in front of the proposed dwelling;
 - g) Features such as paths, paving and accessways; and
 - h) An appropriate irrigation system.

When approved, the 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.

8. 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.
9. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
10. Service units, including air conditioning units and pool service equipment, are to be appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
11. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than stormwater downpipes and gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
12. 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) 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.

13. The existing street tree already removed along Glass Street near the south-eastern corner of the site must be replaced with an advanced tree which is at least 2 metres high at the time of planting and of a species (*Eucalyptus Leucoxylon 'Rosea' Megalocarpa*) and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the replacement tree including:

- a) Method of mulching and mounding;
- b) The species (*Eucalyptus Leucoxylon 'Rosea' Megalocarpa*) of the replacement planting;
- c) The size of planting and its maturity; and
- d) The location of the replacement planting.

All costs associated with the replacement of the street tree must be borne by the permit/applicant.

14. The northern-most street tree along Schofield Street must not be removed or replaced without the prior written consent of the Responsible Authority.

Any replacement tree planted must be to the satisfaction of the Responsible Authority. All costs associated with the removal and replacement/replanting of the street tree must be borne by the permit applicant and the street tree replacement must be completed to the satisfaction of the Responsible Authority before the buildings approved by this permit are occupied.

15. The remaining existing street trees not referenced in the previous conditions must not be removed or damaged as a result of the permitted development, except with the prior written consent of the Responsible Authority.
16. Before the building approved by this permit is 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:

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

to the satisfaction of the Responsible Authority.

17. Before the buildings approved by this permit are occupied, concrete vehicular crossings must be constructed to suit the proposed driveways in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings 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 and on-street parking bays. 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.

18. 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.

19. Before the buildings approved by this permit are occupied, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
20. 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 1993. A separate building permit is required to be obtained for any demolition or building works.
- Before the development starts, the permit holder must contact Moonee Valley City Council on 9243 8888 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.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be to the satisfaction of the Responsible Authority.

CARRIED UNANIMOUSLY

10.4 Moonee Ponds Planning Update

File No: FOL/18/32

Author: Andrew Kelly
Coordinator Strategic Planning

Directorate: Planning and Development

Minute No: 2018/150

Council Resolution

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

1. Notes this report, including the work undertaken thus far on the infrastructure requirements of the future development of Moonee Ponds, and the role the recently adopted Moonee Valley 2040 Strategy; Development Contributions Plan; Streetscape Improvement Costing Framework; and the MV2040 Action Plan – Community Facilities, play in addressing these issues moving forward.
2. Requests a Ministerial Amendment to the Moonee Valley Planning Scheme under Section 20(4) of the *Planning and Environment Act 1987* to extend the expiry of the mandatory maximum building heights at Clause 37.08 of the Moonee Valley Planning Scheme by a minimum of one year, to 30 September 2019 to enable council to progress the necessary strategic work.
3. Notes resolution of the need for and location of a potential new multi-storey carpark and park (the Car [Park] concept) to be determined through the course of the current parking, traffic and transport review of Moonee Ponds activity centre, together with trader consultation; with appropriate planning controls amended through the future planning scheme amendment resulting from the Moonee Ponds Activity Centre pilot project.
4. Notes that any changes to childcare arrangements in Moonee Ponds from Shuter Street should be focused on retaining childcare within Moonee Ponds.

CARRIED UNANIMOUSLY

10.5 Review of Right of Way Policy Abutting Developments

File No: FOL/18/32

Author: Andrew Ryan
Development Engineer

Directorate: Planning and Development

Minute No: 2018/151

At its meeting on 24 July 2018 Council resolved that the matter be deferred to the meeting to be held on 14 August 2018.

Council Resolution

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

1. Notes the revised Policy as per the review, and having regard for VCAT outcomes reported.
2. Adopts the revised Right of Way Access for Abutting Development Proposals Policy at Appendix D (separately circulated).
3. Commences work to have the reviewed Right of Way Access for Abutting Development Proposals Policy incorporated into the Moonee Valley Planning Scheme.

CARRIED UNANIMOUSLY

10.6 Moonee Valley Racing Club Planning Assessments Special Committee

File No: FOL/18/32

Author: Natalie Reiter
Director Planning and Development

Directorate: Planning and Development

Minute No: 2018/152

Council Resolution

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

1. Pursuant to Section 86 of the *Local Government Act 1989* resolves to establish the Moonee Valley Racing Club (MVRC) Planning Assessment Special Committee with the powers, duties and functions set out in the Instrument Delegation provided as Appendix B
2. Authorises the Common Seal of Moonee Valley City Council to be affixed to the Instrument of Delegation to the MVRC Planning Assessment Special Committee.
3. Endorses the Charter to the MVRC Planning Assessment Committee provided as Appendix A with the following change in Clause 3 (Term) to amend the end date to 24 October 2020.
4. Resolves to appoint Crs Richard Lawrence, Rebecca Gauci Maurici and Nicole Marshall as members of the MVRC Planning Assessment Committee for a two-year term effective from the date of this resolution.
5. Advertises upcoming meetings of the MVRC Planning Assessment Committee pursuant to Section 89 of the *Local Government Act 1989*

