

Minutes

Ordinary Meeting of Council

Tuesday, 11 September 2018

6.30pm

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Minutes of the Ordinary Meeting of Council

Tuesday, 11 September 2018 at 6.30pm
held at the Moonee Valley Civic Centre

Present :

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

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr Steven Lambert Director City Services
Ms Natalie Reiter Director Planning and Development
Mr Petrus Barry Acting Director Organisational Performance
Mr Gil Richardson Acting Director Asset Planning and Strategic Projects
Ms Allison Watt Manager Governance and Communications
Ms Tracey Classon Governance Officer

1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 11 September 2018.

2. Reconciliation Statement

On behalf of Moonee Valley City Council, the Mayor 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

Cr Surace is on approved leave of absence.

Cr Cusack was an apology for the meeting.

4. Confirmation of Minutes

Minute No. 2018/175

Council Resolution

Moved by Cr Nation, seconded by Cr Lawrence that the minutes of the Ordinary Meeting of Council held on Tuesday, 28 August 2018 be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Cr Cam Nation declared an indirect conflict of interest in Item 10.11 due to a conflicting duty. A written disclosure has been previously provided to the Chief Executive Officer outlining the reasons for this conflict.

6. Presentations

Nil.

7. Petitions and Joint Letters

Nil.

8. Public Question Time

Trevor Brooks asked Council, why include T366 on the register when documentation provided showed damage to adjoining property (root bound drainage pipes, continually blocked gutters) which are grounds for exclusion. Also there is no validation of its historical significance.

Natalie Reiter, Director Planning and Development responded that Council in light of the submission, received a second inspection of T366 that was carried out by Planning Officers and the Consultant Arborist. No obvious structural damage was observed onsite by either the trees root system or overhanging canopy. This tree was deemed to be structurally sound and well maintained.

There is a laneway between the identified tree and the property owned by Submitter Three which showed no visible signs of cracks from the trees root system. The recommendation is therefore to maintain Council's position and pursue tree controls.

With respect to historical significance, no hard evidence is provided in the report other than to identify that the tree is 100 plus years old. The assertion is therefore made that the tree is likely to remain from a previous land use.

It should be noted that Submitter Three will be invited to an independent Panel should any concerns remain unresolved. Structural issues and historical comments can be further reviewed at this time.

Trevor Brooks asked Council, why does the report state there is no notable damage to surrounding infrastructure. Does damage to adjacent houses not count? Documentary proof has been submitted to show that it is causing damage and overhangs over other properties.

8. Public Question Time continued

Natalie Reiter, Director Planning and Development answered that Council having carried out two inspections of the tree and its surrounds, found no notable damage to surrounding infrastructure was observed which would warrant removing the tree from the draft Register.

Given a lot of the trees identified are within urban settings, the proposed tree control includes exemptions from a permit to remove branches of a certain size that overhang into neighbouring properties. It is considered that the majority if not all of the branches that overhang the submitters property, could be removed under this exemption.

Steven Hall asked Council, regarding tree ref T229, our Consultant Arborist (2016) says the concrete and tree can easily co-exist, our six metre adjacent carport/shed has had no cracks in 10 years. Why should the carpark prevent nomination as first recommended by council arborist?

Natalie Reiter, Director Planning and Development responded that although it is noted there are plans for a proposed new carpark at No. 60 Farnham Street, this has not been the reason for recommending this trees exclusion from the register.

Submissions received during the exhibition of Amendment C179 brought to light some damage to surrounding infrastructure that warranted a second inspection of the site and surrounds. The arborist noted that the tree was in an unfortunate location and had outgrown its context. Visible damage to surrounding infrastructure, most notable the rear existing car park at 60 Farnham Street was observed. The consultant arborist therefore recommended not to pursue tree controls due to species suitability next to infrastructure and/or buildings.

Steven Hall asked Council, as the tree (Ref T229) pre dates the flats at 60 Farnham St by some decades (tree age 80 to 120 years) is it not the responsibility of neighbours to work around trees (even if not protected by significant tree registration) rather than seek to remove them?

Natalie Reiter, Director Planning and Development responded if the tree is not protected under the significant tree register, proposed works for a carpark that may impact the root system of the tree would become a civil issue between owners of each property

Tree disputes are covered by 'common law', which is law the courts have developed over time.

You're liable for any damages you cause to your neighbour's tree while performing any maintenance/works.

