



City of  
**Moonee Valley**

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# **Statutory Meeting of Council**

**Tuesday, 29 November 2011 at 7.00pm**

**Agenda**

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# Statutory Meeting of Council

Tuesday, 29 November 2011 at 7.00pm  
to be held at the Moonee Valley Civic Centre

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**TO:**

**Members:** Cr Jan Chantry  
Cr Shirley Cornish  
Cr Jim Cusack  
Cr Miriam Gillis  
Cr Paul Giuliano  
Cr Ange Kenos  
Cr James Rankin  
Cr Narelle Sharpe  
Cr John Sipek

<b>Officers:</b>	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
	Ms Yvonne Hansen	Coordinator Governance

**BUSINESS:**

**1. Opening**

The Chief Executive welcomes everyone to the Statutory Meeting and informs everyone in attendance that as there is no appointed Chairperson, the first task for Councillors is to appoint a temporary Chairperson.

**2. Appointment of a Temporary Chairperson**

The Chief Executive calls for nominations and a vote is taken, if required. The Temporary Chairperson assumes the Chair.

**3. Apologies**

**4. Declarations of Conflict of Interest**

**5. Reports**

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Temporary Chair vacates the Chair.

**A. Election of Mayor**

The Chief Executive calls for nominations for the position of Mayor.

Nominations are received and a vote is taken, if required.

The Chief Executive declares the elected Mayor.

The elected Mayor steps forward and is presented with the Jewel of Office and Gavel by the Chief Executive.

The Mayor addresses the meeting.

**B. Election of Deputy Mayor**

The Chief Executive calls for nominations for the position of Deputy Mayor.

Nominations are received and a vote is taken, if required.

The Chief Executive declares the elected Deputy Mayor.

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**6. Close of Meeting**

**NEVILLE SMITH**  
Chief Executive

## COUNCIL REPORTS

### 1 Mayor and Councillor Allowances

**File No:** 20/005/009  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal

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#### Purpose

To allow Council to formally note the prevailing Mayoral and Councillor allowances that apply to Moonee Valley elected representatives.

#### Executive Summary

- This report identifies the requirement to apply an adjustment factor to the current level of Mayoral and Councillor Allowances as from 1 December 2011.

#### Recommendation

That Council note that following the 2.5% adjustment factor gazetted by the Minister for Local Government, the Mayoral and Councillor Allowances for this Council from 1 December 2011, will be \$83,650pa (Mayoral) and \$26,188pa (Councillors) plus 9% (equivalent of superannuation guarantee contribution).

#### Background

In the lead up to the 2008 Local Government elections, the Minister for Local Government undertook to review Mayoral and Councillor Allowances and Resources. As a consequence of this review, an Order in Council was published on 27 November 2008 (taking effect from 1 December 2008), that set new lower and upper range limits for the three defined categories of Councils - Moonee Valley is identified as a Category 3 Council.

Council at its meeting held 16 June 2009 resolved, that the Councillor and Mayoral allowances be set as \$24,200pa and \$77,300pa respectively, plus 9% (equivalent of superannuation guarantee contribution) for the next four financial years (i.e. ending June 2013).

Subsequent adjustment factors advised by the Minister determined that:

- a 2.5% increase be applied effective 1 December 2009 (adjusting Moonee Valley Mayoral and Councillor allowances to \$79,233 and \$24,805 respectively); and

- a 3% increase be applied effective 1 December 2010 (adjusting Moonee Valley Mayoral and Councillor allowances to \$81,610 and \$25,549 respectively).

### **Discussion**

In accordance with section 73B of the Act, the Minister must, at least once every year, review the limits and ranges of Councillor and Mayoral allowances. If the review conducted by the Minister under this section results in a finding that Councillor and Mayoral allowances should be adjusted, an adjustment factor will be specified by the Minister by notice in the Government Gazette. Section 73B(5) of the Act specifies that a Council must increase the level of Councillor and Mayoral allowances in accordance with the adjustment factor specified in the notice.

For the 2011 year, the Minister, by notice dated 13 September 2011 (Government Gazette dated 29 September 2011), advised that an adjustment factor of 2.5% will take effect from 1 December 2011. Accordingly, the new adjusted range limits for a Category 3 Council and amounts of Mayoral and Councillors Allowances will be \$10,931 to \$26,188 (Councillors) and Mayors up to \$83,650.

### **Consultation**

This report is for information only and has been prepared in response to the notice published by the Minister in the Government Gazette.

### **Implications**

#### **1. Legislative**

Sections 73A, 73B, 74, 74A and 74B of the Local Government Act 1989 set out the provisions with respect to the Mayoral and Councillor allowances.

