

Minutes

Council Meeting

Tuesday, 26 October 2021
6:30 pm
Video Conference
(Live-streamed via Website)

Attendance

Members:	Cr Cam Nation	Mayor
	Cr Katrina Hodgson	Deputy Mayor
	Cr Ava Adams	
	Cr Jacob Bettio	
	Cr Samantha Byrne	
	Cr Rose Iser	
	Cr Narelle Sharpe	
	Cr John Sipek	
	Cr Pierce Tyson	
Officers:	Helen Sui	Chief Executive Officer
	Brett Walters	Director Strategy & Planning
	Ben Harries	Director Service Delivery
	Sanjib Roy	Director Enabling Services
	Maria Weiss	Manager Legal & Governance
	Nicole Laurie	Manager Corporate Affairs

Business

1	Opening	
2	Reconciliation Statement	
3	Apologies and leave of absence	
4	Confirmation of Minutes - Tuesday, 12 October 2021	
5	Declarations of Conflict of Interest	
6	Presentations	
7	Petitions and Joint Letters	
7.1	Replacement of trees in Filson Street Ascot Vale	7
7.2	Review of parking permit allocation in Regent Street, Ascot Vale	8
8	Public Question Time	
9	Reports from Delegated Committees	
10	Reports	
10.1	17 Cooke Street Essendon (Lot 32 on PS009579) - Partial Demolition, alterations and additions including external paint works to a dwelling in a heritage overlay area	12
10.2	33 Dean Street, Moonee Ponds (Moonee Valley Racecourse) - Use and development of a multi storey building containing dwellings, offices, a food and drink premises including buildings and works within an Environmental Significance Overlay (Schedule 2)	35
10.3	Amendment C209moon - Lowther Hall Anglican Grammar School	16
10.4	Discharge of Responsibility as Determining Referral Authority - Planning Permit MV/132/2014/C - 41 Fisher Parade, Ascot Vale	17
10.5	Proposed Sale of Land from former road - abutting rear of 141 Cooper Street, Essendon	18
10.6	Community Vision, Council Plan and Health Plan 2021-25, and Ten Year Financial Plan	19
10.7	Annual Report 2020-21	21
10.8	Draft Advocacy Strategy 2022- 25	22
10.9	Domestic Animal Management Plan 2021-25	23
10.10	Moonee Valley Racecourse Master Plan	24
10.11	Governance Rules and Election Period Policy	26
10.12	Councillor Expenses - quarterly report Q1 - 2021/22	28
10.13	Contract Award - Cash and Banking Services Contract	29
10.14	Contract Award No. 203062 - Professional Services Panel	30
11	Notices of Motion	

12 Urgent Business

12.1 World Game Facilities Fund Submission

31

13 Confidential Reports

13.1 Award of the Contract for the construction of the Flemington Community Hub

10.2 33 Dean Street, Moonee Ponds (Moonee Valley Racecourse)
- Use and development of a multi storey building containing dwellings, offices, a food and drink premises including buildings and works within an Environmental Significance Overlay (Schedule 2)

14 Close of Meeting

HELEN SUI

Chief Executive Officer

1 Opening

The Mayor, Cr Nation, opened the meeting and welcomed all those watching the Council Meeting of Tuesday, 26 October 2021 being live-streamed on Council's website.

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 Woi-wurrung People of the Kulin Nation; and paid respect to their Spirits, Ancestors, Community Members and Elders past, present and emerging.

The Mayor also extended this respect to other Aboriginal and Torres Strait Islander Peoples who call Moonee Valley home.

3 Apologies and leave of absence

Minute No. CM 2021/249

Council Resolution

Moved Cr Byrne, seconded Cr Tyson that Cr Sharpe's apology be noted.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

4 Confirmation of Minutes - Tuesday, 12 October 2021

Minute No. CM 2021/250

Council Resolution

Moved Cr Tyson, seconded Cr Bettio that the Minutes of the Council meeting held on Tuesday, 12 October 2021 be confirmed.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

5 Declarations of Conflict of Interest

Cr Byrne and Cr Nation declared a general conflict of interest on items 10.2 - 33 Dean Street, Moonee Ponds (Moonee Valley Racecourse) and 10.10 - Moonee Valley Racecourse Master Plan for reasons previously disclosed in writing to the Chief Executive Officer.

Cr Sipek declared a conflict of interest on item 10.2 - 33 Dean Street, Moonee Ponds (Moonee Valley Racecourse).

