

Minutes

Ordinary Meeting of Council

Tuesday, 23 July 2019

6:30pm

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Minutes of the Ordinary Meeting of Council

Tuesday, 23 July 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 Cam Nation	
	Cr Andrea Surace	
Officers:	Bryan Lancaster	Chief Executive Officer
	Steven Lambert	Director City Services
	Kendrea Pope	Director Organisational Performance
	Jessie Keating	Acting Director Planning and Development
	Gil Richardson	Director Asset Planning and Strategic Projects
	Petrus Barry	Manager Statutory Planning
	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, 23 July 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

Nil.

4. Confirmation of Minutes

Council Resolution

Minute No. 2019/161

Council Resolution

Moved by Cr Sipek, seconded by Cr Surace that the minutes of the Ordinary Meeting of Council held on Tuesday 9 July 2019 be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Nil.

6. Presentations

Nil.

7. Petitions and Joint Letters

7.1 81 Charles Street, Ascot Vale

Council Resolution

Minute No. 2019/162

Council Resolution

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

1. Receive and note the 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

7.2 Weather Station Park, Airport West

Council Resolution

Minute No. 2019/163

Council Resolution

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

1. Receive and note the petition.
2. Refer this matter to the Director City Services for investigation and reporting back to Council.
3. Advise the petition organiser accordingly.

CARRIED UNANIMOUSLY

8. Public Question Time

Peter Robert, asked Council

When will the NBN and City West Water works on Napier St, Strathmore finally be done?

Gil Richardson, Director Asset Planning and Strategic Projects responded the *Road Management Act 2004* establishes a framework for the management of the road network, facilitating the coordination of the various uses of road reserves for roadways, pathways, infrastructure and similar purposes. A service authority has rights of access to the road reserve.

Fulton Hogan are the contractors who are doing the NBN works along Napier Street and the general Strathmore area.

They have about three days' worth of civil works to do and the rest of the works to be completed is fibre hauling which has very minimal impact or disturbance to any residents – their advice it will be completed within the next three-four weeks.

Downer is doing the works for City West Water - all of the water main renewals have been completed.

The reinstatements are being completed at the moment. In terms of the reinstatements, all of the concreting has been done, i.e. resident driveways and footpaths etc - just the asphaltting remains to be done

Their advice is that it will be completed in the next three weeks.

Peter Robert, asked Council:

Should we consider DNA fingerprinting as part of the cost of dog registration in order to track offenders?

Steven Lambert, Director City Services responded that Council as an Enforcement Agency doesn't have staff with the appropriate expertise to record this type of data and the cost of providing such technology and making it readily available would be a significant barrier. The majority of the Council's animal registrations and renewals are undertaken electronically and currently the technology required to allow this process to be done online is not available. Furthermore, I am not aware of any of the 79 Councils in Victoria who records such data and the provision of this material may impact on individuals' rights to privacy.

If such a system was available, the animal registration fee would need to significantly increase to cater for the cost of implementing, data collection and maintaining a register and this increased cost could also possibly deter owners from registering their pet.

While all dogs and cats are required to be registered pursuant to the *Domestic Animals Act 1994*, unfortunately there are a number of owners that do not register their animals and this is best addressed through regular animal registration checks when patrolling the various parks as well as through our annual door knock program. Based on our statistics, the actual number of dog attacks that the dog involved is not identified is quite rare.

8 Public Question Time continued.

Adam Ford, asked Council:

Why were the recommendations of the 2010 Review of Heritage Precincts in Moonee Valley not followed - why was Charles Street, Ascot Vale not specifically assessed for a heritage precinct overlay in the 2017 Heritage Gap Study?

Jessie Keating, Acting Director Planning and Development responded, that Council resolved to pursue deletion of Charles Street from HO20 because it is an incorrect planning approach to leave a street within a precinct when it does not display the heritage values which characterise the precinct. This position was supported by the Panel appointed to hear submissions in relation to the amendment.

The scope of the 2017 Heritage Study was to assess places and areas that the Moonee Valley Heritage Gap Study 2014 and Council identified as having potential heritage significance to determine whether they justify inclusion in the Heritage Overlay. The study includes assessment of:

- Interwar residential buildings and precincts
- Victorian residential buildings and precincts
- Edwardian residential buildings and precincts
- Extensions to existing heritage overlay precincts

Charles Street as a precinct was not identified as warranting further investigation for application of the Heritage Overlay in the Heritage Gap Study and was therefore not included in the scope of the 2017 Study.

