

Minutes

Ordinary Meeting of Council

Tuesday, 29 January 2019

6:30pm

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Minutes of the Ordinary Meeting of Council

Tuesday, 29 January 2019 at 6:30pm
held at the Moonee Valley Civic Centre

Members:	Cr Narelle Sharpe	Mayor
	Cr John Sipek	Deputy Mayor
	Cr Samantha Byrne	
	Cr Rebecca Gauci Maurici	
	Cr Richard Lawrence	
	Cr Nicole Marshall	
	Cr Cam Nation	
Officers:	Mr Bryan Lancaster	Chief Executive Officer
	Mr Steven Lambert	Director City Services
	Ms Kendrea Pope	Director Organisational Performance
	Ms Natalie Reiter	Director Planning and Development
	Mr Gil Richardson	Director Asset Planning and Strategic Projects
	Mr Petrus Barry	Manager Statutory Planning
	Ms Allison Watt	Manager Governance and Communications

1. Opening

The Mayor, Cr Sharpe, opened the meeting and welcomed all present to the Council Meeting of Tuesday 29 January 2019.

The Mayor invited viewers to visit Council's new Valley View website which covers the latest news, events and works in each of Moonee Valley's neighbourhoods.

2. Reconciliation Statement

On behalf of Moonee Valley City Council, the Mayor welcomed all present and 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

Apologies were received from Cr Jim Cusack and Cr Andrea Surace.

Minute No. 2019/01

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Byrne that the apologies be accepted.

CARRIED

4. Confirmation of Minutes

Minute No. 2019/02

Council Resolution

Moved by Cr Lawrence, seconded by Cr Byrne that the Minutes of the Ordinary Meeting of Council held on Tuesday 11 December 2018 be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Nil.

6. Presentations

Nil.

7. Petitions and Joint Letters

7.1 Flemington Primary School - School Crossing times

File No: Fol/18/32

Author: Tracey Classon - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/03

Council Resolution

Moved by Cr Marshall, seconded by Cr Sipek that the petition be accepted.

CARRIED UNANIMOUSLY

7.2 Proposed changes to median strip access from Buckley Street to surrounding streets following the Buckley Street level crossing removal.

File No: Fol/18/32

Author: Emily Chiles - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/04

Council Resolution

Moved by Cr Lawrence, seconded by Cr Gauci Maurici that the petition be accepted.

CARRIED UNANIMOUSLY

8. Public Question Time

Nil.

9. Reports from Special Committees

Nil.

10. Reports

10.1 **203-211 Keilor Road, Essendon (Lots 1, 2 & 3 TP335400C, Lot 352 LP2735, Land in CP151620 and Land in CP152396) - Construction of a seven storey building in a Commercial 1 Zone and Design and Development Overlay (DDO7 and DDO9), use of the land for dwellings and alteration of access to a road in a Road Zone, Category 1**

File No: Fol/18/32

Author: William Wheeler - Principal Statutory Planner

Directorate: Planning and Development

Minute No. **2019/05**

Council Resolution

Moved by Cr Gauci Maurici, 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/914/2017 for the construction of a seven storey building in a Commercial 1 Zone and Design and Development Overlay (DDO7 and DDO9), use of the land for dwellings and alteration of access to a road in a Road Zone, Category 1 at No.203-211 Keilor Road, Essendon (Lots 1, 2 & 3 TP335400C, Lot 352 LP2735, Land in CP151620 and Land in CP152396), 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 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;
3. The proposed development does not meet the decision guidelines set out under Clause 43.02-6 (Design and Development Overlay) of the Moonee Valley Planning Scheme, or the design objectives of Schedules 7 and 9 to the Overlay, resulting in an urban design outcome which fails to positively contribute to Keilor Road corridor while creating a hazard to aircraft flight paths in the vicinity of Essendon Fields Airport;
4. The layout and design of car parking fails to meet the requirements of Clause 52.06-9 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme and would exacerbate car parking and vehicle access issues in the surrounding area;
5. The proposal fails to satisfy the following standards contained within Clause 58 (Apartment Developments) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the

following objectives:

- a) Clause 58.04-1 (Building setback);
 - b) Clause 58.04-2 (Internal views);
 - c) Clause 58.05-1 (Accessibility);
 - d) Clause 58.05-3 (Private open space);
 - e) Clause 58.07-1 (Functional layout);
 - f) Clause 58.07-2 (Room depth); and
 - g) Clause 58.07-3 (Windows).
6. 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; and
7. The proposal will have an adverse effect on the internal amenity of residents within the proposed development.