Conversely, private tree owners may be liable for damage a tree is causing to neighbouring properties if evidence is provided that a tree is impacting on the use and enjoyment of the land.

More information is available on the Dispute Settlement Centre of Victoria website.

8. Public Question Time continued

Cheryl Tinney asked Council, in relation to 10.10 Significant Tree Register - Summary of submissions post consultation. One of the recommended changes to the draft Significant Tree Register 2017 is:

‘Acceptance of a nomination of trees within Ascot Vale Public Housing Estate for potential inclusion in a future review of the Register.’ (Submitter No. 42 - CRN 18.232855 Dunlop Avenue Ascot Vale).

DHHS have published "Dunlop Avenue Consultation Plans and Images," which indicates a significant reduction in mature native trees across the site. (see Plan 8 – Trees) <https://vhhsba.vic.gov.au/sites/default/files/Dunlop-Avenue-Plans-and-images-Sept-2018.pdf>

Will Council advocate for the retention of these and other estate trees in their submission to DHHS on the Dunlop Avenue Estate when the time comes?

Natalie Reiter, Director Planning and Development answered that Council is aware that DHHS have just released the ‘Dunlop Avenue Consultation Plans and Images’ for community consultation. Documents are currently being reviewed by relevant staff internally and Council staff will be attending consultation sessions facilitated by DHHS.

It should be noted that Council is the Responsible Authority in this instance and a planning permit is required for any proposed development of the Dunlop Avenue Estate. Council will always advocate for the retention of established canopy on site where appropriate and this will be considered when a planning permit is submitted. Council Arborists will also have input into this process.

9. Reports from Special Committees

Nil.

10. Reports

10.1 2017/18 Annual Financial Report

File No: Fol/18/32
Author: Damian Hogan - Manager Finance
Directorate: Organisational Performance
Minute No. 2018/176

Council Resolution

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

1. Notes the recommendation of the Audit Committee.
2. Adopts in principle the 2017/18 Annual Financial report.
3. Nominates and authorises Councillor John Sipek and Councillor Samantha Byrne to certify, on behalf of Council, the Annual Financial Report, in the final form.

CARRIED UNANIMOUSLY

10.2 Planning Policy Framework for the Moonee Valley Planning Scheme

File No: Fol/18/32
Author: Corina de Araujo - Strategic Planner
Directorate: Planning and Development
Minute No. 2018/177

Council Resolution

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

1. Notes the new Planning Policy Framework (PPF) structure of all Victorian Planning Schemes and the required translation of the Local Planning Policy Framework into the PPF as a result of Amendment VC148 on 31 July 2018.
2. Notes the Moonee Valley Planning Policy Framework local content and related changes (Appendix A – separately circulated) been prepared to translate the recently redrafted Municipal Strategic Statement into the newly required PPF format.
3. Lodges the Moonee Valley Planning Policy Framework local content and related changes with the Minister for Planning to allow progression of Amendment C193 (or a revised Amendment as advised by DELWP).
4. Allows Council officers to make minor editing and typographical changes as required.

CARRIED UNANIMOUSLY

10.3 2017/18 Performance Statement and Governance and Management Checklist

File No: Fol/18/32
Author: Marianne McArthur - Corporate Planning Officer
Directorate: Organisational Performance
Minute No. 2018/178

Council Resolution

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

1. Approves in principle the 2017/18 Performance Statement;
2. Authorises Councillor John Sipek and Councillor Samantha Byrne to certify the Performance Statement on behalf of Council;
3. Submits the certified Performance Statement to the Victorian Auditor-General's Office (VAGO) for final audit approval; and
4. Approves the Governance and Management Checklist for certification by the Mayor and Chief Executive Officer.

CARRIED UNANIMOUSLY

10.4 2018-19 Capital Works Program Update

File No: Fol/18/32

Author: Nikhil Aggarwal - Capital Works Program Planner

Directorate: Asset Planning and Strategic Projects

Minute No. 2018/179

Council Resolution

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

1. Authorises requested 2018/19 Capital Works Project variations as per Section A.1 of Appendix A.
2. Notes year-to-date program savings on completed projects, as per Section A.2 of Appendix A, that partially offset variations to date.

