Minutes

Ordinary Meeting of Council

Tuesday, 27 August 2019
6:30pm
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Minutes of the Ordinary Meeting of Council
Tuesday, 27 August 2019 at 6:30pm
held at the Moonee Valley Civic Centre

Present

Members:  Cr Narelle Sharpe    Mayor
          Cr John Sipek
          Cr Samantha Byrne
          Cr Jim Cusack
          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, 27 August 2019.

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**

   An apology was received from Cr Andrea Surace.

   **Apology**

   **Minute No.** 2019/193

   **Council Resolution**

   Moved by Cr Gauci Maurici, seconded by Cr Sipek that Cr Surace’s apology be noted.

   **CARRIED UNANIMOUSLY**

   **Leave of Absence**

   **Minute No.** 2019/194

   **Council Resolution**

   Moved by Cr Gauci Maurici, seconded by Cr Sipek that Council grant Cr Lawrence leave of absence for the period 2 September to 18 September 2019 inclusive.

   **CARRIED UNANIMOUSLY**

4. **Confirmation of Minutes**

   **Minute No.** 2019/195

   **Council Resolution**

   Moved by Cr Sipek, seconded by Cr Lawrence that the Minutes of the Ordinary Meeting of Council held on Tuesday, 13 August 2019 be confirmed.

   **CARRIED UNANIMOUSLY**
5. Declarations of Conflict of Interest
   Nil

6. Presentations
   Nil.

7. Petitions and Joint Letters
   7.1 Cashmere Street, Travancore
   Author: Tracey Classon - Governance Officer
   Directorate: Organisational Performance
   Minute No. 2019/196

   Council Resolution
   Moved by Cr Nation, seconded by Cr Marshall that Council resolves to:
   1. Receive and note the hard petition.
   2. Refer this matter to the Director Planning and Development for investigation and reporting back to Council.
   3. Advise the petition organiser accordingly.

   CARRIED UNANIMOUSLY

8. Public Question Time
   Nil

9. Reports from Special Committees
   Nil.
10. Reports

10.1 42 Moore Road, Airport West (Lot 1 on Plan of Subdivision 703628H) - Use and development of a vehicle store and ancillary use

Author: Jennifer Kemp - Senior Statutory Planner
Directorate: Planning and Development
Minute No. 2019/197

Council Resolution
Moved by Cr Sipek, seconded by Cr Byrne that Council issues a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/134/2019 for the use and development of a vehicle store and ancillary use at 42 Moore Road, Airport West (Lot 1 on PS7036248H) on the following grounds:

1. The proposed hours of operation are excessive and will have a detrimental effect on the residential amenity of neighbouring land.
2. The proposed use will generate excessive noise which will have an adverse effect on the residential amenity of neighbouring land.
3. The proposal will cause adverse traffic impacts on the surrounding area which will be substantial and unreasonable.

CARRIED UNANIMOUSLY
10.2 Amendment C193moon - Introducing the MV2040 Strategy into the Moonee Valley Planning Scheme

Author: Corina de Araujo - Senior Strategic Planner

Directorate: Planning and Development

Minute No. 2019/198

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Cusack that Council resolves to:

a. Note the Moonee Valley Planning Scheme Amendment C193moon Panel Report recommendation to adopt the Amendment as exhibited subject to minor changes, pursuant to Section 27 of the Planning and Environment Act 1987.

b. Adopt Amendment C193moon with changes as recommended by the Planning Panel, along with additional minor formatting changes, pursuant to Section 29 of the Planning and Environment Act 1987.

c. Submit the adopted Amendment C193moon to the Minister for Planning for approval, pursuant to Section 31(1) of the Planning and Environment Act 1987.

d. Notify all submitters of Council’s resolution to adopt Amendment C193moon and submit Amendment C193moon to the Minister for Planning for approval.

