



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 18 October 2011

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 18 October 2011 at 7:03pm
held at the Moonee Valley Civic Centre

PRESENT

Members: Cr John Sipek (Mayor)
Cr Shirley Cornish
Cr Jan Chantry
Cr Jim Cusack
Cr Miriam Gillis
Cr Paul Giuliano
Cr Narelle Sharpe

Officers: Mr Neville Smith Chief Executive
Mr Bryan Lancaster Director City Works & Development
Mr Anthony Smith Director Corporate Services
Mr Stuart Gillespie Executive Manager Citizen Services & Information Management
Mr Tony Ball Executive Manager Community Services
Mr Scott Widdicombe Executive Manager Environment & Lifestyle
Mr Ralph Anania Manager Governance & Local Laws

1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 18 October 2011.

2. Apologies

An apology for non-attendance was received for Cr Ange Kenos.

Cr James Rankin has Leave of Absence for this meeting.

3. Confirmation of Minutes

Moved by Cr Giuliano, seconded by Cr Sharpe that the Minutes of the Ordinary Meeting of Council held on Tuesday, 20 September 2011 be confirmed.

CARRIED

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Cr Giuliano presented the Mayor, Cr Sipek with a painted portrait completed by former Moonee Valley City Council Chief Executive, Mr Peter Black.

6. Petitions And Joint Letters

Nil.

7. Public Question Time

Nil.

8. Reports By Mayor And Councillors

File No. FOL/10/357

Minute No. 2011/117

Council Resolution

Moved by Cr Cornish, seconded by Cr Chantry that the reports by the Mayor and Councillors be received.

CARRIED

9. Reports

9.1 Moonee Valley City Council Annual Report 2010/11

File No: FOL/09/1251

Author: Manager Citizen & Information Services

Directorate: Citizen Services & Information Management

Ward: Municipal

Minute No: 2011/118

Council Resolution

Moved by Cr Cusack, seconded by Cr Cornish that Council adopt the 2010/11 Annual Report.

CARRIED

Cr Sharpe left the meeting at 7.33pm and returned at 7.34pm.

9.2 2012 Community Grants Program Funding Round

File No: FOL/11/385

Author: Community Building Officer

Directorate: Citizens Services & Information Management

Ward: Municipal

Minute No: 2011/119

Council Resolution

Moved by Cr Chantry, seconded by Cr Giuliano that Council:

1. Award the 2012 Community Grants to organisations and individuals for the specified amounts recommended by the Assessment Panel in Appendix A.
2. Present Community Grant certificates to successful applicants at the Mayoral Presentation Ceremony on 2 December 2011.
3. Note that the two organisations awarded Triennial Partnership grants will receive their second year of funding in 2012, subject to satisfactory progress reports.

CARRIED

9.3 Moonee Valley Planning Scheme Amendment C113 - 2 Vida Street, Aberfeldie

File No: FOL/11/687

Author: Strategic Planner

Directorate: City Works & Development

Ward: Buckley

Minute No: 2011/120

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council:

1. Adopt Amendment C113 in accordance with Section 29 of the Planning and Environment Act 1987 and in accordance with the Amendment Documentation attached to this report as Appendix A (Explanatory Report) and Appendix B (remaining Amendment Documentation).
2. Submit Amendment C113 to the Minister for Planning in accordance with Section 31(1) of the Planning and Environment Act 1987.
3. Request the Minister for Planning to approve Amendment C113 in accordance with Section 35(1) of the Planning and Environment Act 1987.

CARRIED

9.4 Draft Moonee Ponds Activity Centre Heritage Assessment

File No: CON/11/483
Author: Strategic Planner
Directorate: City Works & Development
Ward: Myrnong
Minute No: 2011/121

Council Resolution

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

1. Endorse the draft Moonee Ponds Activity Centre Heritage Assessment Appendix B (separately circulated) for the purposes of public consultation.
2. Receive a further report following consultation on the draft Moonee Ponds Activity Centre Heritage Assessment.

CARRIED

9.5 North Essendon Parking Study

File No: FOL/11/1173
Author: Traffic & Transport Engineer
Directorate: City Works & Development
Ward: Buckley
Minute No: 2011/122

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sharpe that Council:

1. Consult with residents on the proposed implementation of 1P parking restriction on the eastern side of Renown, Duffy and O'Shannassy Streets.
2. Retain existing unrestricted parking conditions on the western side of Renown, Duffy and O'Shannassy Streets.
3. Retain existing unrestricted parking conditions along the northern side of Keam Street.
4. Advise the petitioner on the outcome of the Parking Study.
5. Review parking restrictions after six months for effectiveness.

CARRIED

9.6 Creative Artwork on Walls and Structures in Heritage Overlay Areas

File No: FOL/11/623

Author: Manager Operations

Directorate: City Works & Development

Ward: Municipal

Minute No: 2011/123

Council Resolution

Moved by Cr Chantry, seconded by Cr Cornish that Council retain the existing paint controls for Heritage Overlay Areas and continue to consider the use of creative artwork on walls and structures in Heritage Overlay area through the Planning Scheme.