The Study does provide an assessment of 65 Charles Street (as it is identified as having potential heritage significance in the Heritage Gap Study) and recommends inclusion in the Heritage Overlay via Amendment C200moon

Adam Ford, asked Council:

Given the effect of removing Charles Street, Ascot Vale from HO20 was to remove protection from a number of original 1880s properties, while its neighbour in Monash Street has blanket protection across a range of highly altered and much later properties - is there any real consistency in the way heritage protection is being applied in Moonee Valley? Or is it a case of 'whoever has the loudest advocate prevails'?

Jessie Keating, Acting Director Planning and Development responded that the Moonee Valley Heritage Gap provides a prioritised work program that Council uses to guide which heritage studies should be undertaken in the future.

All heritage studies commissioned by Council are required to be carried out in accordance with the principles and guidelines set out in the Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance. This is in line with Heritage Victoria's endorsement of the Burra Charter 1999 as a key document for guiding best-practice heritage management in Victoria, on 7 July 2010.

Amendments seeking to implement a heritage study via the application of the Heritage Overlay are prepared to be consistent with the Department of Environment, Land, Water and Planning's Planning Practice Note 1 – Applying the Heritage Overlay

9. Reports from Special Committees

Nil.

Cr Cusack arrived at the meeting at 6.51pm before the vote on the next item.

10. Reports

10.1 **17-19 Leake Street, Essendon (Lots 3 and 4 on LP 41248, Lots 1 and 2 on TP 21043B) - Construction of a multi-storey building within a Design and Development Overlay (Schedule 10) and a reduction to the car parking requirement**

Author: Lachlan Orr - Senior Statutory Planner

Directorate: Planning and Development

Minute No. **2019/164**

Council Resolution

Moved by Cr Lawrence, seconded by Cr Gauci Maurici that Council resolves to issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/1025/2018 for the construction of a multi-storey building within a Design and Development Overlay (Schedule 10) and a reduction to the car parking requirement at 17-19 Leake Street, Essendon (Lots 3 and 4 on LP 41248, Lots 1 and 2 on TP 21043B), on the following grounds:

1. The proposal fails to meet the objectives and strategies of Clauses 15.01-1S (Urban design) and 15.01-2S (Building design) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to respond to its context.
2. The proposal fails to meet the strategies contained within Clause 21.06-4 (Objectives & Strategies – Urban Design) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond to its location and context.
3. The proposal exceeds the preferred height and fails to provide the preferred setbacks set out under Schedule 10 to Clause 43.02 (Design and Development Overlay) of the Moonee Valley Planning Scheme.
4. The proposal fails to provide sufficient car parking as required under Clause 52.06 (Car Parking) of the Moonee Valley Planning Scheme and would exacerbate car parking problems in the surrounding area.
5. The proposal will cause adverse traffic and pedestrian safety impacts on the surrounding area, including the laneway and existing road network, which will be substantial and unreasonable.
6. The proposal represents an overdevelopment of the site.
7. The arrangements for the storage and collection of waste are inappropriate and will cause unacceptable amenity impacts on surrounding land.
8. The proposal fails to incorporate an appropriate level of landscaping.
9. 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.

CARRIED UNANIMOUSLY

10.2 Municipal Parking Implementation Plan and Parking Permit Policy

Author: David Richardson - Traffic and Transport Engineer

Directorate: Planning and Development

Minute No. **2019/192**

Council Resolution

Moved by Cr Marshall, seconded by Cr Surace that Council resolves to defer consideration of this report until the next Ordinary Council meeting.

CARRIED UNANIMOUSLY

10.3 Response to petition: parking restrictions for Grace Street, Moonee Ponds

Author: James Kempen - Traffic and Transport Engineer

Directorate: Planning and Development

Minute No. 2019/165

Council Resolution

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

- a. Install two hour parking (2P), 9am-6pm Mon-Fri, Permit Area 59 parking restrictions on the west side of Grace Street, between Holmes Road and Derby Street.
- b. Write to the Grace Street parking restrictions petition organiser, all landowners and occupiers of Grace Street, Moonee Ponds, advising of the Council resolution to install restrictions between Holmes Road and Derby Street.