CARRIED UNANIMOUSLY
10.3 Opportunity to work with DHHS on Integrated Masterplan

Author: Natalie Reiter - Director Planning and Development

Directorate: Planning and Development

Minute No. 2019/199

Council Resolution
Moved by Cr Sipek, seconded by Cr Cusack that Council resolves to:

a. Engage in discussions with Department of Health and Human Services on exploring the possible delivery of an integrated master planning process including community infrastructure within the Debneys Park and Office of Housing precinct.

b. Agree to share information to help inform discussions and to assist in exploring the optimal development of the precinct (shown in Figure 1).

CARRIED UNANIMOUSLY
10.4 Revision to the grading of 15 Clarence Street Flemington in Amendments C200moon and C201moon

Author: Christina Collia - Strategic Planner
Directorate: Planning and Development
Minute No. 2019/200

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

a. Considers the specific circumstances outlined in this report pertaining to 15 Clarence Street, Flemington.

b. Requests the CEO to write to the Minister for Planning to request the grading of 15 Clarence Street, Flemington in proposed HO461 be revised to non-contributory in the previously requested Ministerial Amendment, Amendment C201moon, to the Moonee Valley Planning Scheme under Section 20(4) of the Planning and Environment Act 1987, which proposes to apply an interim Heritage Overlay to various heritage places within the City of Moonee Valley.

c. Authorises officers to request the grading of 15 Clarence Street, Flemington in proposed HO461 be revised to non-contributory in Council’s previous request for Authorisation to prepare Amendment C200moon to the Moonee Valley Planning Scheme, which would apply permanent heritage controls to the property and various other heritage places within the City of Moonee Valley.

d. Notifies the owner of 15 Clarence Street, Flemington of Council’s requests to revise the grading of the property under proposed Amendments C200moon and C201moon.

e. Authorises officers to issue consent to demolish the dwelling at 15 Clarence Street, Flemington in accordance with Section 29(A) of the Building Act 1993, enabling the property owners to enact their current planning permit MV/12/2018.

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

CARRIED ON THE CASTING VOTE OF THE MAYOR
10.5 Council Plan 2017-21 - End of year progress report for 2018-19

Author: Sarah Carles - Corporate Planning Officer
Directorate: Organisational Performance
Minute No. 2019/201

Motion
Moved by Cr Sipek, seconded by Cr Cusack that Council resolves to receive and note the end of year progress report on the implementation of the Council Plan 2017-21 action plan for 2018/19.

Cr Sipek moved a procedural motion that the motion be put to the vote. The procedural motion was lost and therefore the motion was debated.

CARRIED UNANIMOUSLY
10.6 Review of Governance Local Law

Author: Allison Watt - Manager Governance and Communications

Directorate: Organisational Performance

Minute No. 2019/202

Motion
Moved by Cr Sipek, seconded by Cr Byrne that in the exercise of the powers conferred by Section 111 of the Local Government Act 1989, Council resolves to:

a. Endorse the proposed Governance Local Law 2019 (Local Law No. 1 of 2019) provided as Attachment A.

b. Endorse the revised Meeting Procedure Protocol provided as Attachment B with the following changes:
   - 6.11 f) to read: directly allocate funds outside Council's adopted budget or which otherwise have a material financial impact
   - The second paragraph under 6.12 to read: Council will accept an item as urgent business by resolution if it meets the criteria in 6.12 a) and b)

c. Endorse the Local Law Community Impact Statement provided as Attachment C to accompany the proposed Governance Local Law 2019 for the purposes of community consultation.

d. Give public notice of its intention to make the Governance Local Law 2019 in accordance with Section 119(2) of the Local Government Act 1989 and invites written submissions in relation to the proposed Local Law in accordance with Section 223 of the Local Government Act 1989.

e. Considers any submissions received on the proposed Governance Local Law 2019 (if required) at a Section 223 Committee of Council comprising of all Councillors, to be held on Tuesday, 1 October 2019 commencing at 5.30pm at Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.

It was moved by Cr Marshall seconded by Cr Gauci Maurici that the meeting be adjourned for five minutes. CARRIED UNANIMOUSLY

The meeting adjourned at 7.35pm and resumed at 7.40pm.

