

Minutes

Ordinary Meeting of Council

Tuesday, 12 March 2019

6:30pm

Report Index

The following reports were considered:

7.	Petitions and Joint Letters	
7.1	Petition - Sherbourne Street residents	4
9.	Reports of the Special Committees	
9.1	Grants Assessment Special Committee Minutes	5
10.	Reports	
10.1	39 Woorite Place and 44 Borva Drive, Keilor East (Lots 850 and 851 on LP 13189) - Construction of five double storey dwellings and to construct and carry out buildings and works, including fencing, within an Environmental Significance Overlay (ESO2)	6
10.2	21 Lucknow Street Travancore (Lots 1, 2 and 3 on Title Plan 540218) - Demolition of a garage, swimming pool and tennis court, partial demolition of a dwelling and the construction of an extension including a first floor addition, garage, swimming pool and an outbuilding within a Heritage Overlay area.....	13
10.3	Amendment C195 Heritage Controls - 89 Glass Street, Essendon.....	14
10.4	2017 Heritage Study - Stage 2.....	15
10.5	Hockey Lane Road Declaration	16
10.6	Proposed Lease - Victoria State Emergency Service	17
10.7	Grants Assessment Special Committee Charter Update	18
10.8	Councillor Expenses Report - 1 October 2018 to 31 December 2018.....	19
11.	Notices of Motion	
11.1	Notice Of Motion No. 2019/02 - North Essendon Junction.....	20
11.2	Notice Of Motion No. 2019/03 - ANZAC Horse Ramp at Essendon Station.....	21
11.3	Notice Of Motion No. 2019/04 - VCAT Monthly Report.....	22
11.4	Notice Of Motion No. 2019/05 - Safety lighting in public open spaces.....	23
11.5	Notice Of Motion No. 2019/06 - Planning application processes	24
14.	Confidential Reports	
14.1	East Keilor Leisure Centre redevelopment progress update.....	25

Minutes of the Ordinary Meeting of Council

Tuesday, 12 March 2019 at 6:30pm
held at the Moonee Valley Civic Centre

Present

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

Minute No. 2019/30

Council Resolution

Moved by Cr Surace, seconded by Cr Byrne that Cr Cam Nation's apology be noted.

CARRIED UNANIMOUSLY

4. Confirmation of Minutes

Minute No. 2019/31

Council Resolution

Moved by Cr Lawrence, seconded by Cr Sipek that the minutes of the Ordinary Meeting of Council held on Tuesday, 26 February 2019 be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Cr Nicole Marshall declared a direct conflict of interest in Item 10.4 for reasons previously disclosed to the CEO.

6. Presentations

Nil.

7. Petitions and Joint Letters

7.1 Petition - Sherbourne Street residents

Author: Tracey Classon - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/32

Council Resolution

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

1. Receive and note the petition.
2. Refer this matter to the Director Asset Planning and Strategic Projects for investigation and reporting back to Council.
3. Advise the petition organiser accordingly.

CARRIED UNANIMOUSLY

8. Public Question Time

Nil.

9. Reports from the Special Committees

9.1 Grants Assessment Special Committee Minutes

Author: Emily McBlack - Community Grants Officer

Directorate: Planning and Development

Minute No. 2019/33

Council Resolution

Moved by Cr Cusack, seconded by Cr Sipek that Council resolves to note the minutes from the Grants Assessment Special Committee meeting on 12 November 2018 (Attachment B – confidential and Attachment C), for Round One of the 2018/19 Biannual and Social Support Grants.