CARRIED UNANIMOUSLY

10.2 Amendment C195 Heritage Controls - 89 Glass Street, Essendon

File No: Fol/18/32

Author: Corina de Araujo - Senior Strategic Planner

Directorate: Planning and Development

Minute No. 2019/06

Council Resolution

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

1. Requests the CEO to write to the Minister of Planning, highlighting concerns the Panel for Amendment C195 had regarding the ineffectiveness of protection of 89 Glass Street, requesting the Minister consider opportunities to improve effective protection through the interim heritage controls.
2. Obtains a report on the estimated cost of restoring the property to the condition it was in prior to the amendments to its exterior made in 2018.
3. Brings a further report to a future Ordinary Council Meeting in relation to this matter.

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

Against: Crs Sipek, Byrne

CARRIED

10.3 Planning Scheme Amendment C179 - Adopting the Significant Tree Register and applying tree protection controls

File No: Fol/18/32
Author: David Kilroe - Senior Strategic Planner
Directorate: Planning and Development
Minute No. 2019/07

Council Resolution

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

1. Formally adopts the *Moonee Valley Significant Tree Register 2018* provided in Appendix C (separately circulated) to this report.
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 C179 which will incorporate all changes recommended by the Panel as per the Panel Report included in Appendix B (separately circulated) and in accordance with the amendment documents included in Appendix A (separately circulated).
3. Pursuant to Section 31(1) of the *Planning and Environment Act 1987*, submit Moonee Valley Planning Scheme Amendment C179 to the Minister for Planning for approval.
4. Authorises the CEO to remove interim tree controls introduced through Amendment C187 (and extended through Amendment C198) to the Moonee Valley Planning Scheme, once permanent controls are in place, and make minor editing and typographical changes as required.

CARRIED UNANIMOUSLY

10.4 Montgomery Park Master Plan

File No: Fol/18/32

Author: Heather Graham - Senior Open Space Planner

Directorate: Planning and Development

Minute No. 2019/08

Motion

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

1. Adopts the Montgomery Park Master Plan 2018, noting the budget would need to be drawn from the overall budget of \$2.5 million p/a open space Master Plan implementation across all neighbourhoods.
2. Requests a further report exploring opportunities to consolidate the proposed Early Years Hub footprint at Montgomery Park, with the intention of optimising public open space while delivering the Early Year's program for the Essendon neighbourhood.

Amendment

Moved by Cr Gauci Maurici, seconded by Cr Byrne that the following be added as a third point to the recommendation:

Allows officers to make minor typographical changes and corrections to the Master Plan.

CARRIED UNANIMOUSLY

Council Resolution

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

1. Adopts the Montgomery Park Master Plan 2018, noting the budget would need to be drawn from the overall budget of \$2.5 million p/a open space Master Plan implementation across all neighbourhoods.
2. Requests a further report exploring opportunities to consolidate the proposed Early Years Hub footprint at Montgomery Park, with the intention of optimising public open space while delivering the Early Year's program for the Essendon neighbourhood.
3. Allows officers to make minor typographical changes and corrections to the Master Plan.

CARRIED UNANIMOUSLY

10.5 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. **2019/09**

Council Resolution

Moved by Cr Sipek, seconded by Cr Lawrence that Council authorises requested 2018/19 Capital Works Project variations as per Section A.1 of Appendix A.

CARRIED UNANIMOUSLY

10.6 Advocacy on Kindergarten Services - I Love Kinder Campaign

File No: Fol/18/32

Author: Sharron Kelly-Campbell
 Coordinator Planning Policy and Advocacy

Directorate: City Services

Minute No. **2019/10**

Council Resolution

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

1. Supports the Wyndham City Council and Municipal Association of Victoria's 'I Love Kinder' campaign.
2. Commits to promoting the 'I Love Kinder' campaign in the lead-up to the 2019 Federal Election, including at Council's early learning services.
3. Writes to the following politicians, as well as other State and Federal Members of Parliament and Senators as may be deemed relevant, to express its support for the objectives of the 'I Love Kinder' campaign:
 - a) Prime Minister the Hon. Scott Morrison MP
 - b) Federal Opposition Leader and Member for Maribyrnong the Hon. Bill Shorten MP
 - c) Federal Minister for Education the Hon. Dan Tehan MP
 - d) Federal Shadow Minister for Early Childhood Education and Development the Hon. Amanda Rishworth MP

CARRIED UNANIMOUSLY

Cr Sipek left the meeting before the vote on the next item at 7:24pm.

