

Minutes

Ordinary Meeting of Council

Tuesday, 11 December 2018

6.30pm

Report Index

The following reports were considered:

10. Reports

10.1	3 Ross Street, Niddrie (Lot 43 LP8376) - Construction of eight dwellings in a Design and Development Overlay (DDO7).....	5
10.2	Proposed Lease - Essendon Gem and Lapidary Club	6
10.3	Moonee Ponds Chain of Ponds	7
10.4	Steele Creek Drive Reserve Carpark.....	8
10.5	Advocacy on Aged Care Services.....	9
10.6	Response to Notice Of Motion No. 2018/18 - Occasional care in Moonee Valley	10
10.7	Response to NoM 2017/17 – Tennis Strategy	12
10.8	Moonee Ponds Activity Centre Special Rate and Charge renewal	13
10.9	Update on Notice of Motion No. 2017/25 - Reinstatement of roads	15
10.10	323-327 Napier Street, Strathmore - Proposed Land Transfer	16
10.11	Update on VicRoads Children's Crossing Supervisor Subsidy Program	17
10.12	Councillor appointments to Portfolios, Committees and External Bodies	19
10.13	Establishment of a Place Naming and Civic Recognition Special Committee.....	20
10.14	Assemblies of Councillors	21

Minutes of the Ordinary Meeting of Council

Tuesday, 11 December 2018 at 6.30pm
held at the Moonee Valley Civic Centre

Members: Cr Narelle Sharpe Mayor
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence
Cr Andrea Surace

Officers: Natalie Reiter Acting Chief Executive Officer
Maria Weiss Acting Director City Services
Kendrea Pope Director Organisational Performance
Gil Richardson Director Asset Planning and Strategic Projects
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, 11 December 2018.

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.

Approved leave of absence

Crs Marshall, Nation and Sipek are on approved leave of absence for this meeting.

4. Confirmation of Minutes

Minute No. 2018/173

Council Resolution

Moved by Cr Cusack, seconded by Cr Byrne that the Minutes of the Ordinary Meeting of Council held on Tuesday, 27 November 2018 be confirmed.

CARRIED UNANIMOUSLY

5. Declarations of Conflict of Interest

Cr Byrne declared a direct conflict of interest in item 10.4 on the agenda under Section 78E of the *Local Government Act 1989* as she lives in close proximity to the subject site.

6. Presentations

Nil.

7. Petitions and Joint Letters

Nil.

8. Public Question Time

Nil.

9. Reports from Special Committees

Nil.

10. Reports

10.1 **3 Ross Street, Niddrie (Lot 43 LP8376) - Construction of eight dwellings in a Design and Development Overlay (DDO7)**

File No: Fol/18/32

Author: William Wheeler - Principal Statutory Planner

Directorate: Planning and Development

Minute No. **2018/174**

Council Resolution

Moved by Cr Byrne, seconded by Cr Surace that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/257/2018 for the Construction of eight dwellings in a Design and Development Overlay (DDO7) at No.3 Ross Street, Niddrie (Lot 43 LP8376), in accordance with the following grounds of refusal:

1. The proposal fails to meet the overarching objective and the strategies of Clause 15.01-5S (Neighbourhood character) of the Moonee Valley Planning Scheme and would result in a development that fails to appropriately respond and contribute to neighbourhood character;
2. The visual bulk, scale, form and layout of the proposal fails to meet the objectives and strategies of Clause 21.06-1 (Neighbourhood Character) and Clause 21.06-4 (Urban Design) as it does not respect or contribute to the preferred character of the 'Central Residential 2' precinct and fails to appropriately respond to its location and surrounding context;
3. 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 55.02-1 (Neighbourhood character);
 - b) Clause 55.03-8 (Landscaping); and
 - c) Clause 55.04-8 (Noise impacts).
4. 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 Proposed Lease - Essendon Gem and Lapidary Club

File No: Fol/18/32

Author: Jeanette Blackwood - Commercial and Property Officer

Directorate: Asset Planning and Strategic Projects

Minute No. 2018/175

Council Resolution

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

1. Endorses a five year lease with the Essendon Gem and Lapidary Club Inc. (Lapidary Club) over part of Strathnaver Reserve at 144a Mascoma Street, Strathmore.
2. Authorises the Chief Executive Officer to negotiate and finalise the lease with the Lapidary Club and execute the lease on behalf of Council.