CARRIED UNANIMOUSLY

10. Reports

10.1 39 Woorite Place and 44 Borva Drive, Keilor East (Lots 850 and 851 on LP 13189) - Construction of five double storey dwellings and to construct and carry out buildings and works, including fencing, within an Environmental Significance Overlay (ESO2)

Author: Lachlan Orr - Senior Statutory Planner

Directorate: Planning and Development

Minute No. 2019/34

Council Resolution

Moved by Cr Sipek, seconded by Cr Byrne that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/472/2018 for the construction of five double storey dwellings and construct and carry out buildings and works, including fencing, within an Environmental Significance Overlay (ESO2) at 39 Woorite Place and 44 Borva Drive, Keilor East (Lots 850 and 851 on LP 13189), subject to the following conditions:

1. Before the development starts, an application must be made for the consolidation of Lots 850 and 851 on LP 13189. Alternatively, an application for the subdivision of the land in accordance with the approved development layout must be made. Within 3 months of the registration of the plan of subdivision, a copy of the new title to the land must be submitted to the Responsible Authority.
2. 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 length of each title boundary clearly noted on the ground floor plan;
 - b) Walls and doors around the laundry areas of Dwellings 1 and 5 to be accurately drawn on the ground floor plan;
 - c) Dwellings 4 and 5 accurately labelled on the first floor plan to correspond with all other plans;
 - d) Walls at the south-eastern corner of the first floor of Dwelling 3 to be accurately drawn on the first floor plan;
 - e) The 900mm high fencing dividing the front gardens of Dwellings 2 to 5 to be accurately shown on all relevant elevation plans and perspective views;
 - f) The location of the garage of the neighbouring dwelling at 42 Borva Drive to be accurately shown in proximity to the southern title boundary, along with any necessary relocation of structures and planting associated with Dwellings 3 and 4;
 - g) The materials used for the front fencing clearly annotated on the

ground floor and elevation plans, as well as the materials and finishes schedule;

- h) The average height of walls along the eastern and southern boundaries to comply with Standard B18 of Clause 55.04-2 (Walls on boundaries) of the Moonee Valley Planning Scheme;
- i) The obscure glazing to east and south facing first floor habitable room windows noted as also being either fixed or having a restricted opening up to 1.7 metres from finished floor level to comply with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
- j) The window to Bedroom 3 of Dwelling 4 treated to comply with Standard B23 of Clause 55.04-7 (Internal views) of the Moonee Valley Planning Scheme;
- k) The west-facing ground floor windows to the open plan kitchen and living area of Dwelling 2 either deleted or provided with a setback of at least 1 metre from any secluded open space area of another dwelling within the development;
- l) The bin storage areas of Dwellings 2, 4 and 5 designed to blend in with the development and be suitably concealed as viewed from the street;
- m) A notation that a minimum clearance height of 2.1 metres is provided to garages with doors in an open position;
- n) A notation that tandem car spaces are provided with a maximum gradient of 1:20;
- o) A notation that boundary fencing will taper in height to a maximum of 900mm within the pedestrian visibility splay of the accessway to Dwelling 4;
- p) The crossover and accessway of Dwelling 3 relocated further east to provide a minimum distance of 10.8 metres from the crossover of Dwelling 2 measured at the kerb, with subsequent modifications to landscaping;
- q) All permeable areas, including decking, clearly annotated in accordance with the approved STORM assessment;
- r) Notations on the plans to accord with the Sustainable Design Assessment (SDA) required by Condition 6;
- s) A landscape plan as required by Condition 7; and
- t) A notation that the development is to be carried out in accordance with the Tree Management Plan required by Condition 9.

When approved, these plans will be endorsed and will form part of this permit.

- 3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to

and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's Guidelines and Template.

When approved, the CSMP will be endorsed and will form part of this permit.

The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

5. A maximum 30 days following completion of the development, a Water Sensitive Urban Design (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.

6. Before the development commences, the Sustainable Design Assessment (SDA), inclusive of STORM and amended BESS assessments, prepared by Frater Consulting Services dated 3 October 2018 is to be updated as required by Condition 2 and submitted to the Responsible Authority for endorsement. The SDA must achieve all minimum requirements, meet best practice standards and be to the satisfaction of the Responsible Authority for approval. Upon approval the SDA will be endorsed as part of this planning permit. The development must incorporate the sustainable design initiatives outlined in the endorsed SDA to the satisfaction of the Responsible Authority.
7. Before the development starts, or any trees or vegetation removed, an amended 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 landscape plan must be drawn to scale, with dimensions, and be generally in accordance with the landscape plan submitted with the application but modified to show:

- a) Any changes as required by Condition 2; and
- b) Details of any tree protection measures as required by Condition 9.

