

# Minutes

## Ordinary Meeting of Council

Tuesday, 8 October 2019

6:30pm

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The following reports were considered:

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# Minutes of the Ordinary Meeting of Council

Tuesday, 8 October 2019 at 6:30pm  
held at the Moonee Valley Civic Centre

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## Present

|                  |                     |  |
|------------------|---------------------|--|
| <b>Members:</b>  | Cr Narelle Sharpe   | Mayor  |
|                  | Cr John Sipek       | Deputy Mayor                                   |
|                  | Cr Samantha Byrne   |  |
|                  | Cr Jim Cusack       |  |
|                  | Cr Richard Lawrence |  |
|                  | Cr Nicole Marshall  |  |
|                  | Cr Cam Nation       |  |
|                  | Cr Andrea Surace    |  |
| <b>Officers:</b> | Natalie Reiter      | Acting Chief Executive Officer                 |
|                  | Kendrea Pope        | Director Organisational Performance            |
|                  | Gil Richardson      | Director Asset Planning and Strategic Projects |
|                  | Maria Weiss         | Acting Director City Services                  |
|                  | 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, 8 October 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**

Leave of Absence

**Minute No.            2019/229**

**Council Resolution**

Moved by Cr Byrne, seconded by Cr Surace that Council grant Cr Gauci Maurici leave of absence for the period 7 October to 14 October 2014 inclusive.

**CARRIED UNANIMOUSLY**

**4. Confirmation of Minutes**

**Minute No.            2019/230**

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Lawrence that the minutes of the Ordinary Meeting of Council held on Tuesday 24 September 2019 be confirmed.

**CARRIED UNANIMOUSLY**

**5. Declarations of Conflict of Interest**

Cr Cam Nation declared an indirect conflict of interest due to conflicting duty in Item 10.5, for reasons previously disclosed to the Chief Executive Officer.

**6. Presentations**

Mayor, Cr Narelle Sharpe discussed the new artwork exhibition on display in the Council Chamber, Fireworks 2019.

This exhibition showcases the art and design of Year 11 and 12 students who live, work or study in Moonee Valley. Fireworks aims to provide a platform to display local emerging artists and designers' work, to encourage their ongoing development.

Cr Cam Nation left the chamber at 6.36pm and returned at 6.36pm before the vote on the next item.

## 7. Petitions and Joint Letters

### 7.1 **Market Lane, Aspen Street, Aspen Street to Hall Street traffic flow reversal**

**Author:** Tracey Classon - Governance Officer

**Directorate:** Organisational Performance

**Minute No.** **2019/231**

#### **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**

The next petition was not received by the deadline to be included in the agenda, Cr Byrne agreed to table it at the meeting, due to the currency of this issue.

### 7.2 **Please declare a climate emergency**

**Author:** Tracey Classon - Governance Officer

**Directorate:** Organisational Performance

**Minute No.** **2019/232**

#### **Council Resolution**

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

1. Receives and notes the petition.
2. Refers this matter to the Director Planning and Development for investigation and reporting back to Council.
3. Advises the petition organiser accordingly.

**CARRIED UNANIMOUSLY**

**8. Public Question Time**

The following two questions were not received by the deadline for this meeting and were taken on notice, for response in writing and at the next Ordinary Council Meeting.

**Nicholas Beament**, asked Council:

Is there a waste management plan for the area surrounding the Caydon development, as there is an ongoing issue from business abutting Aspen Street East, that Council is yet to resolve?

What will the \$700,000 from Caydon be spent on and will residents of the development have a say in spending?

**9. Reports from Special Committees**

Nil.