CARRIED UNANIMOUSLY

10.3 Moonee Ponds Chain of Ponds

File No: Fol/18/32

Author: Heather Graham - Senior Open Space Planner

Directorate: Planning and Development

Minute No. 2018/176

Council Resolution

Moved by Cr Cusack, seconded by Cr Lawrence that Council adopts the Moonee Ponds Creek - Chain of Ponds Plan.

CARRIED UNANIMOUSLY

Cr Surace left the meeting at 6:55pm.

Cr Surace returned to the meeting, before the vote on item 10.5 at 6:57pm.

10.5 Advocacy on Aged Care Services

File No: Fol/18/32

Author: Maria Weiss - Manager Community Strengthening

Directorate: City Services

Minute No. 2018/178

Council Resolution

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

1. Delegates to the Manager Community Strengthening to represent Moonee Valley City Council on the Darebin City Council initiated task force, which has been formed to advocate to relevant government officials to:
 - a. continue block funding Victorian councils Commonwealth Home Support Programme Services beyond 2020.
 - b. increase the unit cost of block funding to more closely reflect the actual cost of service delivery.
 - c. seek an exemption to the National Competition Policy should Victorian councils decide to subsidise the higher cost of service delivery within a local government framework.
2. Contacts Darebin City Council's Manager Aged and Disability Services to notify them of Council's decision.
3. Notes that if successful in advocating for ongoing block funding, a further report will be presented to Council, identifying and recommending the key service areas for funding acceptance which align to service gaps in Moonee Valley.
4. Notes that if an exemption to the National Competition Policy is achieved, a further report will be presented to Council regarding the recommended level, target group for service and types of service subsidisation, to ensure Local Government Best Value Principals are applied to the delivery of any services.

CARRIED UNANIMOUSLY

10.6 Response to Notice Of Motion No. 2018/18 - Occasional care in Moonee Valley

File No: Fol/18/32

Author: Vicky Matthews - Childcare Services Specialist

Directorate: City Services

Minute No. 2018/179

Motion

Moved by Cr Gauci Maurici, seconded by Cr Surace that Council:

1. Approves new business model three (with an amendment to operating hours as detailed below), for the future operation of Shuter Street Occasional Care, with implementation to occur in term two of 2019 to enable appropriate transition time. This model includes:
 - operating hours of 8.30am to 2.30pm Monday and Friday and 8.30am to 4.30pm Tuesday to Thursday
 - revised staff-to-children ratios, in line with Education and Care Services National Regulations, 2011
 - revised staffing model, with affected staff given the opportunity to be redeployed at one of Council's five long day centres
2. Notes that as part of the implementation of the new business model above, advance bookings will be accepted to the end of the current term.
3. Notes that officers are currently undertaking work to source a provider for an online booking system for the service.
4. Notes that officers will continue to investigate further opportunities to increase Occasional Care usage and availability within Moonee Valley, including potential additional locations for Occasional Care.
5. Notes that officers will continue to promote the Shuter Street Occasional Care service in an effort to increase utilisation.
6. Refers the fees charged to the annual budget review process.
7. Receives a further update in twelve months on the utilisation of the new business model.

Amendment

Moved by Cr Byrne, seconded by Cr Cusack that the first dot point be changed to:

- operating hours of 8.30am to 2.30pm Monday and 8.30am to 4.30pm Tuesday to Friday

For: Crs Byrne, Cusack, Gauci Maurici

Against: Crs Lawrence, Sharpe, Surace

LOST ON THE CASTING VOTE OF THE MAYOR

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Surace that Council

1. Approves new business model three (with an amendment to operating hours as detailed below), for the future operation of Shuter Street Occasional Care, with implementation to occur in term two of 2019 to enable appropriate transition time. This model includes:
 - operating hours of 8.30am to 2.30pm Monday and Friday and 8.30am to 4.30pm Tuesday to Thursday
 - revised staff-to-children ratios, in line with Education and Care Services National Regulations, 2011
 - revised staffing model, with affected staff given the opportunity to be redeployed at one of Council's five long day centres
2. Notes that as part of the implementation of the new business model above, advance bookings will be accepted to the end of the current term.
3. Notes that officers are currently undertaking work to source a provider for an online booking system for the service.
4. Notes that officers will continue to investigate further opportunities to increase Occasional Care usage and availability within Moonee Valley, including potential additional locations for Occasional Care.
5. Notes that officers will continue to promote the Shuter Street Occasional Care service in an effort to increase utilisation.
6. Refers the fees charged to the annual budget review process.
7. Receives a further update in twelve months on the utilisation of the new business model.