6 Presentations

Cr Byrne acknowledged the opening of the Keilor Leisure Centre – at least its outdoor doors to the 50m outdoor heated pool on Friday 22 October. Cr Byrne reflected on the extensive community campaign several years ago and thanked the officers for their hard work as it will be a great community benefit. Cr Byrne encouraged the community to visit, especially when it fully reopens on Saturday.

The Mayor noted the fantastic effort the organisation and Councillors have made over the past month to encourage the community to keep each other safe by getting vaccinated. It has been a significant team effort, including ensuring that pop-up vaccination centres have been advertised in a wide range of different mediums to get as many people through the doors. Yesterday's vaccination figures reported that Moonee Valley is now at 87% first and 75% second dose. The Mayor stated he was very proud to be part of the #VaxTheValley campaign.

Finally, the CEO, Helen Sui, formally thanked and congratulated Mayor Cam Nation and Deputy Mayor Katrina Hodgson for their outstanding leadership in leading the Council to success in the crucial first year of the Council term.

7 Petitions and Joint Letters

7.1 Replacement of trees in Filson Street Ascot Vale

Author: Emily Chiles – Governance Officer

Directorate: Office of the CEO

Minute No. CM 2021/251

Council Resolution

Moved Cr Iser, seconded Cr Hodgson that Council resolves to:

- a. Receive and note the hard copy petition regarding the replacement of nature strip trees in Filson Street, Ascot Vale.
- b. Refer this matter to the Director of Service Delivery for investigation and reporting back to Council.
- c. Advise the petition organiser accordingly.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

7.2 Review of parking permit allocation in Regent Street, Ascot Vale

Author: Emily Chiles - Governance Officer

Directorate: Office of the CEO

Minute No. CM 2021/252

Council Resolution

Moved Cr Iser, seconded Cr Tyson that Council resolves to:

- a. Receive and note the joint letter regarding the review of parking permit allocation in Regent Street, Ascot Vale.
- b. Refer this matter to the Director of Service Delivery for investigation and reporting back to Council.
- c. Advise the joint letter signatories accordingly.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

8 Public Question Time

Minute No. CM 2021/253

Moved Cr Bettio, seconded Cr Tyson that Council resolves to temporarily suspend the public question time provisions in its Governance Rules to allow questions from the gallery to be read by the Mayor and responses read out by the CEO for this meeting.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

Questions regarding Item 10.1 Planning Application MV/424/2020 - 17 Cooke Street Essendon

Scott Brown asked Council:

Are Councillors aware that filing amended plans *after* advertising that change the development and *increase* detriment is unlawful?

The amended plans make significant changes and must be re advertised.

CEO Helen Sui responded:

The amended plans submitted under Section 57A of the Planning and Environment Act 1987 made a number of changes to the plans advertised with the application. These changes generally include the deletion of the carport structure, and a reduction in the overall building height by 900mm through an increased site cut to the rear of the site. Other changes to the plans are as a result of the reduction in height of the extension through the site cut. Based on the overall reduction in the building height and associated changes, it is considered that the amended plans did not increase detriment to the adjoining properties and as such were not advertised in accordance with Section 57B of the Planning and Environment Act 1987.

Scott Brown asked Council:

Councillors should be aware that many residents (25 of whom have submitted an objection) have raised concerns with Council in relation to the planning objection process used for this application. Many residents were unable (in addition to the 25 who were able) to lodge an objection or failed to receive the invite to the mediation session or did not receive important communications following submission of their objection in accordance with the process which is important to ensure the communities views are heard by Council in relation to planning proposals. This was due to the plans only being available on line to download for 4days of the 2week advertised period, the pivot during COVID to online only which proved a challenge for the older residents without necessary skills or tech at home and the overlap with Easter period.

How do Councillors intend to ensure they've listened to *all* the views of the residents wishing to object to the proposal given the process utilised to do so has failed on so many fronts to date?

CEO Helen Sui responded:

The report prepared by Council Officers has considered all objections received in response to the proposed development. A summary of the concerns raised and a response by Council Officers is at Section 4 of the Council Report.

Paul Avery asked Council:

Why and how does Council's heritage consultant justify using a different standard (greater Essendon and surrounding suburbs) to endorse a proposal when the proposal is within the designated Heritage Overlay area H02?