10.7 Various Community Organisation Lease Renewals

File No: Fol/18/32

Author: Morgan Brown - Acting Coordinator Commercial Property

Directorate: Asset Planning and Strategic Projects

Minute No. 2019/11

Council Resolution

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

1. Endorses a Deed of Renewal of Lease with the following community organisations for a four year term commencing on 1 February 2019 for the purposes specified below:
 - a) Aberfeldie Community Club Inc. over part of 7B Batman Street, Aberfeldie for the purposes of a bowling club and associated recreational purposes as approved by Council;
 - b) Airport West Tennis Club Inc. over part of 15 Olive Grove, Airport West for the purposes of a tennis club and associated recreational purposes as approved by Council;
 - c) Avondale Heights Sporting Club Inc. over part of 2b Canning Street, Avondale Heights for the purposes of a sporting club and associated recreational purposes as approved by Council;
 - d) Avondale Heights Tennis Club Inc. over part of 1a Cornwall Street, Avondale Heights for the purposes of a tennis club and associated recreational purposes as approved by Council;
 - e) Buckley Park Bowls Club Inc. over part of 111 Cooper Street, Essendon for the purposes of a bowls club and associated recreational purposes as approved by Council;
 - f) Buckley Park Tennis Club Inc. over part of 111 Cooper Street, Essendon for the purposes of a tennis club and associated recreational purposes as approved by Council;
 - g) Doutta Galla Bowling Club Inc. over part of 52-56 Kerferd Street, Essendon North for the purposes of a bowls club and associated recreational purposes as approved by Council;
 - h) Doutta Galla Tennis Club Inc. over part of 19-27 Royal Avenue, Essendon for the purposes of a tennis club and associated recreational purposes as approved by Council;
 - i) East Keilor Sustainability Street Inc. over part of 10a Tuppal Place, East Keilor for the purposes a community garden and associated community, recreational and educational activities as agreed by Council;
 - j) East Keilor Tennis Club Inc. over part of 89b Rachele Road, East Keilor for the purposes of a tennis club and associated recreational

- purposes as approved by Council ;
- k) Essendon Community Gardens Inc. over part of 56 Brisbane Street, Ascot Vale for the purposes a community garden and associated community, recreational and educational activities as agreed by Council;
 - l) Essendon Tennis Club Inc. over part of 7a Batman Street, Aberfeldie for the purposes of a tennis club and associated recreational purposes as approved by Council;
 - m) Maribyrnong Park Bowls Club Inc. over part of 189 Holmes Road, Moonee Ponds for the purposes of a bowling club and associated recreational purposes as approved by Council;
 - n) Maribyrnong Park Tennis Club Inc. over part of 189 Holmes Road, Moonee Ponds for the purposes of a tennis club and associated recreational purposes as approved by Council;
 - o) Moonee Valley Sporting Club Inc. (Bowling and Bridge) over part of 2a Pattison Street, Moonee Ponds for the purposes of a bowling and bridge club;
 - p) Northern Dog Obedience Club Inc. over part of 11b Bruce Street, Aberfeldie for the purposes of a dog obedience club and associated recreational purposes as approved by Council;
 - q) Strathmore Bowls Club Inc. over part of 40 Loeman Street, Strathmore for the purposes of a bowling club and associated recreational purposes as approved by Council;
2. Notes the Chief Executive Officer's existing delegation to negotiate and finalise the Deed of Lease Renewals with the community organisations and execute the deeds on behalf of Council.

CARRIED UNANIMOUSLY

Meeting adjournment

Moved by Cr Marshall, seconded by Cr Gauci Maurici that the meeting be adjourned until Cr Sipek returns to the chamber.

CARRIED UNANIMOUSLY

The meeting adjourned at 7.25pm.

Cr Sipek returned to the meeting at 7.28pm

The meeting resumed at 7.29pm.