CARRIED UNANIMOUSLY

10.7 Response to Notice of Motion 2017/17 – Tennis Strategy

File No: Fol/18/32

Author: Craig Dodson - Community Planning Officer

Directorate: Planning and Development

Minute No. 2018/180

Council Resolution

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

1. Endorses the final 2018 Moonee Valley Growth in Tennis Plan (Appendix A – separately circulated).
2. Proceeds with installing Book a Court to local clubs that agree to the timeframes and funding conditions outlined in this report, utilising the complete capital budget allocated (\$70,000) and to fund any shortfall up to \$7,000 (10 per cent) through Council's operational budget and subject to the following:
 - a. if a club does not proceed further with the project, their funding allocation will be used to cover any unexpected shortfall on other sites involved in the project and any remaining funding will be returned to Council.
 - b. all clubs sign the funding agreement before 28 February 2019.
 - c. all installation works to be planned for completion by 30 June 2019.
 - d. all programs to be live and available for public use by no later than 30 September 2019.
 - e. all works completed by Council contractors.

If the club and Council cannot reach a decision on community access, signing the funding agreements and project delivery dates by the above deadlines, the project with that specific club will be abandoned.

CARRIED UNANIMOUSLY

10.8 Moonee Ponds Activity Centre Special Rate and Charge renewal

File No: Fol/18/32

Author: Nadine Muscat - Business Development Officer

Directorate: Planning and Development

Minute No. 2018/181

Council Resolution

Moved by Cr Lawrence, seconded by Cr Cusack that Council:

1. Commences the statutory process under the *Local Government Act 1989* (the Act) to re-introduce by way of renewal a Special Rate and Charge to and for the properties within the Moonee Ponds Activity Centre.
2. Notes the Special Rate and Charge will raise a total amount of \$190,000 in the first year and increase in \$10,000 increments for a five year period from 1 July 2019 to 30 June 2024.
3. In accordance with sections 163(1A) and 163B(3) of the Act, directs that public notices be given in the Moonee Valley Weekly and the Moonee Valley Leader of the intention of Council to declare at its Ordinary Meeting to be held of 23 April 2019.
4. Authorises in accordance with section 163(1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners and the occupiers of the properties notifying such persons that submission and/or objections in writing in relation to the Proposed Declaration of Special Rate and Charge (Appendix C) will be considered and/or taken into account by Council in accordance with sections 163A, 163B and 223 of the Act.
5. Advises the Moonee Ponds Rate Levy Association of the matters specified in paragraphs 1, 2 and 3 of this resolution.
6. Appoints and authorises Councillors Cr Jim Cusack, Cr Nicole Marshall and Cr Cam Nation to be the members of the committee that is established by Council under section 223(1) (b) (i) of the Act, to be known as the Moonee Ponds Special Rate Hearing Committee, to hear any persons who in their written submissions under section 223 of the Act have requested that they be heard in support of their submissions.
7. Authorises the Council's Chief Executive Officer or his nominated representative:
 - a) To carry out any and all other administrative procedures necessary to enable Council to carry out its functions under section 163A and section 163(1A), (1B) and (1C) and sections 163B and 223 of the Act; and

- b) To prepare a funding agreement between Council and the Moonee Ponds Rate Levy Association to formalise the administrative operations of the Special Rate and Charge, such agreement being to ensure that at all times, and as a precondition to the payment of any funds be Council to the Moonee Ponds Rate Levy Association, Council is, and remains, legally responsible for approving, directing and controlling the expenditure of the proceeds of the Special Rate and Charge in accordance with its obligations under the *Local Government Act 1989* to do so.
8. Directs that the agreement specified in paragraph 7(b) of this resolution is to be subsequently submitted to Council for approval and sealing.

CARRIED UNANIMOUSLY

10.9 Update on Notice of Motion No. 2017/25 - Reinstatement of roads

File No: Fol/18/32

Author: Peter Gaffney - Manager Infrastructure Services

Directorate: City Services

Minute No. 2018/182

Council Resolution

Moved by Cr Surace, seconded by Cr Gauci Maurici that Council endorses the immediate implementation of the process outlined below, to be administered by Council's Infrastructure Maintenance team, for the purpose of improving the management of repairs to road assets caused by service authorities:

1. The issue of a first notice 'Direction to Conduct Reinstatement Works' where an Infrastructure Manager/Works Manager as defined under Section 3 of the Road Management Act 2004 (RMA) has undertaken works within roads, which are the responsibility of Moonee Valley City Council.
2. The issue of second and final notice 'Failure to Comply with Notice' (where an Infrastructure Manager/Works Manager has not complied with a Direction to Conduct Reinstatement Works notice.