CEO Helen Sui responded:

Comments in Section 3.3 of the Officer Report to Council are an assessment by Council's Officer and not the Heritage Advisor. The relevant section of the Officer Report is a broad statement that considered the double storey extension to the existing dwelling in both 'the immediate and wider context of Essendon and surrounding suburbs.' Further, the overall assessment within Section 3.3 takes into consideration the Decision Guidelines of the Heritage Overlay, the associated Statement of Significance for precinct H02, the Heritage Advisor's assessment and the Moonee Valley Heritage Guidelines 2016 and provides an assessment on whether the proposed development will impact upon the significance of the heritage place.

Michael Welch asked Council:

What promise or assurance can Council give to ratepayers in heritage areas that it will maintain heritage overlay guidelines and principles?

The quality of the heritage precinct is a result of long standing Council policy and practice, and of ratepayers' decisions and actions over time, to preserve the value of their area. It seems that a practice exists now where individual ratepayers must battle and often at their own expense to maintain heritage value. This goes against Council's own principles and risks discriminating against current property owners in heritage areas.

CEO Helen Sui responded:

Section 3.3 of the Officer Report takes into consideration the Decision Guidelines of the Heritage Overlay, the associated Statement of Significance for precinct H02, the Heritage Advisor's assessment and the Moonee Valley Heritage Guidelines 2016. On this Basis it is considered that Council has assessed the proposal against the relevant requirements when making a decision on whether or not the proposal is acceptable.

Michael Welch asked Council:

What is the purpose of Heritage guidelines if they can be compromised or manipulated by determined well-resourced applicants with no interest in maintaining the character of their local community?

CEO Helen Sui responded:

The Moonee Valley Heritage Guidelines 2016 form a part of Council's assessment of the proposed development pursuant to Clause 15.03-1L (Heritage Conservation) of the Moonee Valley Planning Scheme. The MV2040 Strategy contains Objective 17.02 - Celebrate the heritage of our city and Action 17.2.4 – Identify and protect places and precincts of heritage significance, celebrating the important role they play in neighbourhood identity. All applications considered by Council are assessed on their response to the relevant provisions against the Moonee Valley Planning Scheme, together with other aspects in legislation and decision guidelines as prescribed.

Governance Question**Ian Woods asked Council:**

The current NSW Independent Commission Against Corruption (ICAC) Inquiry brings to front of mind the need for good governance in our public organisations. As a general question would it be appropriate for a Moonee Valley Councillor to accept gifts for their election campaigns or the provision of financial support generally from property developers, real estate agents or other businesses where decisions of Council may directly or indirectly favour those businesses and if so, how is this managed in Council?

CEO Helen Sui responded:

In accordance with the requirements of s306 and s307(2) of the *Local Government Act 2020*, it is a requirement that an election campaign donation return be submitted by a candidate to the Chief Executive Officer, the return must include any gifts or donations received by the candidate of a value of \$500 or above, which is then made available on a public register on Council's website.

Receipt of a gift or like benefit from a person or organisation can result in a conflict of interest between a Councillor's public duty and their personal interests. The Councillor Gift Policy outlines how Councillors are to respond to gift offers. In accordance with the policy, a gift register is required to be maintained and is also published on Council's website. The policy also compliments the Personal Interest declarations required under the *Local Government Act 2020*, which requires the disclosure of gifts above the \$500 threshold.

Gifts exceeding the threshold can create a conflict of interest, and if a matter comes before Council which involves the person who gave the gift, a conflict of interest may need to be disclosed. Each individual Councillor is ultimately responsible for identifying where they may have a conflict of interest and reporting it, in accordance with Council's Governance Rules. A conflict of interest is recorded in the minutes of the meeting and a register is maintained and made available on our website.

9 Reports from Delegated Committees

Nil

10 Reports

10.1 17 Cooke Street Essendon (Lot 32 on PS009579) - Partial Demolition, alterations and additions including external paint works to a dwelling in a heritage overlay area

Author: Principal Statutory Planner

Directorate: Strategy & Planning

Minute No. CM 2021/254

Council Resolution

Moved Cr Adams, seconded Cr Iser that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/424/2020 at 17 Cooke Street Essendon Lot 32 on Plan of Subdivision 009579 for the Partial Demolition, works and alterations and additions including external paint works and front fencing to a dwelling in a Heritage Overlay area in accordance with the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The proposed colours and materials of the extension to be altered to be of light shades and sympathetic to the existing dwelling, to the satisfaction of the Responsible Authority;
 - b) Any alterations to the built form and appropriate notations arising from recommendations to be implemented in the arborist report in accordance with Condition 3; and
 - c) Material P03 (Dulux: Metropolis Bronze) to be replaced by a lighter shade of colour to the satisfaction of the Responsible Authority.