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. Before the development starts, a Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Tree Management Plan must be prepared by an arborist with suitable qualifications to the satisfaction of the Responsible Authority and must provide recommendations and set out actions required to minimise damage to the health of the River Red Gum located within the Environmental Significance Overlay, Schedule 2, at the rear of 37 Woorite Place as a consequence of the approved development.

When approved, the Tree Management Plan will be endorsed under the planning permit.

The provisions, recommendations and requirements of the endorsed Tree Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

All works in the endorsed Tree Management Plan to, or affecting, the nominated tree must be supervised by a suitably qualified arborist, to the satisfaction of the Responsible Authority.

- 10. Before the buildings approved by this permit are occupied, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority if the occupier of the adjoining land allows access for the purpose.
- 11. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
- 12. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 13. Service units, including air conditioning units, must be visually and acoustically screened to the satisfaction of the Responsible Authority.
- 14. 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.

15. 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.

16. 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.

17. 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;
- d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
- e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces are clearly indicated on the ground,

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, access lanes and the waste and loading zone 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.

18. The following street tree and nature strip protection measures must be undertaken:

- a) The nature strip and street trees located within the frontage of the land must be barricaded out using portable cyclone fencing for the duration of the development. Costs of such fencing must be borne by the developer and/or permit holder;
 - b) No pruning of the nature strip and street trees located within the frontage of the land is to be undertaken by any party other than Moonee Valley City Council; and
 - c) No building materials are to be stacked or dumped on any nature strip during construction,
to the satisfaction of the Responsible Authority.
19. 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.
20. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.
- Before the development starts a Drainage Layout Plan, including computations and manufacturer's specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.
- When approved, the Drainage Layout Plan will form part of this permit.
- The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.
21. 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.
22. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the land.
23. The applicant engage in negotiations with Council to provide indented parking around the development
24. 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.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following: $C_w=0.4$, $t_c=10$ mins, $t_{so}=5$ mins, ARI 1 in 5. An ARI of 1 in 10 shall be used for storage and the greater of post development C_w or $C_w=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.
- A requirement for 300mm wide trench grates at the entrance of each garage and driveway may be made.
- 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.
- Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.
- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CSMPs are required to be made via Council's online system at <http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx> or in person at 9 Kellaway Avenue, Moonee Ponds

CARRIED UNANIMOUSLY

10.2 **21 Lucknow Street Travancore (Lots 1, 2 and 3 on Title Plan 540218) - Demolition of a garage, swimming pool and tennis court, partial demolition of a dwelling and the construction of an extension including a first floor addition, garage, swimming pool and an outbuilding within a Heritage Overlay area**

Author: Ersin Yuksel - Statutory Planner

Directorate: Planning and Development

Minute No. **2019/35**

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 Application number MV/760/2018 for the Demolition of a garage, swimming pool and tennis court, partial demolition of a dwelling and the construction of an extension including a first floor addition, garage, swimming pool and an outbuilding within a Heritage Overlay area (Lots 1, 2 and 3 on Title Plan 540218) in accordance with the grounds.

1. The proposal fails to meet the objectives and strategies contained within Clause 21.06-2 (Objectives, Strategies and Policy Guidelines – Heritage) of the Moonee Valley Planning Scheme and would result in a development that fails to conserve the historic quality of the existing heritage place.
2. The proposal presents a visually dominant and unsympathetic built form when viewed from the rear contrary to Clause 21.06-4 (Objectives and Strategies and Policy Guidelines – Heritage) of the Moonee Valley Planning Scheme.
3. The impact of the proposal on nearby properties within the heritage overlay requires consideration.