CARRIED UNANIMOUSLY

**10.10 323-327 Napier Street, Strathmore - Proposed Land
Transfer**

File No: Fol/18/32

Author: Morgan Brown - Acting Coordinator Commercial Property

Directorate: Asset Planning and Strategic Projects

Minute No. **2018/183**

Council Resolution

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

1. Proceeds with a section 35 plan under the Subdivision Act 1988 to transfer the land at the front and rear of 323-327 Napier Street to Council;
2. Not objects to the adverse possession claim over the land on the northern boundary of 323-327 Napier Street; and
3. Authorises the Chief Executive Officer to finalise the transfers of land, including signing sign all necessary documentation to formalise the transfer of land.

CARRIED UNANIMOUSLY

10.11 Update on VicRoads Children's Crossing Supervisor Subsidy Program

File No: Fol/18/32

Author: James Kempen - Traffic and Transport Engineer

Directorate: Planning and Development

Minute No. 2018/184

Council Resolution

Moved by Cr Cusack, seconded by Cr Lawrence that Council:

1. Adopts the Guidelines for Funding of Crossing Supervisors' shown in Appendix A.
2. Notes that officers will continue to prepare an application for the VicRoads Children's Crossing Supervisor Subsidy program each year.
3. Notes the application of the 'Guidelines for Funding of Crossing Supervisors' will result in the following short-term actions:
 - a. Crossing supervisors will continue to be partially funded in 2018/19 at:
 - i. Buckley Street / Batman Street, Essendon
 - ii. Epsom Road / Roseberry Street, Ascot Vale
 - iii. Teague Street, Niddrie
 - b. Crossing supervisors will no longer be allocated to the following sites after the end of Term 2, 2019:
 - i. Cashmere Street, near Mangalore Street, Travancore
 - ii. Pin Oak Crescent, near Waltham Street, Flemington
 - iii. Waverley Street, near Alma Street, Moonee Ponds
 - c. A crossing supervisor will be fully funded at the following sites in 2019/20:
 - i. Aberfeldie Street, Aberfeldie
 - ii. Rosebank Avenue, Strathmore
 - iii. Woodland Street, Strathmore
 - d. Additionally, Council will proceed with the installation of seven (7) new Children's Crossings (subject to community consultation), which will be eligible for full funding by Council:
 - i. Bank Street, Ascot Vale
 - ii. Bellarine Avenue, Keilor East
 - iii. Gillies Street, Essendon North
 - iv. Moonee Street, Ascot Vale
 - v. Ramsay Street, Aberfeldie

- vi. Roseberry Street, Ascot Vale
- vii. St Leonards Road, Ascot Vale

CARRIED UNANIMOUSLY

10.12 Councillor appointments to Portfolios, Committees and External Bodies

File No: Fol/18/32

Author: Allison Watt - Manager Governance and Communications

Directorate: Organisational Performance

Minute No. 2018/185

Council Resolution

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

1. Endorses the proposed program for Portfolio Advisory Committees in 2019 as outlined in this report.
2. Reaffirms the appointment of Councillors as spokespersons outlined in the report.
3. Appoints representatives to external bodies, and other committees, as follows until Council resolves otherwise:
 - Audit Committee - Cr Byrne, Cr Cusack, Cr Gauci Maurici
 - Essendon Airport/Essendon Fields Council Working Group – Cr Sharpe, Cr Lawrence and Cr Gauci Maurici
 - Essendon Airport Community Aviation Consultation Group (CACG) – Cr Sharpe and Cr Lawrence
 - Farnham Street Neighbourhood Learning Centre Committee of Management – Cr Cusack and Cr Marshall
 - Wingate Avenue Community Centre Committee of Management - Cr Cusack and Cr Marshall
 - Municipal Association of Victoria - Cr Sharpe and Cr Sipek
 - Australian Mayoral Aviation Council - Cr Sharpe and Cr Lawrence
 - Leadwest - Cr Byrne
 - Metropolitan Local Government Waste Forum - Cr Sipek and relevant Council Officer
 - Metropolitan Transport Forum - Cr Surace and relevant Council Officer
 - Royal Agricultural Society of Victoria Consultative Group - Cr Cusack and Cr Marshall
 - Shareholder Rep for Regional Kitchen P/L - Cr Sipek
 - Western Melbourne Tourism Board - Cr Lawrence and Manager Strategic Planning