## 10. Reports

**10.1                    184 Maribyrnong Road, Moonee Ponds (Lot 1 on Title Plan 232844M) - Construction of three double storey dwellings and a reduction to car parking requirements**

**Author:**                Duarte Martins - Statutory Planner

**Directorate:**         Planning and Development

**Minute No.**          **2019/233**

### **Council Resolution**

Moved by Cr Cusack, seconded by Cr Nation that Council issues a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/999/2018 for the construction of three double storey dwellings and a reduction to car parking requirements at 184 Maribyrnong Road, Moonee Ponds (Lot 1 on Title Plan 232844M), on the following grounds:

1. The proposal fails to meet the overarching objective and the strategies of Clause 15.01-2 (Urban Design Principles) of the Moonee Valley Planning Scheme and would result in an urban design outcome that fails to positively contribute to the local character.
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 the surrounding context.
3. The proposal fails to meet the strategies contained within Clause 22.03 (Stormwater Management (Water Sensitive Urban Design)) and results in a development which does not effectively manage stormwater on site.
4. The proposal does not provided the required number of car parking spaces pursuant to Clause 52.06-5 (Car Parking) of the Moonee Valley Planning Scheme.
5. The proposal fails to meet the strategies contained within Clause 53.18 (Stormwater Management in Urban Development) and results in a development which does not effectively manage stormwater on site.
6. The proposal will cause adverse traffic impacts on the surrounding area which will be substantial and unreasonable.
7. The bulk, scale, form and layout of the proposal fails to meet Clause 55.02 of the Moonee Valley Planning Scheme (Neighbourhood Character and Infrastructure Objectives) and 21.06-1 (Objectives and Strategies – Neighbourhood Character), as it is not does not respect the character of the existing neighbourhood or integrate well with the street.
8. The proposal fails to satisfy the following standards contained within Clause 55 (Two or more dwellings on a lot) of the Moonee Valley Planning Scheme, and does not achieve an acceptable outcome in terms of the following objectives:
  - a) Clause 55.03-1 (Standard B6 – Street Setback);



- b) Clause 55.03-9 (Standard B14 – Access);
  - c) Clause 55.04-2 (Standard B18 – Walls on Boundaries);
  - d) Clause 55.05-4 (Standard B28 – Private Open Space); and
  - e) Clause 55.06-4 (Standard B34 – Site Services).
9. The proposed development presents as an overdevelopment of the subject site due to the lack of consideration given to the siting of the dwellings and its response to its corner location.
10. The proposal will have an unreasonable adverse effect on the residential amenity of neighbouring land.

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

**Against:** Cr Sharpe

**CARRIED**

**10.2                    261A, 261B & 261C Keilor Road Essendon (Lot 61 Block F on Plan of Subdivision 3151) - Construction of a five storey building with basement, reduction of car parking, waiver of loading bay requirements and alteration of access to a Road Zone Category 1**

**Author:** Justin Scriha - Senior Statutory Planner

**Directorate:** Planning and Development

**Minute No.**        **2019/234**

**Council Resolution**

Moved by Cr Lawrence, seconded by Cr Sipek that Council issues a Notice of Decision to Grant an Amended Planning Permit in relation to Planning Permit Application No. MV/552/2017/A for the Construction of a five storey building with basement, reduction of car parking, waiver of loading bay requirements and alteration of access to a Road Zone Category 1 at 261A, 261B & 261C Keilor Road Essendon (Lot 61 Block F on Plan of Subdivision 3151) in accordance with the following:

The following alterations to the Planning Permit:

- The preamble amended to – “Use and development of the land for a five storey residential building (Residential Hotel), reduction of bicycle facilities requirement, display of internally illuminated business identification and high wall business identification signs and alteration of access to a Road Zone Category 1”.