CARRIED UNANIMOUSLY

Cr Gauci Maurici left the meeting at 7.56pm

Cr Gauci Maurici returned to the meeting at 7.58pm

10.7 Draft Council Plan 2017-21 (Year 2)

File No: FOL/18/32

Author: Julie Tipene-O'Toole
Coordinator Corporate Planning

Directorate: Organisational Performance

Minute No: 2018/153

Minute No. **2018/28**

Council Resolution

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

1. Endorses the draft Plan in Appendix A (separately circulated) for the purpose of public inspection and invites public submissions pursuant to section 223 of the *Local Government Act 1989*;
2. Authorises any necessary minor amendments that are non-significant content changes to be made during the public exhibition period; and
3. Hears and considers any submissions received on the draft Plan (if required) at a Committee Meeting, comprising all Councillors, to be held on Tuesday, 2 October 2018 commencing at 6.00pm at Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

CARRIED UNANIMOUSLY

10.8 Capital Works Program Update

File No: FOL/18/32

Author: Nikhil Aggarwal

Capital Works Program Planner

Directorate: Asset Planning and Strategic Projects

Minute No: 2018/154

Council Resolution

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

1. Notes the 2017/18 Capital Works Program delivery performance including projects carrying over into 2018/19 as per Appendix A (separately circulated).
2. Authorises requested variations to the 2018/19 CWP as per Appendix B.

CARRIED UNANIMOUSLY

Suspension of standing orders

Cr Marshall requested through the Chairperson, that standing orders be suspended to seek further clarification on item 10.9 Councillor Expenses and Reimbursement Policy.

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council suspend standing orders.

CARRIED UNANIMOUSLY

The meeting was suspended at 8.19pm

Resumption of standing orders

Council Resolution

Moved by Cr Marshall, seconded by Cr Gauci Maurici that standing orders resume.

CARRIED

The meeting resumed at 8.26pm.

10.9 Councillor Expenses and Reimbursement Policy

File No: FOL/18/32

Author: Damian Hogan
Manager Finance

Directorate: Organisational Performance

Minute No: 2018/155

Motion

Moved by Cr Cusack, seconded by Cr Sharpe:

That Council adopts the Councillor Expenses and Reimbursement Policy as per Appendix A (separately circulated) with the following changes:

1. Add the following wording at the end of 7.1.6 - For the avoidance of doubt, this does not include capped plans where all calls and other charges are included in the plan and a Councillor does not exceed that cap.
2. 7.1.8 – Change the wording to read ‘Approval must be obtained in writing by Council resolution’.
3. 7.6.4 - Change the wording to read ‘Prior written approval of the CEO is required for use of a hire car’.
4. 7.13.3 – Change the wording to read ‘Council previously paid an additional amount on its annual MAV membership and received credits points that can be used for any MAV Councillor Professional Development Training Program. The credit points have been distributed equally to each Councillor and the points are to be used as payment for a program or course that a Councillor attends. Each point equates to \$1 of training expenditure and will be reported under section 8.3 of this policy.’

This clause will remain in effect until each Councillor credit point balance is zero.

5. 7.16.1 Change the wording to read ‘Council will cover the cost of ticketed events for Councillors invited by written invitation to attend local fundraiser/charitable event where attendance at the event has a demonstrated benefit to local community.
6. 7.16.2 – Delete this paragraph and renumber document sub-clauses to reflect change.
7. Change the wording to read ‘Gifts, Benefits and Hospitality Policy’ wherever it is currently referred to as ‘Gifts Policy’.

Amendment

Moved by Cr Byrne, seconded Cr Gauci Maurici that the following point be added to the policy as 7.13.5.

The total cost for a Councillor per annum is not to exceed the budgeted amount unless Council resolves to fund the gap or the Councillor agrees to fund the gap. Unspent funds can be accumulated for a maximum of two years not including the final year of the term.

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

CARRIED

Amendment

Moved by Cr Marshall, seconded by Cr Nation that the following addition to 7.13.5 be included in the policy:

Councillors will provide a report back to Council, after the completion of any training funded under this policy.

