

# Minutes

## Ordinary Meeting of Council

Tuesday, 9 April 2019

6:31pm

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The following reports were considered:

6. Presentations

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# Minutes of the Ordinary Meeting of Council

Tuesday, 9 April 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 Rebecca Gauci Maurici	
	Cr Richard Lawrence	
<b>Officers:</b>	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 Peter Gaffney	Acting 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, 09 April 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.

**Minute No.            2019/72**

**Council Resolution**

Moved by Cr Lawrence, seconded by Cr Byrne that Councillor Andrea Surace's apology be noted.

**CARRIED UNANIMOUSLY**

**Leave of Absence**

**Minute No.            2019/73**

**Council Resolution**

Moved by Cr Byrne, seconded by Cr Gauci Maurici that Council amends Cr Sipek's approved leave of absence from 26 March to 8 April 2019 inclusive, approves Cr Marshall's leave of absence from 2 April 2019 to 12 April 2019 inclusive and approves Cr Cusack's leave of absence for the meeting to be held on 23 April 2019

**CARRIED UNANIMOUSLY**

**4. Confirmation of Minutes**

**Minute No.            2019/74**

**Council Resolution**

Moved by Cr Lawrence, seconded by Cr Cusack that the Minutes of the Ordinary Meeting of Council held on Tuesday, 26 March 2019 be confirmed.

**CARRIED UNANIMOUSLY**

**5. Declarations of Conflict of Interest**

Nil

**6. Presentations**

**Matsubara City, Japan**

Mayor, Cr Narelle Sharpe on behalf of Council, acknowledged correspondence and a gift received from Mayor Sawai of Matsubara City, in Japan.

Mayor Sawai, expressed gratitude for the exchange program operating between the two cities, allowing high school students and city officers from Matsubara City, to visit Moonee Valley to experience homestay and school tours; that have had a great impact in participant's education and career choices.

**Cr Jim Cusack**

Mayor, Cr Narelle Sharpe, allowed Cr Cusack to make a personal statement.

Cr Cusack, at the request of a member of the public, retracted a simile he used during the debate of item 11.2 Notice of Motion No. 2019/08 - Review of Secondary College zones that was considered at the 26 March 2019, Ordinary Meeting of Council.

**7. Petitions and Joint Letters**

Nil.

**8. Public question time**

**Helen Papadimitriou** asked Council:

Regarding the Flemington Hub - what are the number of car parking spaces proposed for each of the three options and where are they to be located?

**Natalie Reiter, Director Planning and Development** responded, each design option for Debneys Park prioritises walking, cycling and public transport over private vehicles to encourage sustainable transport travel to the Flemington community hub.

This will be achieved by improving walking and cycling paths and limiting the provision on on-site car spaces to approximately the current provision rate of 87 spaces.

Car parking is designed to minimise encroachment on open space and maximise people walking and being active.

Three options are being considered for on-site car parking provision:

Option 1:

50 car spaces under the community hub.

32 car spaces opposite Debney Meadows Primary School.

Option 2:

60 car spaces on the park's western side.

30 car spaces opposite Debney Meadows Primary School.

Option 3:

55 car spaces directly under the indoor sports courts.

32 car spaces opposite Debney Meadows Primary School.

Disabled car parking and loading zones:

Disabled car parking, disabled access and loading zones will achieve best practice and (at a minimum) the relevant legislative requirements and Australian Standards. The detailed design of these elements will be provided at the next project stage. This information has now also been added to the FAQs on Your Say on Council's website.

**Helen Papadimitriou** asked Council:

Why is the proposed Flemington Hub to be built on Debneys Park and not at the current Community Centre location which has existing access to Mt Alexander Road, trams, parking spaces, and plenty of under-utilised land behind and around it?

**Natalie Reiter, Director Planning and Development** responded, the current Community Centre plus the pavilion are already on Debneys Park; we're just moving the building within the park to a sunnier location that offers a much better interface to the open space of the park and removes the barrier between the Moonee Ponds Creek and Debneys Park.

