

# Minutes

## Ordinary Meeting of Council

Tuesday, 27 August 2019

6:30pm

---

# Report Index

---

The following reports were considered:

7.	Petitions and Joint Letters	
7.1	Cashmere Street, Travancore.....	5
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 .....	6
10.2	Amendment C193moon - Introducing the MV2040 Strategy into the Moonee Valley Planning Scheme .....	7
10.3	Opportunity to work with DHHS on Integrated Masterplan.....	8
10.4	Revision to the grading of 15 Clarence Street Flemington in Amendments C200moon and C201moon .....	9
10.5	Council Plan 2017-21 - End of year progress report for 2018-19.....	10
10.6	Review of Governance Local Law.....	11
10.7	Mobile Food Vehicles Policy 12 month review .....	13
10.8	Deed of Renewal of Lease - JP & RA Cunningham Pty Ltd over part of Queens Park.....	14
10.9	Response to Petition - The Boulevard, Aberfeldie .....	15
10.10	Response to Petition - Mascoma St, Strathmore .....	16
10.11	Grants Assessment Special Committee - 2019/20 Committee Members and Charter Update.....	17
10.12	Assemblies of Councillors .....	18

---

# 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 Mauici, 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*.
- 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.
- 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

**LOST**

**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*.

<b>Assembly</b>	<b>Clocktower Mural Advisory Committee held on Friday 5th July 2019, 1pm-1.45pm. Councillors Lounge, Civic Centre</b>	
<b>Matters considered</b>	<ol style="list-style-type: none"> <li>1. Previous minutes confirmed</li> <li>2. Project milestones and timing</li> <li>3. Next steps</li> <li>4. Mural size, location, approach</li> <li>5. Items of a general nature raised by Councillors and Officers</li> </ol>	
<b>Councillors present</b>	Cr Narelle Sharpe (Mayor) Cr John Sipek Cr Richard Lawrence	
<b>Staff present</b>	Mal Ward Julie Stevens	Jim Karabinis Richard Ennis
<b>External</b>		
<b>Apologies</b>	Cr Samantha Byrne, Cr Jim Cusack, Cr Rebecca Gauci Maurici, Cr Nicole Marshall, Cr Cam Nation and Cr Andrea Surace	
<b>Conflict of interest</b>	Nil.	

<b>Assembly</b>	<b>Public Forum held on Tuesday 16 July 2019 at 6.00pm Council Chamber, Civic Centre</b>	
<b>Matters considered</b>	<ol style="list-style-type: none"> <li>1. Debneys Park Precinct Master Plan (Rose Iser)</li> <li>2. 2 Vida Street, Aberfeldie (James Weight Ryman Healthcare c-/ Urbis Pty Ltd)</li> </ol>	
<b>Councillors present</b>	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	
<b>Absent</b>	Cr Richard Lawrence	
<b>Staff present</b>	Bryan Lancaster Steven Lambert Kendrea Pope	Jessie Keating Sarah Wigley Belinda Stewart
<b>Conflict of interest</b>		

<b>Assembly</b>	<b>Strategic Briefing held on Tuesday 16 July 2019 at 7.00pm. Committee Room, Civic Centre</b>	
<b>Matters considered</b>	<ol style="list-style-type: none"> <li>1. Local Government Renewable Power Purchase</li> <li>2. Family Day Care</li> <li>3. Service Planning</li> <li>4. Review of the draft agenda for the Ordinary Meeting 23 July 2019</li> </ol>	
<b>Councillors present</b>	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	
<b>Apologies</b>	Cr Richard Lawrence	
<b>Staff present</b>	Bryan Lancaster Steven Lambert Kendrea Pope	Jessie Keating Sarah Wigley Belinda Stewart
<b>Conflict of interest</b>	Nil	

<b>Assembly</b>	<b>Ordinary Council pre-meet held on Tuesday 23 July 2019 at 6.08pm. Committee Room, Civic Centre</b>	
<b>Matters considered</b>	Ordinary Council Meeting agenda 23 July 2019	
<b>Councillors present</b>	Cr Narelle Sharpe (Mayor) Cr John Sipek Cr Samantha Byrne Cr Rebecca Gauci Maurici Cr Richard Lawrence Cr Nicole Marshall Cr Andrea Surace	
<b>Staff present</b>	Bryan Lancaster Steven Lambert Kendrea Pope Gil Richardson	Jessie Keating Petrus Barry Allison Watt
<b>External</b>		
<b>Apologies</b>	Cr Jim Cusack, Cr Cam Nation	
<b>Conflict of interest</b>	Nil.	

<b>Assembly</b>	<b>Strategic Briefing held on Tuesday 6 August 2019 at 6.05pm. Committee Room, Civic Centre</b>	
<b>Matters considered</b>	<ol style="list-style-type: none"> <li>1. Councillor corporate professional development (Preferred Training Networks) David Patmore, speed reading</li> <li>2. Review of the draft agenda for the Ordinary Meeting 13 August 2019</li> <li>3. The CEO provided Councillors with an update on the SKM/recycling issue.</li> </ol>	

<b>Councillors present</b>	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	
<b>Staff present</b>	Bryan Lancaster Kendrea Pope Natalie Reiter	Gil Richardson Allison Watt
<b>External</b>	David Patmore (Preferred Training Networks)	
<b>Apologies</b>	Crs Nation and Sipek	
<b>Conflict of interest</b>	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.	

<b>Assembly</b>	<b>Ordinary Council pre-meet held on Tuesday 13 August 2019 at 6.00pm. Committee Room, Civic Centre</b>	
<b>Matters considered</b>	Ordinary Council Meeting agenda 13 August 2019	
<b>Councillors present</b>	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	
<b>Staff present</b>	Bryan Lancaster Steven Lambert Kendrea Pope Gil Richardson	Natalie Reiter Petrus Barry Allison Watt
<b>External</b>		
<b>Apologies</b>	Cr Andrea Surace	
<b>Conflict of interest</b>	<p>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.</p> <p>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.</p> <p>As the matter was not discussed, the Councillors did not leave the meeting.</p>	

**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**