CARRIED UNANIMOUSLY

10.4 Healthy Ageing in Moonee Valley

Author: Maria Weiss - Manager Community Strengthening

Directorate: City Services

Minute No. 2019/166

Motion

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

- a. Note the outcomes summarised in this report and reconfirms its intention to continue to invest in promotional and advocacy activities, despite output declines.
- b. Note that officers will continue to advocate to the Commonwealth to reallocate funding to better reflect the needs of the Moonee Valley Community, in particular the need for funded community transport services, in lieu of current over funding in high volume in home services such as Domestic Assistance, Personal Care and Community Meals.
- c. Note that Council has accepted an extension of funding for Commonwealth Home Support Programme services from July 2019 to 30 June 2020.
- d. Request a further report for consideration regarding the proposed Commonwealth Home Support Programme extension from June 2020 - June 2022.

Amendment

Minute No. 2019/167

Council Resolution

Moved by Cr Marshall, seconded by Cr Surace that part B be amended to read as follows:

- b. Note that officers will continue to advocate to the Commonwealth to reallocate funding to better reflect the needs of the Moonee Valley Community including the need for funded community transport services.

CARRIED UNANIMOUSLY

Council Resolution

Minute No. 2019/168

Council Resolution

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

- a. Note the outcomes summarised in this report and reconfirms its intention to continue to invest in promotional and advocacy activities, despite output declines.
- b. Note that officers will continue to advocate to the Commonwealth to reallocate funding to better reflect the needs of the Moonee Valley Community including the need for funded community transport services.

- c. Note that Council has accepted an extension of funding for Commonwealth Home Support Programme services from July 2019 to 30 June 2020.
- d. Request a further report for consideration regarding the proposed Commonwealth Home Support Programme extension from June 2020 - June 2022.

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

Against: Cr Byrne

CARRIED

10.5 Signs in the Public Use Zone (180 Holmes Road Aberfeldie) and Public Park and Recreation Zone

Author: Edward Crossland - Senior Strategic Planner

Directorate: Planning and Development

Minute No. 2019/169

Council Resolution

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

- a. Place a moratorium on the removal of unlawful signs (excluding where Council identifies safety concerns) in open space reserves under the *Planning and Environment Act 1987*, ending six months after the gazettal of Amendment C203moon by the Minister for Planning.
- b. Write to the Minister for Planning, the Minister for Sport, and the Minister for Local Government requesting they amend the Victoria Planning Provisions to ensure appropriate signage is allowable in open space reserves.
- c. Request the Minister for Planning to authorise Amendment C203moon to the Moonee Valley Planning Scheme to amend the Schedules to the PUZ, PPRZ, and local VicSmart provisions, pursuant to Section 8A(3) of the *Planning and Environment Act 1987*, and place the Amendment on exhibition pursuant to Section 19 of the *Planning and Environment Act 1987*.
- d. Refer unresolved submissions to Amendment C203moon to an independent Planning Panel in accordance with Section 23(1)(b) of the *Planning and Environment Act 1987*.
- e. Note consultation will be undertaken with clubs, lessees, and the broader community to inform the preparation of guidelines for signs in open space reserves, for use by Council as the Public Land Manager in the assessment of signage applications.
- f. Receive a future report for endorsement of Signage Guidelines for Open Space (including 180 Holmes Road, Aberfeldie), to be relied upon by Council as the public land manager.
- g. Allow Council officers to make minor editing and typographical changes if required to C203moon Amendment documents.

CARRIED UNANIMOUSLY

10.6 Land Acquisition Committee Charter Review

Author: Morgan Brown - Coordinator Commercial Property

Directorate: Asset Planning and Strategic Projects

Minute No. 2019/170

Council Resolution

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

- a. Revoke the previous Instrument of Delegation to the Land Acquisition Committee dated 13 March 2018.
- b. Endorse the amended Instrument of Delegation to the Land Acquisition Committee, set out in Attachment B.
- c. Authorise the Chief Executive Officer to execute the Instrument of Delegation, as set out in Attachment B, including the affixing of the common seal.
- d. Endorse the amended Land Acquisition Committee Charter, set out in Attachment C.
- e. Endorse Cr Marshall, Cr Sharpe and Cr Sipek as members of the Land Acquisition Committee for the remainder of the Council term from the date of the Instrument of Delegation.