By creating a building free interface between the park and the creek, we can optimise opportunities for an ecologically appropriate interface to the creek. The overall open space will both present as bigger and be much more functional.

The reason the land behind and around the existing Community Centre is underutilised is because the noise from the traffic make it feel hostile.

By housing the facility more remote to the noise, the community will be able to enjoy indoor/outdoor spaces in relative tranquillity.

## **9. Reports from Special Committees**

Nil.

## 10. Reports

### 10.1 Delegations to determine Moonee Valley Racecourse Land Planning Applications

**Author:** Petrus Barry - Manager Statutory Planning

**Directorate:** Planning and Development

#### Motion

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

- a. Revoke the instrument of delegation for the Moonee Valley Racing Club (MVRC) Planning Assessment Special Committee which had been established pursuant to Section 86 of the *Local Government Act 1989*;
- b. Modify the Statutory Planning Protocols (July 2018) at 5.3.2 through the addition of the following provision:  

Planning Applications and/or determination of Council's position for VCAT in relation to applications over the Moonee Valley Racecourse may be assessed by officers, despite fitting into the above 'Major Projects' definition, or deemed to be controversial (as per section 5.3.3 below), at Council's Development Assessment Panel (DAP) and determined under delegation.
- c. Agree the Planning Permit Applications submitted by Moonee Valley Racing Club pursuant to the *Planning and Environment Act 1987* will be briefed to non-conflicted Councillors, providing an opportunity for Councillors to represent the views of the community, but be decided under Delegation in accordance with the amended Statutory Planning Protocols in (b) above.
- d. Request the Chief Executive Officer, prior to exercising delegations in accordance with (b) and (c), above, provide Councillor updates in relation to the applications, and subsequent to decision making, appropriately communicate decisions to the community.
- e. Update the Statutory Planning Protocols by replacing all Team Leader references with Coordinator and Coordinator with Senior Coordinator.

#### Amendment

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

- a. Revoke the instrument of delegation for the Moonee Valley Racing Club (MVRC) Planning Assessment Special Committee which had been established pursuant to Section 86 of the *Local Government Act 1989*;
- b. Modify the Statutory Planning Protocols (July 2018) at 5.3.2 through the addition of the following provision:  

Planning Applications and/or determination of Council's position for VCAT in relation to applications over the Moonee Valley Racecourse may be assessed by officers, despite fitting into the above 'Major Projects' definition, or deemed to be controversial (as per section 5.3.3 below), at an open session of Council's Development Assessment Panel (DAP) and

- determined under delegation. This provision will have effect until such time as there is a quorum of non-conflicted Councillors
- c. Agree the Planning Permit Applications submitted by Moonee Valley Racing Club pursuant to the *Planning and Environment Act 1987* will be briefed to non-conflicted Councillors, providing an opportunity for Councillors to represent the views of the community, but be decided under Delegation in accordance with the amended Statutory Planning Protocols in (b) above.
  - d. Request the Chief Executive Officer, prior to exercising delegations in accordance with (b) and (c), above, provide Councillor updates in relation to the applications, and subsequent to decision making, appropriately communicate decisions to the community.
  - e. Update the Statutory Planning Protocols by replacing all Team Leader references with Coordinator and Coordinator with Senior Coordinator.

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

**Against:** Crs Lawrence, Sipek

**CARRIED**

**Minute No.            2019/75**

**Council Resolution**

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

- a. Revoke the instrument of delegation for the Moonee Valley Racing Club (MVRC) Planning Assessment Special Committee which had been established pursuant to Section 86 of the *Local Government Act 1989*;
- b. Modify the Statutory Planning Protocols (July 2018) at 5.3.2 through the addition of the following provision:  
  
Planning Applications and/or determination of Council's position for VCAT in relation to applications over the Moonee Valley Racecourse may be assessed by officers, despite fitting into the above 'Major Projects' definition, or deemed to be controversial (as per section 5.3.3 below), at an open session of Council's Development Assessment Panel (DAP) and determined under delegation. This provision will have effect until such time as there is a quorum of non-conflicted Councillors.
- c. Agree the Planning Permit Applications submitted by Moonee Valley Racing Club pursuant to the *Planning and Environment Act 1987* will be briefed to non-conflicted Councillors, providing an opportunity for Councillors to represent the views of the community, but be decided under Delegation in accordance with the amended Statutory Planning Protocols in (b) above.
- d. Request the Chief Executive Officer, prior to exercising delegations in accordance with (b) and (c), above, provide Councillor updates in relation to the applications, and subsequent to decision making, appropriately communicate decisions to the community.