10.8 Proposed Discontinuance and Sale of Road Reserve - 7 Etzel Street, Airport West

File No: Fol/18/32

Author: Trish Curcuruto - Property and Right of Way Officer

Directorate: Asset Planning and Strategic Projects

Minute No. 2019/12

Council Resolution

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

1. In accordance with section 206, Clause 3 of Schedule 10 and 223 of the *Local Government Act 1989* (the Act) resolves to discontinue and sell part of the road reserve occupied by 7 Etzel Street, Airport West;
2. Notifies all parties of Council's decision to discontinue and sell;
3. Authorises the Chief Executive Officer to prepare and publish a notice in the Victorian Government Gazette vesting the land in Council; and
4. Authorises the Chief Executive Officer to facilitate the sale of land and execute all relevant documentation required to effect the discontinuance and sale of part of the road reserve occupied by 7 Etzel Street, Airport West.

CARRIED UNANIMOUSLY

10.9 Report on the Land Acquisition Committee

File No: Fol/18/32

Author: Morgan Brown - Acting Coordinator Commercial Property

Directorate: Asset Planning and Strategic Projects

Minute No. 2019/13

Council Resolution

Moved by Cr Marshall, seconded by Cr Lawrence that Council notes the confirmed Minutes of the Land Acquisition Committee Meeting held on 16 October 2018.

CARRIED UNANIMOUSLY

10.10 Assemblies of Councillors

File No: Fol/18/32
Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance
Minute No. 2019/14

Council Resolution

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

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the following Assemblies of Councillors:

Assembly	Strategic Briefing held on Tuesday 4 December 2018 at 6.00pm. Council Chamber, Civic Centre	
Matters considered	<ol style="list-style-type: none"> 1. Facilities booking system 2. Branding our facilities 3. Response to Notice of Motion on Shuter Street 4. ICT Strategy 5. Kindergarten priority of access guidelines 6. Draft 2019/2020 Capital Works Program 7. VicRoads Children’s Crossing supervisor program 8. Meeting procedures 9. Parking at Ascot Vale Leisure Centre on Union picnic day 10. Dial up hard waste service 11. Draft OCM agenda for 11 December 	
Councillors present	Cr Narelle Sharpe (Mayor) Cr Samantha Byrne Cr Jim Cusack (6.57pm) Cr Rebecca Gauci Maurici Cr Richard Lawrence Leave of absence: Cr John Sipek, Cr Nicole Marshall, and Cr Cam Nation Apology: Cr Andrea Surace	
Staff present	Natalie Reiter (Acting CEO) Kendrea Pope Gil Richardson	Maria Weiss Allison Watt Belinda Stewart
Conflict of interest	Cr Samantha Byrne declared a direct conflict of interest in item 10.4 due to residential amenity. This item was not discussed, Cr Byrne was not required to leave the meeting	

Assembly	Ordinary Council Meeting pre-meet held on Tuesday 11 December 2018 at 6.00pm. Committee Room, Civic Centre	
Matters considered	Ordinary Council Meeting agenda to be held 11 December 2018.	
Councillors present	Cr Narelle Sharpe (Mayor) Cr Samantha Byrne Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Andrea Surace	
	Leave of absence: Crs Nicole Marshall, Cam Nation and John Sipek	
Staff present	Natalie Reiter (Acting CEO) Maria Weiss Kendrea Pope Gil Richardson Allison Watt Belinda Stewart	
Conflict of interest	Cr Samantha Byrne declared a direct conflict of interest in item 10.4 due to residential amenity. This item was not discussed, Cr Byrne was not required to leave the meeting	

CARRIED UNANIMOUSLY

11. Notices of Motion

11.1 Notice of Motion No. 2019/01: Review of municipal boundaries

File No: Fol/18/32
From: Councillor John Sipek
Minute No. 2019/15

Council Resolution

Moved by Cr Sipek, seconded by Cr Marshall take notice that at the Ordinary Meeting of Council to be held on 29 January 2019 it is my intention to move:

That Council writes to the Minister for Local Government requesting a review of the municipal boundary between Moonee Valley City Council and Melbourne City Council giving consideration to transferring the responsibility for Flemington Racecourse and the Showgrounds and the boundary between Moonee Valley City Council and Moreland City Council in respect of transferring the responsibility for the suburb of Gowanbrae.

CARRIED UNANIMOUSLY

12. Urgent Business

Nil.

13. Delegates Reports

Nil.

14. Confidential Reports

Minute No. 2019/16

Council Resolution

Moved by Cr Lawrence, seconded by Cr Byrne 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 Update on property acquisition and proposed disposal of Council property

Item 14.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (d) contractual matters.

CARRIED UNANIMOUSLY

The meeting closed to the public at 7.41pm.

15. Close of Meeting

The meeting concluded at 7.44pm

**CR NARELLE SHARPE
CHAIRPERSON**