The following changes to the permit conditions:

- The deletion of Conditions 1 c), 1 d), 1 g), 1 h), 1 p), 8 and 17;
- Condition 1 i) modified to read:  
*The removal of all bicycle racks, including those on the Keilor Road frontage;*
- Condition 1 r) modified to read:  
*External lighting capable of illuminating the hotel entrance and vehicle entrance along Keilor Road;*
- Condition 1 u) modified to read:  
*An amended BESS report in accordance with Condition 29, with all annotations and measures shown on the plans;*

The inclusion of Condition 1 v):

*The elevations updated to show the correct colours and finishes in accordance with the colour and materials schedule;*

- The inclusion of Condition 1 w):  
*All new or modified south-facing windows to be screened or have raised sill heights up to 1.7 metres above finished floor level;*

- The inclusion of Condition 1 x):  
*The car parking area to have a minimum gradient of 1:200, graded towards a discharge point for drainage purposes;*
- The inclusion of Condition 1 y):  
*The doors to services (gas, etc.) are not to open outwards to Keilor Road (i.e. into the footpath) unless otherwise required by the relevant Service Authority;*
- The inclusion of Condition 1 z):  
*An amended Car Parking Management Plan in accordance with Condition 7;*
- The inclusion of Condition 1 aa):  
*An amended Waste Management Plan in accordance with Condition 9;*
- The inclusion of Condition 1 bb):  
*An amended WSUD report in accordance with Condition 28, with all stormwater treatment measures and associated annotations shown on the plans; and*
- The inclusion of Condition 1 cc):  
*Any changes as a result of VicRoads Conditions 22 – 27.*
- Condition 7 modified to read:  
*Before the development starts, a Car Parking Management Plan (CPMP) prepared by a suitably qualified person or firm must be submitted in an electronic format and approved by the Responsible Authority. The CPMP must include, to the satisfaction of the Responsible Authority:*
  - a) *All car spaces, loading areas, passing areas, etc. to be signed and line marked;*
  - b) *All access controls, such as boom gates, roller doors and intercom systems etc.;*
  - c) *Arrangements for the provision of eleven (11) car spaces;*
  - d) *The management of visitor parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances;*
  - e) *Lighting of parking areas, entries and exits;*
  - f) *All directional signage (occupants, visitors, pedestrians, cyclists etc.) within the carpark;*
  - g) *On-site loading arrangements, including times, access, vehicle types, etc.;*
  - h) *Any waste collection arrangements in accordance with the endorsed waste management plan; and*
  - i) *Traffic calming measures for inclusion within the accessways and car*

*parking areas on site, including rubber speed humps as appropriate.*

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

*The provisions, recommendations and requirements of the endorsed CPMP must be implemented and complied with to the satisfaction of the Responsible Authority.*

- The inclusion of Condition 9 b)  
*Specify off-peak bin collection times.*
- Condition 24 modified to read:  
*Before the development starts, amended Ground Floor Plan must be submitted to and approved by the Roads Corporation (VicRoads). The plans must be drawn to scale with dimensions and two copies must be provided. The amended plans must provide a passing area of at least 5m wide and 7m long to the driveway at the entrance to Keilor Road, Essendon.*
- The inclusion of Condition 25:  
*The vehicle crossing and passing area must be constructed to the satisfaction of the Roads Corporation (VicRoads) and / or the Responsible Authority and at no cost to the Roads Corporation, prior to the occupation of any of the proposed dwellings.*
- The inclusion of Condition 26:  
*The vehicle crossing and passing area must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety.*
- The inclusion of Condition 27:  
*The luminance of the advertising sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m<sup>2</sup>, throughout the driver's approach to the advertising sign.*
- The inclusion of Condition 28:  
*Stormwater from the development must be treated to meet the water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, Victoria Stormwater Committee 1999 (Guidelines), as amended. The performance objectives of the Guidelines must be met entirely on site as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority; except that with the written consent of the Responsible Authority, up to 20% of treatment may be delivered offsite as demonstrated by a Water Sensitive Urban Design (WSUD) assessment report(s) submitted to and approved by the Responsible Authority.*
- The inclusion of Condition 29:

*A published and compliant BESS report (or equivalent) must be submitted simultaneously with amended plans in accordance with Condition 1 and must comply with Clause 21.04-3 (Ecologically Sustainable Development) of the Moonee Valley Planning Scheme.*