When approved, these plans will be endorsed and will form part of this permit.

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Before the development starts, an Arborist Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The arborist report must be prepared by an arborist with suitable qualifications to the satisfaction of the Responsible Authority and must outline any specific:
 - a) Threats to the on-going health of the existing trees located adjacent to the boundary with 18 Crisp Street, Essendon arising as a consequence of the approved development; and

- b) Recommendations to be implemented to ensure the on-going health of the existing trees located adjacent to the boundary with 18 Crisp Street, Essendon is not compromised including any modifications to the proposed development and/or use of tree protection measures during construction.

When approved, the arborist report will be endorsed and will form part of this permit.

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

4. The materials, colours, decoration and/or finishes to be applied to the exterior of the building or works as described on the drawings or schedules endorsed to this permit must not be altered without the consent of the Responsible Authority.
5. Provision must be made for the drainage of the land including landscaped and pavement areas. The discharge of water from the land must be controlled around its limits to prevent any discharge onto any adjoining or adjacent property or streets other than by means of an underground pipe drain which is discharged to an approved legal point of discharge to the satisfaction of the Responsible Authority.
6. Floor levels shown on the endorsed plans must not be altered or modified without written consent of the Responsible Authority.
7. This permit will expire if:
 - a) The development does not start within three (3) years of the date of issue of this permit, or
 - b) The development is not completed within five (5) years of the date of issue of this permit.

Before the permit expires, or within six (6) months afterwards, the owner or occupier of the land may make a written request to the responsible authority to extend the expiry date.

If the development commences before the permit expires, within twelve (12) months after the permit expires, the owner or occupier of the land may make a written request to the Responsible Authority to extend the expiry date.

Permit Notes:

- ***This is not a building permit under the Building Act. A separate building permit is required to be obtained for any demolition or building works.***
 - ***This application was not assessed against the requirements of Clause 54 or the Minimum Garden Area Provision of the Moonee Valley Planning Scheme.***
 - ***This land is located within a Heritage Overlay. Planning permission may be required for any additional works to the land in accordance with Clause 43.01 of the Moonee Valley Planning Scheme.***
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- ***Before the development starts, the permit holder must contact Moonee Valley City Council Development Engineering Department regarding legal point of discharge, vehicular crossings, building over easements and the Technical Permits Unit regarding asset protection, road consent/occupancy, etc.***
- ***Existing levels along the property line and easements must be maintained. All proposed levels must match to existing surface levels along the property boundary and/or easement. Council will not accept any modifications to existing levels within any road reserve or easement.***
- ***In response to the impacts of the COVID-19 pandemic the permit expiry dates of this permit have been extended to 3 years and 5 years respectively.***

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

Cr Byrne, Nation and Sipek left the meeting at 7:27 pm due to a conflict of interest declared on the following item 10.2 33 Dean Street, Moonee Ponds (Moonee Valley Racecourse). Deputy Mayor, Cr Hodgson became temporary Chair.

Change to Order of Business

Moved Cr Iser, seconded Cr Adams that Council resolves that the item 10.2 be moved to confidential based on late advice received.

For: Crs Adams, Bettio, Hodgson, Iser, and Tyson

Against: Nil

CARRIED UNANIMOUSLY

Cr Iser explained that it is appropriate for Council to consider its response in the confidential section of the agenda based on the commercial in confidence within Section 66 (2) of the Local Government Act 2020 to allow for consideration of confidential information under the: g) private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; and (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. The report item contains operational financial information.

Cr Byrne, Nation and Sipek returned to the meeting at 7:31 pm. Mayor, Cr Nation resumed as Chair.

10.3 **Amendment C209moon - Lowther Hall Anglican Grammar School**

Author: Strategic Planner

Directorate: Strategy & Planning

Minute No. CM 2021/255

Council Resolution

Moved Cr Hodgson, seconded Cr Bettio that Council resolves to:

- a. Note the contents of this Officer report regarding Moonee Valley Planning Scheme Amendment C209moon including the Panel and Advisory Committee report and recommendations (Attachment 1) pursuant to section 27 of the *Planning and Environment Act 1987*.
- b. Approve the Lowther Hall Master Plan 2021-2031 (29 September 2021) (Attachment 2).
- c. Note the contents of the Lowther Hall Anglican Grammar School Master Plan: Transport Strategy (Attachment 3).
- d. Adopt Amendment C209moon in accordance with section 29(1) of the *Planning and Environment Act 1987* with the changes recommended by the independent Planning Panel and Advisory Committee as per the Panel and Advisory Committee Report (Attachment 1, and paragraph 1.11 of this report).
- e. Instruct Council's Chief Executive Officer to finalise Amendment C209moon, in accordance with Council's resolution, and to make any administrative changes required to correct errors and grammar.
- f. Submit the adopted Amendment C209moon, to the Minister for Planning for approval, in accordance with section 31(1) of the *Planning and Environment Act 1987*.
- g. Notify all submitters to the public exhibition of Amendment C209moon of Council's resolution to adopt Amendment C209moon.
- h. Request the CEO to bring a report to Council on the current traffic patterns (including parking) in Sherbourne St and other related traffic improvements.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

**10.4 Discharge of Responsibility as Determining Referral Authority -
Planning Permit MV/132/2014/C - 41 Fisher Parade, Ascot Vale**

Author: Property and Right of Way Officer

Directorate: Enabling Services

Minute No. CM 2021/256

Council Resolution

Moved Cr Hodgson, seconded Cr Bettio that Council resolves to:

- a. Note 41 Fisher Parade, Ascot Vale (subject land) is partially affected by a Public Acquisition Overlay – Schedule 2 (PAO2) and a Planning Application No. MV/132/2014/C (Application) has been lodged to amend Planning Application No. MV/132/2014/B for the inclusion of landscaping works and access to existing jetty on the subject land.
- b. Not oppose the application, as it does not affect the current status or future use of the land affected by the PAO2, on the condition that a permeable or semi-permeable material path should be used for the proposed footpath and no hard infrastructure be built within the PAO2 area.
- c. Provide a copy of this resolution to the Responsible Authority and the permit applicant in accordance with sections 56(3) and (3A) of the *Planning and Environment Act 1987*.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

10.5 Proposed Sale of Land from former road - abutting rear of 141 Cooper Street, Essendon

Author: Property and Right of Way Officer

Directorate: Enabling Services

Minute No. CM 2021/257

Council Resolution

Moved Cr Adams, seconded Cr Byrne that Council resolves to:

- a. Commence the statutory process in accordance with section 114 of the Local Government Act 2020 for the proposed sale of former discontinued road contained on certificate of title Volume 2358 Folio 591;
- b. Undertake a community engagement process through Your Say Moonee Valley for a period of at least four weeks;
- c. Publish a public notice on Council's website informing of the proposal to sell a former discontinued road and advising submissions can be made through Your Say Moonee Valley;
- d. Receives a further report following the community engagement process to determine whether or not Council will proceed with the proposed sale of formerly discontinued road.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

10.6 Community Vision, Council Plan and Health Plan 2021-25, and Ten Year Financial Plan

Author: Project Manager, Community & Corporate Planning
Coordinator Management Accountant
Manager Community & Corporate Planning

Directorate: Strategy & Planning

Minute No. CM 2021/258**Council Resolution**

Moved Cr Iser, seconded Cr Sipek that Council resolves to:

- a. Make the following changes to the Community Vision, Council Plan and Health Plan 2021-2025 in Attachment 1 (separately circulated):
 - i. In response to community feedback, amend the Vision Statement, to supersede the MV2040 statement, to read:
In 2040 Moonee Valley is a great place to live, work and visit, strengthened by a network of 20-minute neighbourhoods. Our neighbourhoods allow all people, at all stages of life, to live locally and sustainably, accessing most of their needs close to their home and addressing climate change. Our neighbourhoods are beautiful, diverse and hold strong community connections which enable citizens and the environment to be healthy and resilient.
 - ii. In response to community feedback, amend G1 to read:
G1 Help reduce our city's greenhouse gas emissions, by facilitating the most cost effective, evidence-based Council and community projects, including implementing the Green Action Plan, with the Community Climate Emissions Reduction Reserve.
 - iii. In response to community feedback and to support MV2040 Objectives 4.1 and 4.2, include a new strategy, F8—Youth participation in decision making:
F8 Support young people in our city to participate in decision-making, advocacy and community life by developing and delivering a youth-led program of initiatives.
 - iv. In recognition of the importance of Moonee Valley's multicultural community and to support MV2040 Objective 1.4, amend F2 to read:
F2. Promote social and cultural inclusion and support the mental health needs of our youth and the broader community, by delivering targeted initiatives and programs
 - v. To support our post-pandemic economic recovery and arts sector, amend T1 to read:
T1. Help local businesses recover from the COVID-19 pandemic, grow the local economy including a diverse night-time economy, and create more

local jobs, by providing support through targeted programs and other initiatives.