#### **2. Council Plan / Policy**

Strategic Objective 6.1 of the Council Plan requires best practice governance arrangements to be in place. Compliance with the provisions of the Local Government Act 1989, and Orders-in-Council issued by the Minister in accordance with that Act, need to be actioned in a professional and timely manner.

#### **3. Financial**

The Council is required to apply the adjustment factor, as determined by the Minister, to the Mayoral and Councillor allowances. The Council's adopted budget makes provision for the allowances and associated adjustment factors.

#### **4. Environmental**

There are no environmental implications associated with this report.

### **Conclusion**

This report is presented as a matter of record and for Council's information.

## 2 Council's Meeting Schedule 2012

**File No:** FOL/09/1452  
**Author:** Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal

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### Purpose

The purpose of this report is to allow Council to formally consider and determine its meeting schedule for the 2012 year.

### Executive Summary

- Council has previously determined its meeting schedule for the ensuing calendar year, at its annual Statutory Meeting of Council.
- Clearly, the adoption of a meeting schedule provides greater certainty and advance notice for the citizens of Moonee Valley of its Council meeting cycle.

### Recommendation

That Council:

1. Adopt the following meeting schedule for the 2012 calendar year, and that these meetings be held at the Moonee Valley Civic Centre:
  - a) Planning & Citizens Committee meetings comprising the Public Forum (from 6.00pm – 6.45pm) and the formal meeting commencing at 7.00pm on:
    - 7 February, 6 March, 3 April, 1 May, 5 June, 3 July, 7 August, 4 September, 2 October, 7 November, 4 December.
  - b) Ordinary Council meetings commencing at 7.00pm on:
    - 21 February, 20 March, 17 April, 15 May, 19 June, 17 July, 21 August, 18 September, 16 October, 20 November, 18 December.
  - c) Statutory Meeting of Council at 7.00pm on 1 November 2012.
2. Request the Chief Executive to ensure that the Schedule of Council Meetings is appropriately advertised in the local newspapers and Council's website.

## **Background**

Council has previously adopted the practice of adopting its meeting schedule for the upcoming year at its Statutory Meeting.

In terms of the timing of the Statutory Meeting of Council, the Local Government Act 1989 stipulates that it must be held after the fourth Saturday in October and before 30 November.

## **Discussion**

It is proposed that all meetings will be held at the Moonee Valley Civic Centre, with:

- Council's Planning & Citizens Committee meetings being held on the first Tuesday of the month (excluding January and November (where the meeting will be held on the first Wednesday, due to Melbourne Cup Day) commencing at 7.00pm.
- Council meetings being held on the third Tuesday of the month (excluding January where there is no scheduled meeting) commencing at 7.00pm.

By adopting this approach, the meeting dates for the 2012 year, would be as follows:

### **Planning & Citizens Committee meetings:**

7 February, 6 March, 3 April, 1 May, 5 June, 3 July, 7 August, 4 September, 2 October, 7 November, 4 December.

### **Ordinary Council meetings:**

21 February, 20 March, 17 April, 15 May, 19 June, 17 July, 21 August, 18 September, 16 October, 20 November, 18 December.

### **Statutory Meeting of Council:**

This meeting must be held after the fourth Saturday in October and before 30 November 2012. It is considered that Thursday 1 November 2012, will serve Council well in this regard.

Council's other Special Committees established under Section 86(1) of the Act, Tenders Committee and Chief Executive Performance Review Special Committee, will continue to operate in 2012. Meetings for these Committees will be convened as required.

## **Consultation**

The nature of this report does not require any consultation.

## **Implications**

### **1. Legislative**

This report has been prepared in accordance with the Local Government Act 1989.

**2. Council Plan / Policy**

The preparation of this report is consistent with Council's strategic objective of a dynamic, response organisation, together with Council's Governance Local Law 2009 which provides the requirement for setting of meetings schedule for the ensuing year.

**3. Financial**

There are no financial implications that arise as a result of this report.

**4. Environmental**

There are no environmental implications, associated with this report.

**Conclusion**

It is considered that the proposed 2012 meeting schedule will meet Council's business requirements and therefore is recommended for Council endorsement.

### 3                      **Appointment of Councillors to External Bodies**

**File No:** FOL/09/1453  
**Author:** Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal

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#### **Purpose**

The purpose of this report is to allow Council to make its appointment of representatives to External Bodies and Advisory Committees for the 2012 Year

#### **Executive Summary**

- The appointment of Councillors as representatives on external bodies and advisory committees plays an integral part in Councillors exercising their representation and advocacy responsibilities on behalf of the Moonee Valley community.

#### **Recommendation**

That Council:

1. Appoint representatives to external bodies, advisory and special committees for the period December 2011 to October 2012, in line with the schedule provided as **Appendix A**.
2. Inform the relevant organisations accordingly.