CARRIED UNANIMOUSLY

10.7 Capital Works Program Variations

Author: Nikhil Aggarwal - Acting Manager Asset Planning, Property and Procurement

Directorate: Asset Planning and Strategic Projects

Minute No. 2019/171

Council Resolution

Moved by Cr Surace, seconded by Cr Sipek that Council resolves to authorise requested 2018/19 Capital Works Program variations, including one variation to the 2019/20 Capital Works Program, as per Section A.1 of Attachment B.

For: Crs Sipek, Byrne, Cusack, Lawrence, Marshall, Nation, Sharpe, Surace

Against: Cr Gauci Maurici

CARRIED

10.8 National General Assembly of Local Government 2019

Author: Allison Watt - Manager Governance and Communications

Directorate: Organisational Performance

Minute No. 2019/172

Council Resolution

Moved by Cr Lawrence, seconded by Cr Surace that Council resolves to receive and note the reports from Crs Jim Cusack and Richard Lawrence on their attendance at the ALGA National General Assembly 2019 held in Canberra from 16-19 June.

CARRIED UNANIMOUSLY

10.9 Assemblies of Councillors

Author: Tracey Classon - Governance Officer

Directorate: Organisational Performance

Minute No. 2019/173

Council Resolution

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

Assembly	Public Forum held on Tuesday 18 June 2019 at 6.02pm. Council Chamber, Civic Centre	
Matters considered	1. Improvements needed for the Essendon North Village (Essendon North Traders Association) 2. 19-21 Louis Street, Airport West (Brian Minogue)	
Councillors present	Cr Samantha Byrne Cr Rebecca Gauci Maurici Cr Nicole Marshall Cr John Sipek	
	Apologies: Crs Cusack, Lawrence, Nation, Sharpe and Surace	
Staff present	Kendrea Pope (Acting CEO) Steven Lambert Gil Richardson Petrus Barry Allison Watt	Jessie Keating Kate Heissenbuttel Carey Patterson Malcolm Ward Colin Harris
Conflict of interest	Nil.	

Assembly	Strategic Briefing held on Tuesday 18 June 2019 at 6.40pm. Committee Room, Civic Centre	
Matters considered	1. Alcohol restrictions to Parkland 2. Review of the draft agenda for the Ordinary Meeting 25 June 2019	
Councillors present	Cr John Sipek Cr Samantha Byrne Cr Rebecca Gauci Maurici Cr Nicole Marshall	
	Apologies: Crs Sharpe, Nation, Lawrence, Surace and Cusack	
Staff present	Kendrea Pope (Acting CEO) Steven Lambert Gil Richardson	Jessie Keating Allison Watt Carey Patterson
Conflict of interest	Cr Byrne declared a direct conflict of interest in item 10.2 on the draft Ordinary Council Meeting agenda due to residential amenity.	

Assembly	Ordinary Council Meeting pre-meet held on Tuesday 25 June 2019 at 6.00pm. Committee Room, Civic Centre	
Matters considered	Ordinary Council Meeting agenda 25 June 2019	
Councillors present	Cr John Sipek Cr Samantha Byrne Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Andrea Surace	
Apologies	Cr Narelle Sharpe	
Staff present	Kendrea Pope (Acting CEO) Steven Lambert Allison Watt	Gil Richardson Jessie Keating Petrus Barry
Conflict of interest	Cr Byrne declared a direct conflict of interest in item 10.2 1A Clarks Road, Keilor East (Reserve 1 on PS438596U) - Use of the land as a car park, due to residential amenity.	

Assembly	Strategic Briefing held on Tuesday 2 July 2019 at 6.04pm. Flemington Community Centre	
Matters considered	<ol style="list-style-type: none"> 1. MPAC to 2040 informal consultation update 2. The role of sport and recreation in our Healthy City 3. Organisational Values and CEO, Councillor and staff interaction protocol 4. Review of the draft agenda for the Ordinary Meeting to be held 9 July 2019 	
Councillors present	Cr Narelle Sharpe (Mayor) Cr John Sipek Cr Samantha Byrne (6.07pm) Cr Rebecca Gauci Maurici (6.31pm) Cr Andrea Surace (6.46pm)	
Staff present	Bryan Lancaster (CEO) Kendrea Pope Jessie Keating Dino de Melis Allison Watt Vivienne Cunningham Lauren McDaniel	Lauren Treby Corina de Araujo Kate Heissenbuttel Damir Agic Rui Seguchi-Vos Christina Collia Melissa Ensink
External	Sarah Auld (consultant)	
Apologies	Crs Marshall, Cusack, Nation and Lawrence	
Conflict of interest	Cr Gauci Maurici declared an indirect conflict of interest on Item 1 (MPAC) due to close association as family members live in the area.	