- The inclusion of Condition 30:  
*The location and details of the signs and any supporting structure shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.*
- The inclusion of Condition 31:  
*The intensity of the light in the signage permitted must be limited to the satisfaction of the Responsible Authority, so as not to cause distraction to motorists in an adjoining street or loss of amenity in the surrounding area.*
- The inclusion of Condition 32:  
*Flashing, intermittent or moving light must not be displayed.*
- The inclusion of Condition 33:  
*The signage must not be animated in part or whole.*
- The inclusion of Condition 34:  
*Bunting, streamers and festooning must not be displayed.*
- The inclusion of Condition 35:  
*The signage authorised by this permit must only contain an advertisement which provides or supplies information relating to the business conducted on the land.*
- Existing Condition 24 (permit expiry condition) renumbered to Condition 36.

The following amendments to the endorsed plans:

- Replacement of the approved 20 dwellings with 40 serviced apartments (Residential Hotel);
- Deletion of the basement level;
- Deletion of the ground floor shop;
- Inclusion of business identification signs for the hotel; and
- Minor internal and external changes.

The deletion of the following notes:

- The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.
- In the event that car parking spaces or storage cages are separately title, a condition will be imposed on any further subdivision permit requiring the permit holder to enter into a Section 173 Agreement to ensure the on-site

car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.

The inclusion of the following note:

- This permit has been amended to change what the permit allows, to modify the endorsed plans and to update the conditions accordingly, pursuant to Section 72-76B of the *Planning and Environment Act 1987* on XXXX.

**For:** Crs Sipek, Cusack, Lawrence, Marshall, Sharpe, Surace

**Against:** Cr Nation, Byrne

**CARRIED**

**10.3 Domestic Animal Management Plan 2017-21 - Progress Report**

**Author:** Carey Patterson - Manager Regulatory and City Compliance

**Directorate:** City Services

**Minute No.** 2019/235

**Council Resolution**

Moved by Cr Lawrence, seconded by Cr Sipek that Council resolves to note the annual review of actions in the Domestic Animal Management Plan 2017-21.

**CARRIED UNANIMOUSLY**

**10.4 Election Period Policy**

**Author:** Lee McSweeney - Coordinator Governance

**Directorate:** Organisational Performance

**Minute No.** 2019/236

**Council Resolution**

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

1. Adopt the Election Period Policy provided as Attachment A with the following additions:
  - Section 2.2 reads that the use of Council-issued resources, including offices, support staff, hospitality services, mobile phones and numbers, computers, iPads and stationery will be used exclusively for normal Council business during the election period subject to existing policies, protocols and terms of use and will not be used in connection with any election campaign. Councillors standing for re-election must not use Council-issued equipment including mobile phones and numbers, laptops, tablets, computers or printers as a resource to assist with election campaigns. Council issued email addresses are not to be used in election campaigns.
  - Section 4.5 reads that Council website and social media content regarding Councillors must be limited to names, titles, Council-issued phone number and email address, memberships of special committees and other bodies to which Councillors have been appointed by Council. There will be no Councillor mobile phone numbers on the website during the election period. An alternate phone number will be provided as well as a link to the VEC website.
2. Authorise the Chief Executive Officer to make amendments to the Election Period Policy as required to ensure correctness and compliance with legalisation that does not materially alter the intent of the policy.

**CARRIED UNANIMOUSLY**



Cr Nation left the meeting at 7.17pm due to his declared conflict of interest in the next item.

**10.5                      2019/20 Capital Works Program Update**

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

**Directorate:**         Asset Planning and Strategic Projects

**Minute No.**          **2019/237**

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Cusack That Council resolves to authorise requested 2019/20 Capital Works Project variations as per Section A of Attachment B.

- b.    That Council notes the change to the 2019/20 Capital Works budget from \$90,079,582 to \$64,767,956 to reflect the known cash flow changes for multi-year projects and variations authorised up to and including this report.

**CARRIED UNANIMOUSLY**

Cr Nation returned to the meeting for the next item at 7.19pm.