Amendment

Minute No. 2019/203

Council Resolution
Moved by Cr Nation, seconded by Cr Gauci Maurici that the following point be added:

f. The addition of a point 2.6 under Notices and Agendas in the Meeting Procedures Protocol that states Council commits that the meetings covered by this protocol are alcohol-free (being that alcohol will not be served to Councillors or staff, prior to, or during, the said meeting).
For: Crs Byrne, Gauci Maurici, Lawrence, Marshall, Nation  
Against: Crs Sipek, Cusack, Sharpe  

CARRIED

Minute No. 2019/204

Council Resolution
Moved by Cr Sipek, seconded by Cr Byrne that in the exercise of the powers conferred by Section 111 of the Local Government Act 1989, Council resolves to:

a. Endorse the proposed Governance Local Law 2019 (Local Law No. 1 of 2019) provided as Attachment A.

b. Endorse the revised Meeting Procedure Protocol provided as Attachment B with the following changes:
   - 6.11 f) to read: directly allocate funds outside Council’s adopted budget or which otherwise have a material financial impact
   - The second paragraph under 6.12 to read: Council will accept an item as urgent business by resolution if it meets the criteria in 6.12 a) and b)

c. Endorse the Local Law Community Impact Statement provided as Attachment C to accompany the proposed Governance Local Law 2019 for the purposes of community consultation.

d. Give public notice of its intention to make the Governance Local Law 2019 in accordance with Section 119(2) of the Local Government Act 1989 and invites written submissions in relation to the proposed Local Law in accordance with Section 223 of the Local Government Act 1989.

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f. The addition of a point 2.6 under Notices and Agendas in the Meeting Procedures Protocol that states Council commits that the meetings covered by this protocol are alcohol-free (being that alcohol will not be served to Councillors or staff, prior to, or during, the said meeting).

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

CARRIED
10.7 Mobile Food Vehicles Policy 12 month review

Author: Carey Patterson - Manager Regulatory and City Compliance

Directorate: City Services

Minute No. 2019/205

Council Resolution
Moved by Cr Lawrence, seconded by Cr Nation that Council resolves to note the Mobile Food Vehicles Policy 12 month review report.

For: Crs Sipek, Lawrence, Nation, Sharpe

Against: Crs Byrne, Cusack, Gauci Maurici, Marshall

CARRIED ON THE CASTING VOTE OF THE MAYOR
10.8  Deed of Renewal of Lease - JP & RA Cunningham Pty Ltd over part of Queens Park

Author: Jaci Underwood - Senior Commercial Property Officer

Directorate: Asset Planning and Strategic Projects

Minute No. 2019/206

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Nation that Council resolves to:

a. Endorse a deed of renewal of lease (Deed) with J.P & R.A Cunningham Pty Ltd over part of Queens Park for a four year term commencing 23 August 2019 for the purposes of a café and restaurant, including private receptions and functions.

b. Authorise the Chief Executive Officer to negotiate and execute the Deed with J.P & R.A Cunningham Pty Ltd on behalf of Council.

CARRIED UNANIMOUSLY
10.9 Response to Petition - The Boulevard, Aberfeldie

Author: David Richardson - Traffic and Transport Engineer

Directorate: Planning and Development

Minute No. 2019/207

Motion
Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council resolves:

a. Not to include any kerbside parking between Brunel Street and Fawkner Street as part of shortly-forthcoming changes to The Boulevard. A plan detailing this is included in Attachment B.

b. To advise all owners and occupants fronting The Boulevard between Brunel Street and Fawkner Street of Council’s response on this matter.

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

CARRIED UNANIMOUSLY

Minute No. 2019/208

Council Resolution
Moved by Cr Marshall, seconded by Cr Sipek that consideration of this report be deferred to an upcoming Council meeting following a briefing of Councillors.