For: Crs Byrne, Cusack, Gauci Maurici, Marshall, Sharpe

Against: Crs Sipek, Lawrence, Surace

CARRIED

10.3 Amendment C195 Heritage Controls - 89 Glass Street, Essendon

Author: Andrew Kelly - Coordinator Strategic Planning

Directorate: Planning and Development

Minute No. 2019/36

Council Resolution

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

- a. Note the estimated cost of restoring the property to the condition it was in prior to the changes made to its exterior in 2018.
- b. Request the Minister for Planning to consider strengthening interim heritage controls to ensure no changes to a property can occur until the application of permanent controls has been determined.
- c. Raise concerns with the Minister for Planning regarding the time it takes for interim heritage controls to be determined and the damage to a property that can occur before application.
- d. Note the recommendations of the Planning Panel's report for Amendment C195 to the Moonee Valley Planning Scheme pursuant to Section 27 of the *Planning and Environment Act 1987*.
- e. Abandon Amendment C195 in accordance with Section 23(1) of the *Planning and Environment Act 1987* in accordance with the recommendation of the independent Planning Panel.
- f. Advise the Minister for Planning in writing of Council's decision to abandon Amendment C195 in accordance with Section 28 of the *Planning and Environment Act 1987*.
- g. Request a Ministerial Amendment under Section 20(4) of the *Planning and Environment Act 1987* to delete the interim Heritage Overlay (HO449) which applies to 89 Glass Street, Essendon and is due to expire on 30 April 2019.
- h. Notify all submitters of Council's decision to abandon Amendment C195 and to request the deletion of the interim Heritage Overlay (HO449).

CARRIED UNANIMOUSLY

Cr Marshall left the chamber at 6.53p due to a conflict of interest in this item.

10.4 2017 Heritage Study - Stage 2

Author: Fiona McDougall - Senior Strategic Planner

Directorate: Planning and Development

Minute No. **2019/37**

Council Resolution

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

- a. Adopt the *Moonee Valley 2017 Heritage Study* (Attachment B and C - Moonee Valley 2017 Heritage Study) to assist with protecting heritage places in Moonee Valley.
- b. Request a ministerial amendment, Amendment C200moon, under section 20(4) of the *Planning and Environment Act 1987*, to apply the interim Heritage Overlay to 60 individual places, 18 precincts, one serial listing and nine precinct extensions.
- c. Request the Minister for Planning to authorise Amendment C201moon to the Moonee Valley Planning Scheme pursuant to section 8A(3) of the *Planning and Environment Act 1987*.
- d. Subject to obtaining authorisation from the Minister for Planning, exhibit Moonee Valley Planning Scheme Amendment C201moon, in accordance with Section 19 of the *Planning and Environment Act 1987*.
- e. Refer unresolved submissions to Amendment C201moon, to an independent Planning Panel in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*.
- f. Notify all affected owners of the intention to pursue permanent heritage protection for the properties.
- g. Note to include properties listed as requiring future work in forthcoming heritage studies.
- h. Note the letter to the Minister for Planning to request to apply the interim Heritage Overlay to 55 Brewster Street and that the permanent heritage protection will be pursued through Amendment C201moon.
- i. Notify the owner of 55 Brewster Street, Essendon, of the intention to pursue interim and permanent heritage protection.

CARRIED UNANIMOUSLY

Cr Marshall returned to the chamber after the item at 7.02pm.

10.5 Hockey Lane Road Declaration

Author: Ade Sutherland - Engineer

Directorate: Planning and Development

Minute No. 2019/38

Council Resolution

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

- a. Declare Hockey Lane (as land and/or approval becomes available) a public 'road' pursuant to Sections 11(1)(a) and 17 of the Road Management Act 2004 (Vic) and add to the Register of Public Roads.
- b. Approve the proposed Hockey Lane street lighting design and deliver in two stages:
 - i. Stage 1: comprises land within the current road and Council reserve for delivery in the 2019/20 financial year.
 - ii. Stage 2: comprises land largely owned by Melbourne Water and Crown land for delivery beyond the 2019/20 financial year.
- c. Agrees to accept the transfer of land to Council of lot 1\TP956114P from Melbourne Water, and, Crown lots 2157\PP2541 and 2126\PP2541 from DELWP.
- d. Agrees Council will need to fund the installation of fire hydrants at a later date.
- e. Requests the Chief Executive Officer to clarify the responsibility for funding the new water main along Hockey Lane with City West Water.