#### **Background**

Council is required to make appointments to a range of external bodies and advisory committees in accordance with constitutional rules and terms of reference.

Council's advisory committees and working groups are established to:

- Assist Council's decision-making processes.
- Maximise stakeholder/community consultation and engagement.
- Provide a framework for Council to receive community feedback and external advice.

It is considered that the highest priority representation roles are those, which have a citywide basis and will add most value to Council's community governance and resource allocation activities.

Generally, for committees of a more technical or operational nature, it is suggested that members of Council staff can best assist in sharing the overall representation workload with appropriate reporting mechanisms to Council and/or briefing of Councillors according to representation or special interest areas.

### **Discussion**

In determining the respective appointees to the various external bodies and advisory committees, consideration should be given in terms of:

- The need for committees which are established or auspiced by Council to fit into an efficient “hierarchy” of overall advisory, consultative and networking processes, particularly having regard to the best use of resources from both within and outside the organisation.
- The need to balance Councillors’ energies and time between policy development, strategic partnership and liaison.
- In some cases, a “contact” function may be most appropriate rather than actual representation, particularly when the relevant committee is not directly relating to a municipal function.
- Effective use of officer resources bearing in mind the significant direct and indirect costs of servicing or representation on committees.

### **Consultation**

The nature of this report does not require any consultation.

### **Implications**

#### **1. Legislative**

This report has been prepared in accordance with the *Local Government Act 1989*.

#### **2. Council Plan / Policy**

Appointing Councillors to various Committees contributes to Council achieving its strategic objective of a dynamic, responsive organisation; Council is ensuring community input, awareness and involvement in the initiatives and the direction of Council together with providing representation on those Committees to advocate on behalf of the community at State and Federal levels.

#### **3. Financial**

The report does not have any direct financial implications.

#### **4. Environmental**

There are no environmental implications.

### **Conclusion**

It is considered appropriate that Council make Councillor appointments to a range of external bodies and advisory committees and Council’s Tenders Committee for the period December 2011 to October 2012.

## APPENDIX A

### List of External Bodies and Advisory Committees

EXTERNAL BODY / ADVISORY COMMITTEE	MEETING FREQUENCY	COUNCIL APPOINTEE (Dec 2011-Oct 2012)
<b>a) <u>National/State/Regional Bodies</u></b>		
Municipal Association of Victoria	Monthly	
Australian Mayoral Aviation Council	As required	
MAV Metropolitan Housing Growth Reference Group	Monthly	
Metropolitan Local Government Waste Forum	Bi-Monthly	
Metropolitan Transport Forum	Monthly	
Moonee Ponds Creek Co-ordinating Committee	Quarterly	
Royal Agricultural Society of Victoria Consultative Group	Quarterly	
Western Melbourne Tourism Board	Bi-Monthly	
<b>b) <u>Special Committees of Council (Section 86 LGA)</u></b>		
Chief Executive Performance Review Special Committee	Annually	
Tenders Committee	Monthly	
<b>c) <u>Council Local Advisory Committees</u></b>		
Arts And Culture Community Advisory Committee	Quarterly	
Audit Committee	Quarterly	
Clifton Park Advisory Committee	As required	
Cycling & Walking Plan Implementation Committee	Bi-monthly	
Disability Reference Group	Quarterly	
Fairbairn Park Master Plan Advisory Committee	Quarterly	
Friends of Liquica Working Group	Quarterly	
Moonee Ponds Rate Levy Association	Bi-monthly	
Moonee Valley Early Years Reference Group	Bi-annually	

EXTERNAL BODY / ADVISORY COMMITTEE	MEETING FREQUENCY	COUNCIL APPOINTEE (Dec 2011-Oct 2012)
Moonee Valley Integrated Waterways Advisory Committee	Four monthly cycle	
Municipal Emergency Management Planning Committee	Quarterly	
Place Naming Committee	As required	
Youth Advisory Committee	Quarterly	
<b>d) <u>Other Committees -Council Facilities / Services</u></b>		
East Keilor Leisure Centre Project Control Group	As required	
Flemington Neighbourhood Renewal	As required	
Moonee Valley Athletics Centre Reference Group	Bi-annual	
Montgomery Park Child Care Centre Committee	Monthly	
Wingate Avenue Community Centre - Committee of Management	Monthly	
<b>e) <u>Other Local Bodies / Committees – Non-Council Facilities /</u></b>		
Essendon Airport Community Consultative Committee	Quarterly	
Essendon Airport/Essendon Fields/Council Working Group	Bi-Annual	
Interfaith Network	Quarterly	
Moonee Valley Citizens Advice Bureau	Monthly	
Moonee Valley Foundation	As required	
Moonee Valley U3A Committee	As required	
Public Transport Providers	Quarterly	
Shareholder Rep for Regional Kitchen P/L	As required	
Shareholder Rep for RFK P/L	As required	