- vi. To recognise the recovery of our arts sector post-pandemic, amend strategy T4 to read:
T4 Support and enable local creative artists and industries, celebrate our local community and activate local spaces, by developing and delivering targeted initiatives and programs.
- vii. In response to community feedback and to support MV2040 Objectives 5.1 and 5.2, amend strategy B2 to read:
Implement appropriate land use controls across the city, including reformed residential zones, and facilitate the delivery of a mix of housing, by continuing to develop Neighbourhood Plans.
- viii. In response to community feedback, amend strategy B1 to read:
Improve community access to nature, by creating new parks and enhancing and protecting existing open spaces and waterways.
- b. Adopt the Community Vision, Council Plan and Health Plan 2021-2025 in Attachment 1 (separately circulated) with amendments endorsed by Council from point a. above.
- c. Adopt the Financial Plan 2021-31 in Attachment 4 (separately circulated).
- d. Authorise the Chief Executive Officer to make minor editorial amendments to the Community Vision, Council Plan and Health and Wellbeing Plan 2021-2025 throughout the life of the plan.
- e. Instruct the Chief Executive Officer to bring the targets for all Integrated MV2040, Council Plan and Health Plan Indicators before Council by June 30, 2022, noting Council's previously endorsed interim emissions target (44% below 2017 levels by 2025) and that the achievement of emissions targets relies on shared responsibility and action.
- f. Request the Chief Executive Officer to provide an update and review of
 - i. MV2040 Implementation Initiatives identified as being delivered between 2022-25, and
 - ii. all MV2040 theme-based Action Plans,to be presented to Council by 30 June 2022.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

10.7 **Annual Report 2020-21**

Author: Corporate Planning Officer

Directorate: Strategy & Planning

Minute No. CM 2021/259

Council Resolution

Moved Cr Byrne, seconded Cr Tyson that Council resolves to:

- a. Endorse the Annual Report 2020-21 (Attachment 1), as required under section 100 of the *Local Government Act 2020*.
- b. Authorise the CEO to make minor editorial changes to the Annual Report as required.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

10.8 Draft Advocacy Strategy 2022- 25

Author: Senior Coordinator Advocacy

Directorate: Office of the CEO

Minute No. CM 2021/260

Council Resolution

Moved Cr Hodgson, seconded Cr Iser that Council resolves to:

- a. Accept the Draft Advocacy Strategy 2022-25 Attachment 1 and release it to the community for a three-week period of engagement, commencing 27 October 2021.
- b. Authorise officers to make minor amendments to the Draft Advocacy Strategy 2022-25 as required prior to its release to the community, including to ensure consistency with the adopted Community Vision, Council Plan and Health Plan 2021-25.
- c. Adopt the Interim Advocacy Priorities document Attachment 2 for use until the Advocacy Strategy 2022-25 is adopted later in 2021, including for the purpose of any advocacy relating to the State and Federal Budgets 2022-23.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

10.9 Domestic Animal Management Plan 2021-25

Author: Special Projects Manager
Manager City Safety & Amenity

Directorate: Enabling Services

Minute No. CM 2021/261

Council Resolution

Moved Cr Iser, seconded Cr Hodgson that Council resolves to:

- a. Adopt the Domestic Animal Management Plan 2021-2025, attached to this report.
- b. Note that the version of the Plan attached to this report is the accessible on-line version, and that a publication version will be produced following the adoption of the Plan.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

Cr Byrne and Cr Nation left the meeting at 8:22 pm due to a conflict of interest on the following item.

Cr Sipek also declared a conflict of interest in the following item and left the meeting at 8:22pm.

Deputy Mayor, Cr Hodgson became temporary Chair.

10.10 Moonee Valley Racecourse Master Plan

Author: Strategic Planner

Directorate: Strategy and Planning

Motion

Moved Cr Iser that Council resolves to defer a decision on the Moonee Valley Racecourse Master Plan to the next meeting of Council.

The motion lapsed for want of a seconder.

Motion

Moved Cr Tyson, seconded Cr Adams that Council resolves to:

- a. Approve the Moonee Valley Racecourse Master Plan (dated 12 October 2021) (Attachment 1).
- b. A working group be established for ongoing consultation in the implementation of the master plan, which may include stakeholder consultation and community use for the infield. The group will run for a period of two years and may be extended by mutual agreement between parties.