CARRIED UNANIMOUSLY

10.5 Kindergarten in Moonee Ponds

File No: Fol/18/32

Author: Jason Crockett - Coordinator, Kindergarten Services

Directorate: City Services

Minute No. 2018/180

Council Resolution

Moved by Cr Marshall, seconded by Cr Gauci Maurici that Council defers consideration of this item to a future Ordinary Council Meeting.

CARRIED UNANIMOUSLY

10.6 Joint Council Statement against changes to the Status Resolution Support Services (SRSS) program for people seeking asylum

File No: Fol/18/32
Author: Kate McCaughey - Manager Community Planning
Directorate: Planning and Development
Minute No. 2018/181

Council Resolution

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

1. Endorses the 'Joint Council Statement against changes to the Status Resolution Support Service' for people seeking asylum as outlined in Appendix A.
2. Notes that Moonee Valley City Council will participate on the Status Resolution Support Services (SRSS) Mayoral Taskforce as a non-executive member, including representation by Councillor Jim Cusack, Councillor Cam Nation and relevant Moonee Valley officers.
3. Notes that Moonee Valley City Council will provide material aid to people seeking asylum in Moonee Valley as outlined in Table Three.
4. Notes that Moonee Valley City Council will explore joining the Welcoming Cities Network and provide a further update to Council in 2019.
5. Agrees Moonee City Council will provide \$1,000 cash and \$4,000 in-kind contribution to Dandenong City Council to support the 'Joint Council Statement against changes to the Status Resolution Support Service'.

CARRIED UNANIMOUSLY

Cr Gauci Maurici left the Chamber at 6.56pm

Cr Gauci Maurici returned to the Chamber before the vote on the next item at 6.58pm.

10.7 Moonee Valley City Council Highball Stadium Development

File No: Fol/18/32

Author: Ben McManus - Major Community Infrastructure Program Manager

Directorate: Planning and Development

Minute No. 2018/182

Council Resolution

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

1. Brings forward the highball stadium design and construction allocation to commence 2019/2020, currently commencing 2022/2023, subject to receipt of a low interest loan of \$10 million for a sports project from the Victorian Government and \$10 million in funding for other Major Projects.
2. Seeks funding of \$5 million for the development of the Highball Stadium from other levels of Government.

CARRIED UNANIMOUSLY

10.8 Moonee Valley Paid Parking Plan

File No: Fol/18/32

Author: Damir Agic - Strategic Transport Planner - Technical Services

Directorate: Planning and Development

Minute No. 2018/183

Council Resolution

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

1. Implements paid parking in the newly created kerbside parking areas in:
 - a) Eddy Street, Moonee Ponds, on the east side, between Taylor Street to the north and Homer Street to the south.
 - b) Penny Lane, Moonee Ponds, on the west side, between Young Street to the north and Gladstone Street to the south.
2. Implements paid parking in the existing kerbside parking areas in:
 - a) Moore Street, Moonee Ponds, on the west side along the railway line, between Gladstone Street to the north and Browning Street to the south.
 - b) Mt Alexander Road, Moonee Ponds, on the east side along Queens Park, between The Strand to the north and Kellaway Avenue to the south.
 - c) The Boulevard, Moonee Ponds, on the north and south sides near the Boathouse, west of Orford Street.
 - d) Matthews Avenue, Niddrie, on the east side, north of Keilor Road.
 - e) Treadwell Road, Niddrie, on the west side, north of Keilor Road.
 - f) Woodland Street, Essendon, on the south side along the Cross Keys Reserve frontage, east of the railway line.
3. Reviews the existing fee regime in paid parking areas within Alexandra Avenue, Moonee Ponds and implements the reviewed rate.
4. Authorises the Chief Executive Officer to fix, rescind, vary fees for any vehicles in the parking areas, outlined in Recommendations 1, 2 and 3, and the manner of payment of those fees.
5. Receives a further report detailing the implementation of the paid parking including community feedback, six months post installation.

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

Against: Crs Marshall, Nation

CARRIED

10.9 Update to Response to Notice of Motion 2017/21 - Electric Car Charging Infrastructure

File No: Fol/18/32

Author: Natalie Reiter - Director Planning and Development

Directorate: Planning and Development

Minute No. 2018/184

Council Resolution

Moved by Cr Lawrence, seconded by Cr Nation that Council notes the following:

1. The update provided in this report.
2. The Victorian Parliament Economy and Infrastructure Committee Inquiry into Electric Vehicles Report does not make any recommendations to government. The Committee Chair states that “a lot more work needs to be done before we can fully understand or support electric vehicles in Victoria”.
3. Officers will continue to monitor changes in state government policy regarding support for electric vehicles and the evolution of the electric vehicle industry.
4. Officers will continue to monitor community need for electric car charging in the city.
5. Officers will continue to consider the need to include electric car charging conditions in planning permits.