CARRIED UNANIMOUSLY
10.10 Response to Petition - Mascoma St, Strathmore

Author: David Richardson - Traffic and Transport Engineer

Directorate: Planning and Development

Minute No. 2019/209

Council Resolution

Moved by Cr Lawrence, seconded by Cr Gauci Maurici that Council resolves to:

a. Keep and extend the existing 'No Stopping' during sporting events in Mascoma Street alongside and opposite Lebanon Reserve so that it applies at all times.

b. Arrange a parking survey during a senior EDFL game to better understand any impacts on the surrounding area. If necessary, consider amending parking restrictions in that surrounding area as per the results of that survey and Council’s Municipal Parking Strategy.

c. Advise all owners and occupants fronting Mascoma Street of Council’s response on this matter.

CARRIED UNANIMOUSLY
10.11 Grants Assessment Special Committee - 2019/20
Committee Members and Charter Update

Author: Emily McBlack - Community Grants Officer
Directorate: Planning and Development
Minute No. 2019/210

Council Resolution
Moved by Cr Sipek, seconded by Cr Lawrence that Council resolves to:

a. Endorse the revised Charter to the Grants Assessment Special Committee provided as Attachment B.

b. Appoint the following Councillors, community members and Council officers as members of the Grants Assessment Special Committee until the end of Council term 2020, effective from the date of this resolution:
   - Cr John Sipek
   - Cr Samantha Byrne
   - Cr Jim Cusack
   - Cr Rebecca Gauci Maurici
   - Cr Richard Lawrence
   - Cr Cam Nation
   - Cr Narelle Sharpe
   - Cr Andrea Surace
   - Cr Nicole Marshall
   - Heather Watson, community member
   - Ibrahim Hajj, community member
   - John Bonacci, community member
   - Tony Fisher, community member
   - Kathy Faulkner, community member
   - Liz Mordaunt, community member
   - Bianca Crocker, community member
   - Director of Planning and Development or their nominated Council officer representative (ex-officio)
   - Director of City Services or their nominated Council officer representative (ex-officio).

CARRIED UNANIMOUSLY
10.12 Assemblies of Councillors

Author: Tracey Classon - Governance Officer  
Directorate: Organisational Performance  
Minute No. 2019/211

Council Resolution
Moved by Cr Gauci Maurici, seconded by Cr Byrne that Council resolves to receive the following records of Assemblies of Councillors in accordance with section 80A(2) of the Local Government Act 1989.

<table>
<thead>
<tr>
<th>Assembly</th>
<th>Clocktower Mural Advisory Committee held on Friday 5th July 2019, 1pm-1.45pm. Councillors Lounge, Civic Centre</th>
</tr>
</thead>
</table>
| Matters considered | 1. Previous minutes confirmed  
2. Project milestones and timing  
3. Next steps  
4. Mural size, location, approach  
5. Items of a general nature raised by Councillors and Officers |
| Councillors present | Cr Narelle Sharpe (Mayor)  
Cr John Sipek  
Cr Richard Lawrence |
| Staff present | Mal Ward  
Julie Stevens  
Jim Karabinis  
Richard Ennis |
| External | Apologies  
Cr Samantha Byrne, Cr Jim Cusack, Cr Rebecca Gauci Maurici, Cr Nicole Marshall, Cr Cam Nation and Cr Andrea Surace |
| Conflict of interest | Nil. |

Assembly | Public Forum held on Tuesday 16 July 2019 at 6.00pm Council Chamber, Civic Centre |
|----------|------------------------------------------------------------------------------------------------|
| Matters considered | 1. Debneys Park Precinct Master Plan (Rose Iser)  
2. 2 Vida Street, Aberfeldie (James Weight Ryman Healthcare c/- Urbis Pty Ltd) |
| Councillors present | Cr Narelle Sharpe (Mayor)  
Cr John Sipek  
Cr Samantha Byrne  
Cr Jim Cusack  
Cr Rebecca Gauci Maurici  
Cr Nicole Marshall  
Cr Cam Nation  
Cr Andrea Surace |
| Absent | Cr Richard Lawrence |
| Staff present | Bryan Lancaster  
Steven Lambert  
Kendraea Pope  
Jessie Keating  
Sarah Wigley  
Belinda Stewart |
| Conflict of interest | |
### Assembly