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

LOST

Council Resolution

Moved by Cr Cusack, seconded by Cr Sharpe :

That Council adopts the Councillor Expenses and Reimbursement Policy as per Appendix A (separately circulated) with the following changes:

1. Add the following wording at the end of 7.1.6 - For the avoidance of doubt, this does not include capped plans where all calls and other charges are included in the plan and a Councillor does not exceed that cap.
2. 7.1.8 – Change the wording to read ‘Approval must be obtained in writing by Council resolution’.
3. 7.6.4 - Change the wording to read ‘Prior written approval of the CEO is required for use of a hire car’.
4. 7.13.3 – Change the wording to read ‘Council previously paid an additional amount on its annual MAV membership and received credits

points that can be used for any MAV Councillor Professional Development Training Program. The credit points have been distributed equally to each Councillor and the points are to be used as payment for a program or course that a Councillor attends. Each point equates to \$1 of training expenditure and will be reported under section 8.3 of this policy.

This clause will remain in effect until each Councillor credit point balance is zero.

5. 7.16.1 Change the wording to read 'Council will cover the cost of ticketed events for Councillors invited by written invitation to attend local fundraiser/charitable event where attendance at the event has a demonstrated benefit to local community.
6. 7.16.2 – Delete this paragraph and renumber document sub-clauses to reflect change.
7. Change the wording to read "Gifts, Benefits and Hospitality Policy' wherever it is currently referred to as 'Gifts Policy'.
8. 7.13.5 The total cost for a Councillor per annum is not to exceed the budgeted amount unless Council resolves to fund the gap or the Councillor agrees to fund the gap. Unspent funds can be accumulated for a maximum of two years not including the final year of the term.

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

CARRIED

Cr Cusack left the meeting 9.19pm

10.10 Proposed New Lease - Victorian YMCA Community Programming Pty Ltd over part of Cooper Street Community Centre

File No: FOL/18/32

Author: Morgan Brown
Commercial Property Officer

Directorate: Asset Planning and Strategic Projects

Minute No: 2018/156

Council Resolution

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

1. Endorses a three year lease with Victorian YMCA Community Programming Pty Ltd (YMCA) over part of Cooper Street Community Centre for the provision of a gymnastics program, associated administration office and associated community services as approved by Council.
2. Authorises the Chief Executive Officer to negotiate and finalise the lease with Victorian YMCA Community Programming Pty Ltd and execute the lease on behalf of Council.

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

Against: Cr Byrne

CARRIED

10.11 Grants Assessment Special Committee Reports

File No: FOL/18/32

Author: Nina Stanwell
Community Grants Officer

Directorate: Planning and Development

Minute No: 2018/157

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Sharpe that Council notes the minutes from the Grants Assessment Special Committee meetings on 7 May 2018 (Appendix A – separately circulated - confidential) and 31 May 2018 (Appendix B – separately circulated - confidential) for Round Two of the 2017/18 Biannual and Social Support Grants.

CARRIED UNANIMOUSLY

Cr Cusack returned to the meeting at 9.25pm.

10.12 Response to Notice of Motion No.2017/17 - Tennis Strategy

File No: FOL/18/32

Author: Craig Dodson
 Community Planning Officer

Directorate: Planning and Development

Minute No: 2018/158

Council Resolution

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

1. Notes the draft Moonee Valley Growth in Tennis Plan 2018 (refer Appendix A – separately circulated).
2. Endorses for the draft plan to be distributed to local tennis clubs, Tennis Victoria and the community to provide feedback.
3. Notes a report will be presented to Council following consultation and feedback received from local tennis clubs, Tennis Victoria and the community on the draft plan.
4. Commits up to \$70,000 towards the installation of the ‘Book a Court’ system in the seven Moonee Valley clubs that offer paid access to the public (up to \$10,000 per club) in the current financial year subject to the provision of more detailed costings.

CARRIED UNANIMOUSLY

10.13 **Response to Notice of Motion No. 2018/06 - Plant and Tree Health**

File No: FOL/18/32

Author: David Murnane
 Coordinator Open Space Management

Directorate: City Services

Minute No: 2018/159

Council Resolution

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

1. Notes that the majority of Council trees and plants remain in good condition following the 2017/2018 summer/autumn period.
2. Notes that Council officers will continue to operate proactive monitoring and maintenance programs in relation to trees and plants on Council land.
3. Receive a presentation at a future strategic briefing on the plans and preparation officers have made to protect our trees and open space in the event of a drought.

CARRIED UNANIMOUSLY

11. Notices of Motion

Nil

12. Urgent Business

Nil.

13. Delegates reports

Nil.

14. Confidential Reports

Council Resolution

Moved by Cr Lawrence, seconded by Cr Nation 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:

**14.1 147-149 The Parade, Ascot Vale (Lot 1 on TP685469H) -
Construction of more than two dwellings on a lot (13 Dwellings) in a
General Residential Zone**

Item 14.1 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

15. Close of Meeting

The meeting closed to the public at 9.43pm.

**CR JOHN SIPEK
CHAIRPERSON**