**10.6 Response to Petition - Cashmere Street, Travancore**

**Author:** Angus McAlister - Traffic and Transport Engineer

**Directorate:** Planning and Development

**Minute No.** 2019/238

**Council Resolution**

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

- a. Change the parking restrictions in Cashmere Street, Travancore as shown in Attachment C. This will provide 14 'Permit Zone, 8-9am and 3-4pm' parking spaces and 20 unrestricted parking spaces.
- b. Advise all owners and occupants fronting Cashmere Street, Travancore of Council's response on this matter.

**CARRIED UNANIMOUSLY**

## 11. Notices of Motion

### 11.1 Caydon's developer contribution

**From:** Councillor Nicole Marshall

**Minute No.** 2019/239

#### **Council Resolution**

Moved by Cr Marshall, seconded by Cr Cusack that Council resolves to allocate \$729,545.45 in the 2020/21 Capital Works Budget specifically to projects in the Moonee Ponds area and that any further developer contributions be allocated directly to projects within the development area.

The \$729,545.45 relates to the Caydon developer contribution Council receipted to consolidated revenue in 2018/19.

**CARRIED UNANIMOUSLY**

Cr Lawrence left the chamber at 8.03pm before the vote on the next item and did not return to the meeting

### 11.2 Declaration of climate emergency

**From:** Councillor Nicole Marshall

**Minute No.** 2019/240

#### **Motion**

Moved by Cr Marshall, seconded by Cr Sipek take notice that at the Ordinary Meeting of Council to be held on 08 October 2019 it is my intention to move that Council:

1. Acknowledges the Environment Portfolio Advisory Committee's recommendation to Council to declare and acknowledge the climate emergency on the terms set out below;
2. Declares and acknowledges the climate emergency and, in doing so:
  - a. acknowledges the achievements of the Council in addressing issues related to climate change to date;
  - b. agrees that the implementation of MV2040 specifically the Green Action Plan will form the basis of Council's response to the climate emergency;
  - c. notes that Council's MV2040 vision statement includes that "Our neighbourhoods are beautiful, sustainable and hold strong community connections which enable citizens and the environment to be healthy and resilient";
  - d. notes this declaration will enable Council to publicly demonstrate the leadership position that its past, current and future strategic work has delivered and will deliver and to advocate to its community and other levels of government for a coordinated response to the issue of climate change.

## **Amendment**

**Minute No.            2019/241**

### **Council Resolution**

Moved by Cr Surace, seconded by Cr Byrne that the following point be added:

3. Council investigates the printing and distribution of information stickers to be placed on residents waste bins (similar to those distributed by Bass Coast Shire) and reports back to the next suitable Council Meeting.

**CARRIED UNANIMOUSLY**

**Minute No.            2019/242**

### **Council Resolution**

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

1. Acknowledges the Environment Portfolio Advisory Committee's recommendation to Council to declare and acknowledge the climate emergency on the terms set out below;
2. Declares and acknowledges the climate emergency and, in doing so:
  - a. acknowledges the achievements of the Council in addressing issues related to climate change to date;
  - b. agrees that the implementation of MV2040 specifically the Green Action Plan will form the basis of Council's response to the climate emergency;
  - c. notes that Council's MV2040 vision statement includes that "Our neighbourhoods are beautiful, sustainable and hold strong community connections which enable citizens and the environment to be healthy and resilient";
  - d. notes this declaration will enable Council to publicly demonstrate the leadership position that its past, current and future strategic work has delivered and will deliver and to advocate to its community and other levels of government for a coordinated response to the issue of climate change.
3. Investigates the printing and distribution of information stickers to be placed on residents waste bins (similar to those distributed by Bass Coast Shire) and report back to the next suitable Council Meeting.

**CARRIED UNANIMOUSLY**

**12. Urgent Business**

Nil.

**13. Delegates Reports**

Nil.

**14. Confidential Reports**

Nil.

**15. Close of Meeting**

The meeting concluded at 8.13pm.

**CR NARELLE SHARPE  
CHAIRPERSON**