CARRIED UNANIMOUSLY

**10.13 Establishment of a Place Naming and Civic Recognition
Special Committee**

File No: Fol/18/32

Author: Lee McSweeney - Coordinator Governance

Directorate: Organisational Performance

Minute No. **2018/186**

Council Resolution

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

1. Endorses the establishment of the Place Naming and Civic Recognition Special Committee in accordance with Section 86 of *the Local Government Act 1989*.
2. Resolves to delegate to the Place Naming and Civic Recognition Special Committee those functions, powers and duties set out in the Instrument of Delegation (Appendix A) in accordance with Section 86 of the *Local Government Act 1989*.
3. Authorises the Common Seal of Moonee Valley City Council to be affixed to the Instrument of Delegation to the Place Naming and Civic Recognition Special Committee (Appendix A).
4. Endorses the Place Naming and Civic Recognition Special Committee Charter provided as Appendix B
5. Resolves to appoint the following Councillors, as members of the Place Naming and Civic Recognition Special Committee for the term of Council, effective from the date of this resolution:
 - Buckley Ward Councillor (Mayor, Cr Sharpe)
 - Myrnong Ward Councillor (Cr Cusack)
 - Rose Hill Ward Councillor (Deputy Mayor, Cr Sipek)

CARRIED UNANIMOUSLY

10.14 Assemblies of Councillors

File No: Fol/18/32
Author: Tracey Classon - Governance Officer
Directorate: Organisational Performance
Minute No. 2018/187

Council Resolution

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

That Council, in accordance with section 80A(2) of the *Local Government Act 1989*, receives the records of the following Assemblies of Councillors:

Assembly	Strategic Briefing held on Tuesday 20 November 2018 at 6.15pm. Council Chamber, Civic Centre	
Matters considered	<ol style="list-style-type: none"> 1. Welcoming Cities (Bel Schenk of the Welcoming Cities Network) 2. Advocacy Update 3. Community Infrastructure Projects Update 4. Disability Services Future Planning 5. Community Chef financial performance 6. Draft agenda for the Ordinary Meeting to be held 27 November 2018. 	
Councillors present	Cr Narelle Sharpe (Mayor) Cr John Sipek (Deputy Mayor) Cr Samantha Byrne Cr Rebecca Gauci Maurici (via conference call) Cr Nicole Marshall Cr Cam Nation	
	Leave of absence: Cr Richard Lawrence.	
Staff present	Bryan Lancaster (CEO) Steven Lambert Kendrea Pope Natalie Reiter Gil Richardson Allison Watt Kate McCaughey	Peter Crowley Jasmine Graham Ben McManus Kate Heissenbuttel Maria Weiss Bel Schenk (Welcoming Cities)
Conflict of interest	Cr Nation declared an indirect conflict of interest in item 1.3 due to conflicting duty and left the meeting at 6.36pm and returned at 6.43pm. Cr Byrne declared an indirect interest in 1.3 on the agenda and item 10.7 on the draft Ordinary Council Meeting agenda for 27 November due to conflicting duty and left the meeting 6.50pm and returned at 6.51pm.	

Assembly	Ordinary Council Meeting pre-meet held on Tuesday 27 November 2018 at 6.18pm. Committee Room, Civic Centre	
Matters considered	Ordinary Council Meeting agenda for Tuesday 27 November 2018	
Councillors present	Cr Narelle Sharpe(Mayor) Cr John Sipek (Deputy Mayor) Cr Samantha Byrne Cr Jim Cusack Cr Rebecca Gauci Maurici Cr Nicole Marshall Cr Cam Nation	
	Leave of absence: Cr Richard Lawrence	
Staff present	Bryan Lancaster (CEO) Steven Lambert Kendrea Pope Natalie Reiter	Petrus Barry Gil Richardson Allison Watt
	Conflict of interest Cr Byrne declared an indirect interest in item 10.7 on the agenda due to conflicting duty.	

CARRIED UNANIMOUSLY

11. Urgent Business

Nil.

12. Delegates Reports

Nil.

13. Confidential Reports

Nil

14. Close of Meeting

The meeting concluded at 8.01PM

**CR NARELLE SHARPE
CHAIRPERSON**