CARRIED UNANIMOUSLY

10.6 Proposed Lease - Victoria State Emergency Service

Author: Morgan Brown - Acting Coordinator Commercial Property

Directorate: Asset Planning and Strategic Projects

Minute No. 2019/39

Council Resolution

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

- a. Endorse a ten year lease with Victoria State Emergency Service for the provision of accommodation for emergency response activities including but not limited to operational response to flood, storm, tsunami, earthquake, landslide and road crash rescue, assist other agencies in emergency response activities such as VICPOL, CFA, MFB, DELWP, Parks Victoria, undertake training, administration and community resilience activities relating to emergencies.
- b. Authorise the Chief Executive Officer to negotiate and finalise the lease with Victoria State Emergency Service and execute the lease on behalf of Council.

CARRIED UNANIMOUSLY

10.7 Grants Assessment Special Committee Charter Update

Author: Emily McBlack - Community Grants Officer

Directorate: Planning and Development

Minute No. 2019/40

Council Resolution

Moved by Cr Sipek, seconded by Cr Marshall that Council resolves to approve the updated Grants Assessment Special Committee Charter appendix update (Attachment A).

CARRIED UNANIMOUSLY

10.8 Councillor Expenses Report - 1 October 2018 to 31 December 2018

Author: Lee McSweeney - Coordinator Governance

Directorate: Organisational Performance

Minute No. 2019/41

Council Resolution

Moved by Cr Sipek, seconded by Cr Surace that Council resolves to:

- a. Endorse the Councillor Expenses Report for the period 1 October 2018 to 31 December 2018 provided, as Attachment A.
- b. Publish the Councillor Expenses Report, provided as Attachment A, on Council's website.

CARRIED UNANIMOUSLY

Cr Marshall left the chamber at 7.17pm, and was absent for the vote on the next two items.

11. Notices of Motion

11.1 **Notice Of Motion No. 2019/02 - North Essendon Junction**
From: Councillor Andrea Surace

Minute No. **2019/42**

Council Resolution

Moved by Cr Surace, seconded by Cr Gauci Maurici that Council write to each of the following:

1. State Member for Essendon, Mr Danny Pearson MP
2. State Member for Niddrie, The Hon Ben Carroll MP
3. Minister for Transport Infrastructure, The Hon Jacinta Allan MP
4. Minister for Roads and Minister for Road Safety and the TAC, The Hon Jaala Pulford MLC

requesting they acknowledge the current unacceptable state of the North Essendon junction (Bulla Road/Keilor Road/Lincoln Road) and take immediate action to address the safety concerns at this North Essendon junction (Bulla Road/Keilor Road/Lincoln Road intersection).

CARRIED UNANIMOUSLY

11.2 Notice Of Motion No. 2019/03 - ANZAC Horse Ramp at Essendon Station

From: Councillor Andrea Surace

Minute No. 2019/43

Council Resolution

Moved by Cr Surace, seconded by Cr Lawrence that Council write to each of the following:

- The Hon Ben Carroll MP, Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice and Minister for Victim Support,
- Mr Danny Pearson MP, Member for Essendon,
- The Chief Executive Officer, Level Crossing Removal Project, and
- The Executive Director, Heritage Victoria.

Requesting resolution on the reinstatement of the heritage listed ANZAC horse ramp at Essendon Station and a photographic recording of the place installed.

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

Against: Crs Sipek, Cusack

CARRIED

Cr Marshall returned to the chamber at 7.34pm.

11.3 **Notice Of Motion No. 2019/04 - VCAT Monthly Report**
From: Councillor Andrea Surace

Minute No. **2019/44**

Motion

Moved by Cr Surace, seconded by Cr Lawrence that Council request the Chief Executive Officer provide a monthly report to Council detailing Victorian Civil and Administrative Tribunal (VCAT) outcomes and costs incurred through the process of fighting developers on behalf of the City of Moonee Valley community.