CARRIED UNANIMOUSLY

10.10 Significant Tree Register - Summary of submissions post consultation

File No: Fol/18/32
Author: David Kilroe - Senior Strategic Planner
Directorate: Planning and Development
Minute No. 2018/185

Council Resolution

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

1. Acknowledges submissions received during exhibition of Amendment C179 to the Moonee Valley Planning Scheme, including changes proposed to the final draft register and submissions of support from the community.
2. Refers unresolved submissions to Amendment C179, to an independent Planning Panel in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*.
3. Notes officers will present positions on submissions as outlined in this report and its attachments to the independent Planning Panel Hearing.
4. Allows Council officers to make minor editing and typographical changes as required.

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

Against: Cr Sharpe

CARRIED

Cr Nation left the Chamber due to conflict of interest in Item 10.11 at 7.22pm.

10.11 Windy Hill and Essendon Football Club

File No: Fol/18/32

Author: Ben McManus

Major Community Infrastructure Program Manager

Directorate: Planning and Development

Minute No. 2018/186

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council undertake extensive consultation with the Essendon community, key stakeholders, and the broader community as part of work to commence long term planning for the Windy Hill precinct. Consultation to include but not be limited to the following:

- Essendon Community generally
- Residents and users of the Essendon neighbourhood
- Essendon Football Club
- Essendon Football Club Members (incl. Volunteers/Cheer squad)
- Essendon Cricket Club
- Essendon Bowls Club
- Essendon Croquet Club
- Essendon District Football League
- Windy Hill Fitness Centre Community
- Broader Moonee Valley Community
- Community Groups who use the facility.

CARRIED UNANIMOUSLY

Cr Nation returned to the Chamber at 7.31pm.

10.12 Community Sport Infrastructure Fund (CSIF) Update - Overland Reserve

File No: Fol/18/32

Author: Natalie Reiter -Director Planning and Development

Directorate: Planning and Development

Minute No. 2018/187

Council Resolution

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

1. Proceeds with option four (includes 220m2 multi-purpose space plus 50m2 open deck) at a cost of \$3.9 million from 30 October 2018, which would require an additional \$280,000 budget which amount includes an SRV grant of \$250,000:
 - if East Keilor Football Club and East Keilor Cricket Club agree to the proposed design
 - if East Keilor Football Club and East Keilor Cricket Club relinquish the lease on the current pavilion and move to seasonal allocation.
2. Should the East Keilor Football Club and East Keilor Cricket Club not:
 - agree to the proposed design AND
 - relinquish their lease on the current pavilion and move to a seasonal allocation

before December 30, 2018, the project should be abandoned.

For: Crs Sipek, Lawrence, Marshall, Nation, Sharpe

Against: Crs Byrne, Gauci Maurici

CARRIED

11. Notices of Motion

Nil.

12. Urgent Business

Nil

13. Delegates Reports

Nil.

14. Confidential Reports

Minute No. 2018/188

Council Resolution

Moved by Cr Nation, seconded by Cr Lawrence that Council resolves 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 38-42 Scotia Street, Moonee Ponds (All land in Strata Plan 20307) - Consideration of an in-principle agreement reached at a VCAT Compulsory Conference

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.

14.2 327-357 Mt Alexander Road, Ascot Vale (Lot 1 TP691989U, Lot 1 TP759343W, Lot 1 LP47069, Vol.8442 Fol.272, Lot 1 TP183001L, Lot 1 TP531956H, Lot 1 TP534732Q, and Lots 1 & 2 TP959305Q) - Demolish buildings and construct buildings and works comprising a multi-storey mixed-use development and four triple storey townhouses in a Commercial 1 Zone, Heritage Overlay (HO363) and Design and Development Overlay (DDO3), use of the land for dwellings, a reduction in car parking requirements and alteration of access to a road in a Road Zone, Category 1

Item 14.2 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

The meeting closed to the public at 7.46pm.

**CR JOHN SIPEK
CHAIRPERSON**