Amendment

Moved Cr Iser, seconded Cr Bettio to add the following as point c:

c. That Council requests the Chief Executive Officer to notify the public of all planning permit applications in accordance with the Master Plan for the Moonee Valley Racecourse (SUZ2) on an appropriate electronic platform and direct them to the MVRC page on the Council website, in addition to any applicable statutory requirements for notice.

For: Crs Hodgson and Iser

Against: Crs Adams, Bettio and Tyson

LOST

Amendment

Mover Cr Iser to add the following as point c:

c. That Council request the Chief Executive Officer to communicate to the applicant the need for further discussion with residents living directly adjacent to the Moonee Valley Racecourse (SUZ2) land and Moonee Ponds Primary School, with respect to amenity impacts that may result from the built form on Wilson St and Thomas St.

The amendment lapsed for want of a seconder.

Minute No. CM 2021/262

Council Resolution

Moved Cr Tyson, seconded Cr Adams that Council resolves to:

- a. Approve the Moonee Valley Racecourse Master Plan (dated 12 October 2021) (Attachment 1).
- b. A working group be established for ongoing consultation in the implementation of the master plan, which may include stakeholder consultation and community use for the infield. The group will run for a period of two years, and may be extended by mutual agreement between parties.

For: Crs Adams, Bettio, Hodgson and Tyson

Against: Cr Iser

CARRIED

*Cr Byrne, Nation and Sipek returned to the meeting at 8:52 pm.
Mayor, Cr Nation resumed as Chair.*

10.11 Governance Rules and Election Period Policy

Author: Manager, Legal & Governance

Directorate: Office of the CEO

Motion

Moved Cr Hodgson, seconded Cr Iser that Council resolves to endorse the draft Governance rules including the election period policy for public consultation provided as Attachment 1 with the following amendments:

- a. Delete 25.2.3 and amend 25.2.2 to read *“is confined to a matter that cannot safely or conveniently be deferred until the next Council meeting or the item involves a matter of urgency as determined by the Chief Executive Officer; and”* with 25.2.4 to 25.2.8 then renumbered appropriately.
- b. Amend 44.2 to read *“A point of clarification should be limited to the facts and should not seek opinions of members of Council staff beyond what is expressed in a report, but may seek clarification of facts, but not opinion, related to a notice of motion or item of Urgent Business from members of Council staff or the mover of the motion.”*
- c. Include Chapter 6, 1 Informal Meetings of Councillors from previous Governance Rules in the new Rules under Chapter 7.
- d. Remove the words *“the amendment or”* from and add the word *“substantive”* to 31.4 so that it reads *“A mover of an amendment has no right of reply or closing statement before the substantive motion is put to the vote.”*

Closure

Moved Cr Tyson, seconded Cr Sipek that the motion now be put.

For: Crs Bettio, Sipek and Tyson

Against: Crs Adams, Byrne, Hodgson, Iser and Nation

LOST

Minute No. CM 2021/263**Council Resolution**

Moved Cr Hodgson, seconded Cr Iser that Council resolves to endorse the draft Governance rules including the election period policy for public consultation provided as Attachment 1 with the following amendments:

- a. Delete 25.2.3 and amend 25.2.2 to read *“is confined to a matter that cannot safely or conveniently be deferred until the next Council meeting or the item involves a matter of urgency as determined by the Chief Executive Officer; and”* with 25.2.4 to 25.2.8 then renumbered appropriately.
- b. Amend 44.2 to read *“A point of clarification should be limited to the facts and should not seek opinions of members of Council staff beyond what is expressed in a report, but may seek clarification of facts, but not opinion, related to a notice of motion or item of Urgent Business from members of Council staff or the mover of the motion.”*
- c. Include Chapter 6, 1 Informal Meetings of Councillors from previous Governance Rules in the new Rules under Chapter 7.
- d. Remove the words *“the amendment or”* from and add the word *“substantive”* to 31.4 so that it reads *“A mover of an amendment has no right of reply or closing statement before the substantive motion is put to the vote.”*

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

10.12 **Councillor Expenses - quarterly report Q1 - 2021/22**

Author: Senior Governance Advisor

Directorate: Office of the CEO

Minute No. CM 2021/264

Council Resolution

Moved Cr Byrne, seconded Cr Tyson that Council resolves to:

- a. Note the Councillor Expenses Report for the period 1 July 2021 to 30 September 2021 provided as Attachment 1.
- b. Note that the Councillor Expenses Report, provided in Attachment 1, will be published on Council's website.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