- e. Update the Statutory Planning Protocols by replacing all Team Leader references with Coordinator and Coordinator with Senior Coordinator.

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

**Against:** Crs Cusack, Gauci Maurici

**CARRIED**

## 10.2 Proposed Budget 2019/20

**Author:** Damian Hogan - Manager Finance

**Directorate:** Organisational Performance

**Minute No.** 2019/76

### Council Resolution

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

- a) Adopt in principle the Proposed Budget 2019/20 as per Attachment A (separately circulated) as its budget for the 2019/20 financial year as required by the Local Government Act.
  - b) Adopt the Strategic Resource Plan 2020 to 2023 as per Attachment B (separately circulated).
2. Authorises the Chief Executive Officer to:
- a) Give public notice of the preparation of the Proposed Budget 2019/20 and Strategic Resource Plan 2020-2023 in accordance with the *Local Government Act*; and
  - b) Make available for public inspection the information required by Regulation 9 of the *Local Government (Planning and Reporting) Regulations 2014* and invite submissions under Section 223 of the Act.
3. Considers any submissions received on the Proposed Budget 2019/20 (if required) at a section 223 committee of Council, to be held on Tuesday 28 May 2019 commencing at 6.00 pm at Moonee Valley City Council, 9 Kellaway Avenue, Moonee Ponds.
4. Request the CEO to undertake an exercise to ensure the financial sustainability of council through a long term financial plan and have it independently reviewed.

**For:** Crs, Byrne, Cusack, Gauci Maurici, Sharpe, Sipek

**Against:** Cr Lawrence

**CARRIED**

**10.3 Council Plan 2017-21 - Quarter two progress report for October -  
December 2018**

**Author:** Julie Tipene-O'Toole - Coordinator Corporate Planning

**Directorate:** Organisational Performance

**Minute No.** 2019/77

**Council Resolution**

Moved by Cr Gauci Maurici, seconded by Cr Cusack that Council resolves to receive and note the progress report on the implementation of the Council Plan 2017-21 action plan for the second quarter of 2018/19.

**CARRIED UNANIMOUSLY**

#### **10.4 Response to Notice Of Motion No. 2018/15 - Council use of herbicides**

**Author:** David Murnane - Coordinator Open Space Management

**Directorate:** City Services

**Minute No.** 2019/78

##### **Council Resolution**

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

- a. Note the information provided as Attachment B detailing:
  - i. Council's current use of herbicides for weeding in Moonee Valley, particularly the use of glyphosate
  - ii. Council's commencement of trials to consider the suitability of an alternative to glyphosate
- b. Note that Council officers will continue to:
  - i. Explore chemical free weed management options to minimise glyphosate use where possible
  - ii. Review practices in the event of any updated advice from Australian regulatory bodies

**CARRIED UNANIMOUSLY**

### **10.5 Walter Street Telecommunication Facilities**

**Author:** Jeanette Blackwood - Commercial and Property Officer

**Directorate:** Asset Planning and Strategic Projects

**Minute No.** 2019/79

#### **Council Resolution**

Moved by Cr Cusack, seconded by Cr Byrne

1. Commence the statutory procedures in accordance with section 190 and 223 of the *Local Government Act 1989* (the Act) of a proposal to lease part of Walter Street Reserve, known as part of certificate of title volume 9522 folio 693 to Axicom for a period of 15 years on a market rental;
2. Commence the statutory procedures in accordance with section 190 and 223 of the *Local Government Act 1989* (the Act) of a proposal to lease part of Walter Street Reserve, known as part of certificate of title volume 9522 folio 693 to Optus for a period of 15 years on a market rental;
3. Publish a notice in a local paper for Moonee Valley under sections 190 and 223 of the Act advising of the proposed lease to Axicom and Optus;
4. Inform persons who wish to be heard in support of their submission that they will be heard at a committee of Council (if required), comprising ward Councillors, in accordance with section 223 of the Act;
5. Receive a further report following the completion of the public notice process to determine whether Council should lease the land known as part of Walter Street Reserve to Axicom.
6. Receive a further report following the completion of the public notice process to determine whether Council should lease the land known as part of Walter Street Reserve to Optus.