Amendment

Moved by Cr Sipek, seconded by Cr Marshall that Council request the Chief Executive Officer provide a monthly report to Council detailing Victorian Civil and Administrative Tribunal (VCAT) outcomes and costs incurred through all VCAT proceedings on behalf of City of Moonee Valley community.

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

Against: Crs Byrne, Lawrence, Surace

CARRIED

Amendment

Moved by Cr Gauci Maurici, seconded by Cr Sipek that Council request the Chief Executive Officer provide a monthly report to Council detailing Victorian Civil and Administrative Tribunal (VCAT) outcomes and costs incurred through all VCAT proceedings on behalf of Moonee Valley City Council.

CARRIED UNANIMOUSLY.

Council Resolution

Moved by Cr Surace, seconded by Cr Lawrence that Council request the Chief Executive Officer provide a monthly report to Council detailing Victorian Civil and Administrative Tribunal (VCAT) outcomes and costs incurred through all VCAT proceedings on behalf of Moonee Valley City Council.

CARRIED UNANIMOUSLY

11.4 Notice Of Motion No. 2019/05 - Safety lighting in public open spaces

From: Councillor Andrea Surace

Minute No. 2019/45

Council Resolution

Moved by Cr Surace, seconded by Cr Byrne that Council request the Chief Executive Officer provide a report to Council on the appropriate response to addressing safety concerns in open spaces within the City of Moonee Valley, including Hassett Reserve, Keilor East. This report should include consideration of Crime Prevention through Environmental Design (CPTED), including lighting as a safety response.

CARRIED UNANIMOUSLY

Cr Lawrence left the chamber at 8.02pm.
Cr Lawrence returned to the chamber at 8.04pm.

11.5 Notice Of Motion No. 2019/06 - Planning application processes
From: Councillor Nicole Marshall

Minute No. 2019/46

Council Resolution

Moved by Cr Marshall, seconded by Cr Gauci Maurici that the Chief Executive Officer provide a report to a future Ordinary Meeting of Council considering opportunities to improve transparency, accuracy and the process more generally in relation to the following planning related matters:

1. Existing use rights, including how to ensure appropriate evidence gathering occurs and opportunities to notify or otherwise make aware nearby properties and residents of a proposed existing use rights claim;
2. The lodgement of petitions as part of a planning permit objection process, including the options to count petitions as more than one objection and explicitly notifying petitioners on how the petition will be considered;
3. The accuracy of plans lodged with planning permit applications, including consequences where plans are misleading/incorrect and how to ensure misleading/incorrect plans are corrected and notified to objectors;
4. Clarifying the process by which people can access documents related to a planning permit application which has been determined, with a focus on making all relevant documents easily accessible;
5. The process by which objectors are notified of any amendments (whether formal or informal) to proposed plans during a planning permit process; and
6. The placement and content of advertising notices (including the descriptions required to be used) and other notices an applicant may place on site as part of an advertising process to ensure that all signs have maximum visibility and will not be likely to, whether intentionally or otherwise, mislead or deceive people regarding the proposed planning permit application.

(the Review Matters)

In providing the report, the following issues as applicable to the Review Matters should also be addressed:

1. Any legal requirements; and
2. Any current Council policy, procedure or guiding documents.

CARRIED UNANIMOUSLY

Cr Sipek left the chamber at 8.09pm.
Cr Sipek returned to the chamber at 8:12pm.

12. Urgent Business

Nil.

13. Delegates Reports

Nil.

14. Confidential Reports

Minute No. 2019/47

Council Resolution

Moved by Cr Byrne, seconded by Cr Sipek 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 East Keilor Leisure Centre redevelopment progress update

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.

For: Crs Sipek, Byrne, Cusack, Lawrence, Sharpe

Against: Crs Gauci Maurici, Marshall, Surace

CARRIED

15. Close of Meeting

The meeting concluded at 8.24pm

**CR NARELLE SHARPE
CHAIRPERSON**