Assembly	Ordinary Council Meeting pre-meet held on Tuesday 9 July 2019 at 6.03pm. Committee Room, Civic Centre	
Matters considered	Ordinary Council meeting agenda 9 July 2019.	
Councillors present	Cr Samantha Byrne Cr Jim Cusack Cr Richard Lawrence Cr Narelle Sharpe Cr John Sipek Cr Andrea Surace	
Apologies	Crs Gauci Maurici and Marshall	
Staff present	Bryan Lancaster (CEO) Kendrea Pope Gil Richardson Petrus Barry	Allison Watt Jessie Keating Dino de Melis
Conflict of interest	Nil.	

CARRIED UNANIMOUSLY

11. Notices of Motion

11.1 Notice of Motion No. 2019/19 - 81 Charles Street, Ascot Vale

From: Councillor Nicole Marshall

Minute No. 2019/174

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation that Council resolves to request the Chief Executive Officer to investigate the potential for including the property at 81 Charles Street, Ascot Vale in the Heritage Overlay of the Moonee Valley Planning Scheme either as a place of individual significance or as part of a broader precinct.

CARRIED UNANIMOUSLY

Cr Surace left the meeting at 08:06pm.

Cr Surace returned to the meeting at 8:08pm before the vote on the next item.

11.2 Notice of Motion No. 2019/20 - report additional addendum to its submission to the Essendon Fields Preliminary Master Plan 2019

From: Councillor Richard Lawrence

Minute No. 2019/175

Council Resolution

Moved by Cr Lawrence, seconded by Cr Gauci Maurici that Council resolves to submit an additional addendum to its submission to the Essendon Fields Preliminary Master Plan 2019 due to new significant information:

1. That Melbourne Airport has put on hold its plans for a new East-West runway and is now considering building a new North-South runway and the impacts this will have on Essendon Fields flight and aerospace movements and the Airport Environs Overlay.
2. That as the Essendon Fields Preliminary Master Plan 2019 proposed flight and aerospace movements and Airport Environs Overlays (AOE) has not based it's analysis on a Melbourne Airport new North-South runway and the impact this will have on Essendon Fields.
3. That MVCC based on the recent changes indicated by Melbourne Airport in relation to a new North-South runway does not endorse the Airport Environs Overlay (AEO) and awaits further investigation and consultation by Essendon Fields.
4. That the Mayor write to the CEO Essendon Fields requesting information as to how the north-south runway would impact its planning and in particular the Airport Environs Overlay and how Essendon Fields proposes to update its Preliminary Draft Masterplan 2019 and conduct consultation with the local community on the revised impacts this may have.

5. That the Mayor write to local Federal member The Hon Bill Shorten and the local State members The Hon Ben Carroll and Danny Pearson that MVCC requests support for a review of the Essendon Fields Preliminary Master Plan 2019 due to Melbourne Airport's new North-South runway and its impact on the Essendon Fields Airport Environs Overlay.
6. That the Mayor write to the Federal Minister for Infrastructure, Transport and Regional Development The Deputy Prime Minister Hon Michael McCormack and request that given Melbourne Airport plans for a new North South runway will impact flight and aerospace movements at Essendon Fields that a full review of the Essendon Fields Preliminary Master Plan 2019 be initiated with a full analysis of aircraft noise management and any Airport Environs Overlay plans be totally reviewed.

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

CARRIED

12. Urgent Business

Nil.

13. Delegates Reports

Cr Andrea Surace reported on her duties as Council's delegate to the Metropolitan Transport Forum.

14. Confidential Reports

Minute No. 2019/176

Council Resolution

Moved by Cr Surace, seconded by Cr Byrne 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:

- 14.1 203-211 Keilor Road, Essendon (Lots 1, 2 & 3 TP335400C, Lot 352 LP2735, Land in CP151620 and Land in CP152396) - Construction of a multi-storey building, use of the land for dwellings and alteration of access to a road in a Road Zone, Category 1**
- Item 14.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.

CARRIED UNANIMOUSLY

The meeting closed to the public at 8.30pm.