CARRIED

9.7 Neil Heinze Centre, 56 Lake Street, Avondale Heights - Lease to Greek Community of Keilor and Districts Inc

File No: 11/7/53 & 11/1/86

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Rose Hill

Minute No: 2011/124

Council Resolution

Moved by Cr Cornish, seconded by Cr Giuliano that Council:

1. Surrender the current lease with the Greek Community of Keilor and Districts Inc. for the Neil Heinze Centre at 56 Lake St, Avondale Heights.
2. Enters into a new lease with the Greek Community of Keilor and Districts Inc. for occupancy and use of the Neil Heinze Centre at 56 Lake St, Avondale Heights for a term of three years commencing 1 October 2011 plus two three year options, at an annual rental of \$50.00 (GST excl).

CARRIED

9.8 Doutta Galla Aged Care Facility, 120 North Road Avondale Heights - Section 173 Agreement

File No: PR237135

Author: Coordinator Property Services

Directorate: Corporate Services

Ward: Rose Hill

Minute No: 2011/125

Council Resolution

Moved by Cr Cornish, seconded by Cr Giuliano that Council advise Doutra Galla Aged Services that:

1. It agrees to the cancellation of the Section 173 Agreement attached to 120 North Road, Avondale Heights on the condition that a replacement Section 173 Agreement is recorded on title containing all ongoing obligations which still remain relevant being:
 - a) Clause 6.1 – the owner must only develop the property in accordance with the Permit or as subsequently consented to by Council as follows:
 - i) For the ten years immediately following the date of the Agreement, Council cannot withhold its consent to any minor variation to the proposed development; and
 - ii) After the expiry of 10 years from the date of the Agreement, Council may withhold its consent to any proposed variation or addition to the development which involves construction above a single storey.
 - b) Clauses 6.2 & 8.1.1 - the owner must only use the property for aged care services, unless otherwise agreed to by Council and gives Council a right of re-transfer under clause 8.1.1 of the Agreement which is exercisable in the event that the owner does not use the property for aged care services for a continuous 12 month period;
 - c) Clause 6.7 – the owner must maintain the Easement of Way shown as E-1 on PS512787A to Council's satisfaction.
2. It pays Council's reasonable legal expenses incurred in the cancellation of the Section 173 Agreement and preparation of any new Agreement.

CARRIED

9.9 Review of Footpath Trading Policy

File No: FOL/10/14

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2011/126

Council Resolution

Moved by Cr Giuliano, seconded by Cr Cornish that Council:

1. Adopt its Footpath Trading Policy 2011 (provided as Appendix A).
2. Request the Chief Executive to advertise widely Council's decision in 1 above, so as to ensure that all members of the community are aware of this action.

CARRIED

Cr Giuliano left the meeting at 8.07pm and returned at 8.09pm.

9.10 Councillor Portfolio Terms of Reference

File No: FOL/09/1450

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2011/127

Council Resolution

Moved by Cr Sharpe, seconded by Cr Giuliano that Council adopts the Councillor Portfolios Terms of Reference as provided in Appendix A.

CARRIED

9.11 Report on Tenders and Contracts Awarded

File No: FOL/10/358

Author: Coordinator Governance

Directorate: Corporate Services

Ward: Municipal

Minute No: 2011/128

Council Resolution

Moved by Cr Giuliano, seconded by Cr Cornish that Council receive and note the report of Council's Tenders Committee and tenders awarded at its meeting held on 27 September 2011.

CARRIED

9.12 Report on Assemblies of Councillors

File No: FOL/09/1245

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2011/129

Council Resolution

Moved by Cr Sharpe, seconded by Cr Gillis that Council receive and note the written records of Assembly of Councillors, provided as Appendix A, received since the last report to Council in September 2011.

CARRIED

9.13 Report on Advisory Committees

File No: FOL/11/132

Author: Manager Governance & Local Laws

Directorate: Corporate Services

Ward: Municipal

Minute No: 2011/130

Council Resolution

Moved by Cr Chantry, seconded by Cr Sharpe that Council receive and note the following Advisory Meeting Minutes, received since the last report to Council in September 2011:

1. Moonee Valley Intercultural and Interfaith Community Advisory Committee – Appendix A;
2. Arts & Culture Community Advisory Committee – Appendix B; and
3. Moonee Valley Athletics Centre Reference Group – Appendix C.

CARRIED

10. Notices of Motion

Nil.

11. Urgent Business

Nil.

Council Resolution

Moved by Cr Giuliano, seconded by Cr Chantry that Council resolve to close the meeting to the public pursuant to Section 89(2) of the Local Government Act 1989 to discuss a contractual matter.

CARRIED

12. Confidential Report

Consideration of Report - Proposed Property Acquisition in Niddrie

Council Resolution

Moved by Cr Giuliano, seconded by Cr Sharpe that the meeting now resume in Open Council.

CARRIED

The meeting concluded at 8.55pm.

CONFIRMED

**CR JOHN SIPEK
CHAIRPERSON**