**CARRIED UNANIMOUSLY**

### **10.6 Mayoral Attendance at Wellbeing Cities Forum**

**Author:** Natalie Reiter - Director Planning and Development

**Directorate:** Planning and Development

**Minute No.** 2019/80

#### **Council Resolution**

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

- a. Approve the Mayor to attend the Wellbeing Cities Forum, which includes attendance at the award ceremony in Montreal in June 2019 in accordance with the Councillor Expenses and Reimbursement Policy for Interstate Travel.
- b. Receive a written report for Council by the third Council meeting after their return from travel outlining:
  - purpose of conference, seminar, event or study tour
  - learning outcomes
  - applicable benefits to Council
  - issues for consideration of Council or Councillors
  - conclusion and recommendations

**CARRIED UNANIMOUSLY**

## 11. Notices of Motion

### 11.1 Notice of Motion Report No. 2019/10 - CCTV on no. 57 and 59 trams

**From:** Councillor Rebecca Gauci Maurici

#### **Motion**

Moved by Cr Gauci Maurici, seconded by Cr Byrne that Council writes to each of the following:

1. Minister for Transport Infrastructure, The Hon Jacinta Allan MP; and
2. Yarra Trams Chief Executive Officer, Mr Nicolas Gindt

requesting that all trams in Moonee Valley are equipped with CCTV cameras in order to improve the personal safety and security of all public transport users.

#### **Amendment**

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

1. Minister for Transport Infrastructure, The Hon Jacinta Allan MP; and
2. Yarra Trams Chief Executive Officer, Mr Nicolas Gindt

requesting that all trams in Moonee Valley are equipped with CCTV cameras in order to improve the personal safety and security of all public transport users at no cost to Council.

**For:** Crs Lawrence, Sipek

**Against:** Crs Byrne, Cusack, Gauci Maurici, Sharpe

**LOST**

**Minute No.            2019/81**

#### **Council Resolution**

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

1. Minister for Transport Infrastructure, The Hon Jacinta Allan MP; and
2. Yarra Trams Chief Executive Officer, Mr Nicolas Gindt

requesting that all trams in Moonee Valley are equipped with CCTV cameras in order to improve the personal safety and security of all public transport users.

**CARRIED UNANIMOUSLY**

## **11.2 Notice of Motion Report No. 2019/11 - Clocktower Mural**

**From:** Councillor Richard Lawrence

**Minute No.**        **2019/82**

### **Council Resolution**

Moved by Cr Lawrence, seconded by Cr Sipek that a sub-committee of Council be formed to consider and recommend an appropriate Art Mural design for the Pascoe Vale Road wall of the Clocktower building.

1. The Committee to comprise of the Mayor, Deputy Mayor and three other Councillors or less.
2. The Committee to meet once a month for three months and provide Council with a report on the design, the cost and the method of choosing a local artist.

**CARRIED UNANIMOUSLY**

## **12. Urgent Business**

Nil.

## **13. Delegates Reports**

Nil.

## **14. Confidential Reports**

**Minute No.**        **2019/83**

### **Council Resolution**

Moved by Cr Byrne, seconded by Cr Cusack that Council resolves to close the meeting to the public pursuant to Section 89(2) of the *Local Government Act 1989* to discuss the following matters:

#### **14.1 East Keilor Leisure Centre redevelopment progress update**

Item 14.1 is Confidential under the terms section 89(2) of the *Local Government Act 1989* as it contains information relating to: (d) contractual matters.

**CARRIED UNANIMOUSLY**

The meeting closed to the public at 8.02pm.