10.13 Contract Award - Cash and Banking Services Contract

Author: Interim Chief Financial Officer

Directorate: Enabling Services

Minute No. CM 2021/265

Council Resolution

Moved Cr Adams, seconded Cr Byrne that Council resolves to:

- a. Award the cash and banking contract to Westpac Banking Corporate under the State Government Master Supply Agreement SS-08-2020 for five years for an estimated amount of \$950,000 excluding GST commencing 1 November 2021 with the option to extend for two further two-year terms.
- b. Authorise the Chief Executive Officer to sign the contract and all associated documentation to award Westpac Banking Corporate under the State Government Master Supply Agreement SS-08-2020 for Council's cash and banking services.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

10.14 Contract Award No. 203062 - Professional Services Panel

Author: Special Projects Manager

Directorate: Service Delivery

Minute No. CM 2021/266

Council Resolution

Moved Cr Tyson, seconded Cr Byrne that Council resolves to:

a. Award Contract No. 203062 for Professional Services to:

- Adams Consulting Engineers Pty Ltd
- AME Consultants Pty Ltd
- Andrew O'Brien & Associates Pty Ltd
- BVY Pty Ltd
- CRE Consulting Engineers Pty Ltd
- CSA Specialised Services Pty Ltd
- CT Management Group Pty Ltd
- Engeny Management Pty Ltd
- G. J. Hay & Associates Pty. Ltd.
- Morphum Environmental Ltd
- Rapid Map Services Pty Ltd
- Safe System Solutions Pty Ltd
- Terrain Consulting Group Pty Ltd
- Tonkin & Taylor Pty Ltd
- Trafficworks Pty Ltd
- Traffix Group Pty Ltd
- WGA VIC Pty Ltd.

b. Approve the tendered schedule of rates to maximum value of \$7.5M (excluding GST) over the five-year term, and that expenditure under this contract will be within budget parameters.

c. Authorise the Chief Executive Officer to execute all relevant contract documentation and do all things necessary to affect this decision on behalf of Council.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

11 Notices of Motion

Nil

12 Urgent Business

Minute No. CM 2021/267

Council Resolution

Moved by Sipek, seconded by Bettio, that an item 'World Game Facilities Fund Submission' be considered urgent under our Governance Rule 21.1 - since the distribution of the agenda the winter tenant club Strathmore has requested that Council consider applying for the grant, and Governance Rule 21.2 - it cannot be deferred until the next Council meeting as the grant applications closes this Wednesday 27 October, and the matter will need to be resolved tonight.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation, Sipek and Tyson

Against: Nil

CARRIED UNANIMOUSLY

Minute No. CM 2021/268

Council Resolution

Moved by Sipek, seconded by Iser that Council resolves to:

- a. Submit an application to the Victorian Government under the World Game Facilities Fund for the full reconstruction of the sporting field at Strathnaver Reserve. Estimation at \$1M
 - Note that the grant requirements include:
 - Matching funding of up to a limit of \$500,000
 - Construction must start within 6 months of executing funding agreement
- b. The projects need to be completed within 18 months of executing a funding agreement
- c. Note that the currently endorsed remedial drainage works at the Strathnaver Reserve must be delayed until grant announcements are made by the Victorian government in early 2022, resulting in no works over this financial year and the ground condition for 2022 winter season will not be improved as a result.

- d. Note that if this application is unsuccessful, the remedial drainage work will be carried out and commencing in late October, subject to the 2023 budget process; and
- e. Note that the Strathmore Soccer Club have provided written support for the above.

For: Crs Bettio, Iser and Sipek

Against: Crs Adams, Byrne, Hodgson, Nation and Tyson

LOST

13 Confidential Reports

Minute No. CM 2021/269

Council Resolution

Moved Cr Hodgson, seconded Cr Byrne that Council resolves to close the meeting to the public pursuant to Section 66(2) of the *Local Government Act 2020* to discuss the following matters:

13.1 Award of the Contract for the construction of the Flemington Community Hub

Item 13.1 is considered confidential under the terms of section 3(1) of the *Local Government Act 2020* as it contains information relating to: (g) private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets and (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. The report item contains confidential operational financial information.

For: Crs Adams, Bettio, Byrne, Hodgson, Iser, Nation and Tyson

Against: Nil

CARRIED UNANIMOUSLY

*The meeting was closed to the public at 9:29pm.
Cr Sipek left the meeting at 9:30pm.*