**Strategic Briefing held on Tuesday 16 July 2019 at 7.00pm. Committee Room, Civic Centre**

#### Matters considered
1. Local Government Renewable Power Purchase
2. Family Day Care
3. Service Planning
4. Review of the draft agenda for the Ordinary Meeting 23 July 2019

#### Councillors present
- Cr Narelle Sharpe (Mayor)
- Cr John Sipek
- Cr Samantha Byrne
- Cr Jim Cusack
- Cr Rebecca Gauci Maurici
- Cr Nicole Marshall
- Cr Cam Nation
- Cr Andrea Surace

#### Apologies
- Cr Richard Lawrence

#### Staff present
- Bryan Lancaster
- Steven Lambert
- Kendrea Pope
- Jessie Keating
- Sarah Wigley
- Belinda Stewart

#### Conflict of interest
- Nil

### Assembly

**Ordinary Council pre-meet held on Tuesday 23 July 2019 at 6.08pm. Committee Room, Civic Centre**

#### Matters considered
- Ordinary Council Meeting agenda 23 July 2019

#### Councillors present
- Cr Narelle Sharpe (Mayor)
- Cr John Sipek
- Cr Samantha Byrne
- Cr Rebecca Gauci Maurici
- Cr Richard Lawrence
- Cr Nicole Marshall
- Cr Andrea Surace

#### Staff present
- Bryan Lancaster
- Steven Lambert
- Kendrea Pope
- Jessie Keating
- Petrus Barry
- Allison Watt

#### External

#### Apologies
- Cr Jim Cusack, Cr Cam Nation

#### Conflict of interest
- Nil

### Assembly

**Strategic Briefing held on Tuesday 6 August 2019 at 6.05pm. Committee Room, Civic Centre**

#### Matters considered
1. Councillor corporate professional development (Preferred Training Networks) David Patmore, speed reading
2. Review of the draft agenda for the Ordinary Meeting 13 August 2019
3. The CEO provided Councillors with an update on the SKM/recycling issue.
Councillors present  | Cr Narelle Sharpe (Mayor)  
| Cr Samantha Byrne  
| Cr Jim Cusack  
| Cr Rebecca Gauci Maurici  
| Cr Richard Lawrence (6.17pm)  
| Cr Nicole Marshall  
| Cr Andrea Surace  

Staff present  | Bryan Lancaster  
| Kendrea Pope  
| Natalie Reiter  
| Gil Richardson  
| Allison Watt  

External  | David Patmore (Preferred Training Networks)  

Apologies  | Crs Nation and Sipek  

Conflict of interest  | Cr Gauci Maurici and Cr Marshall declared an indirect conflict of interest in item 10.3 on the draft agenda due to reasons previously disclosed to the CEO.  

Assembly  | Ordinary Council pre-meet held on Tuesday 13 August 2019 at 6.00pm. Committee Room, Civic Centre  

Matters considered  | Ordinary Council Meeting agenda 13 August 2019  

Councillors present  | Cr Narelle Sharpe (Mayor)  
| Cr John Sipek  
| Cr Samantha Byrne  
| Cr Jim Cusack  
| Cr Rebecca Gauci Maurici  
| Cr Richard Lawrence  
| Cr Nicole Marshall  
| Cr Cam Nation  

Staff present  | Bryan Lancaster  
| Steven Lambert  
| Kendrea Pope  
| Gil Richardson  
| Natalie Reiter  
| Petrus Barry  
| Allison Watt  

External  | Cr Andrea Surace  

Apologies  | Cr Gauci Maurici declared an indirect conflict of interest due to close association in item 10.3 as her parents in law reside in the activity centre.  
| Cr Marshall declared an indirect conflict of interest in item 10.3 due close association for reasons disclosed to the Chief Executive Officer in writing before the meeting.  

As the matter was not discussed, the Councillors did not leave the meeting.  

CARRIED UNANIMOUSLY  

11. Notices of Motion  

Nil.
12. Urgent Business
   Nil.

13. Delegates Reports
   Nil.

14. Confidential Reports
   Nil.

15. Close of Meeting
   The meeting concluded at 8.32pm.

CR NARELLE SHARPE
CHAIRPERSON