EXTERNAL BODY / ADVISORY COMMITTEE	MEETING FREQUENCY	COUNCIL APPOINTEE (Dec 2011-Oct 2012)
<p><b>f) <u>Trader Associations &amp; Chambers of Commerce</u></b></p> <ul style="list-style-type: none"> <li>• Flemington</li> <li>• Union Road</li> <li>• Moonee Ponds</li> <li>• Rose Street</li> <li>• North Essendon</li> <li>• Niddrie</li> <li>• Centreway</li> <li>• Dinah Parade</li> <li>• Essendon Airport</li> <li>• Airport West Industrial Traders</li> <li>• Canning Street</li> <li>• Mt Alexander Road</li> <li>• Buckley Street Traders</li> </ul>	<p>As required</p> <p>Monthly</p> <p>6-8 Weeks</p> <p>As required</p> <p>As required</p> <p>Monthly</p> <p>Monthly</p> <p>As required</p> <p>As required</p> <p>As required</p> <p>As required</p> <p>As required</p> <p>As required</p> <p>As required</p>	

#### 4 Councillor Portfolios

**File No:** FOL/09/1450  
**Author:** Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal

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#### **Purpose**

The purpose of this report is to allow Council to formally make appointments to its adopted Councillor Portfolio Model.

#### **Executive Summary**

The Portfolio Councillor's role is one of receiving and providing preliminary feedback in relation to issues impacting on the portfolio, increasing their levels of knowledge, understanding and involvement in the area and also to function as the Council spokesperson in matters that arise in relation to their portfolio.

#### **Recommendation**

That Council appoint the following portfolio holders for the period December 2011 to October 2012 inclusive:

- a) Portfolio Councillor for Community Services and Partnerships: Cr \_\_\_\_\_,  
Secondary Portfolio Holder: Cr \_\_\_\_\_.
- b) Portfolio Councillor for Sports and Recreation: Cr \_\_\_\_\_,  
Secondary Portfolio Holder: Cr \_\_\_\_\_.
- c) Portfolio Councillor for Economic Development: Cr \_\_\_\_\_,  
Secondary Portfolio Holder: Cr \_\_\_\_\_.
- d) Portfolio Councillor for Environment and Conservation: Cr \_\_\_\_\_,  
Secondary Portfolio Holder: Cr \_\_\_\_\_.
- e) Portfolio Councillor for Land Use Planning: Cr \_\_\_\_\_,  
Secondary Portfolio Holder: Cr \_\_\_\_\_.
- f) Portfolio Councillor for Physical Services and Assets: Cr \_\_\_\_\_,  
Secondary Portfolio Holder: Cr \_\_\_\_\_.
- g) Portfolio Councillor for Traffic and Transportation Planning: Cr \_\_\_\_\_,  
Secondary Portfolio Holder: Cr \_\_\_\_\_.
- h) Portfolio Councillor for Arts and Culture: Cr \_\_\_\_\_,  
Secondary Portfolio Holder: Cr \_\_\_\_\_.
- i) Portfolio Councillor for Corporate and Citizen Services: Cr \_\_\_\_\_,  
Secondary Portfolio Holder: Cr \_\_\_\_\_.

## Background

In line with Council resolution No. 2009/122 (meeting held 20 October 2009), Council is required to make appointments to Councillor Portfolios.

The Portfolio Councillor's role is one of receiving and providing preliminary feedback in relation to issues impacting on the portfolio, increasing their levels of knowledge, understanding and involvement in the area and also to function as the Council spokesperson in matters that arise in relation to their portfolio.

## Discussion

The adopted Councillor Portfolio Model provides for nine Portfolio holders, as follows:

<b>Portfolio</b>	<b>Services Covered</b>
Community Services and Partnerships	Community Services, Libraries, Youth, Partnerships
Sports and Recreation	Recreation, Leisure Facilities, Sports
Economic Development	Economic Development, Business, Shopping Precincts
Environment and Conservation	Parks and Gardens, Open Spaces, Environment, Waste Management
Land Use Planning	Strategic Planning, Planning Scheme, Planning Policies, Building Control, Council Properties , Demography
Physical Services and Assets	Major Projects, Asset Management, Infrastructure Services
Traffic and Transportation Planning	Traffic, Parking, Public Transport, Transport Planning
Arts and Culture	Performing and Visual Arts, Cultural Development
Corporate and Citizen Services	Financial Services, Citizen Services, Statutory Services and Enforcement, Audit Committee

## Consultation

As this is a procedural report, it has not been necessary to undertake any specific consultation.

## Implications

### 1. Legislative

There are no legislative implications associated with this report.

### 2. Council Plan / Policy

The appointment of Councillor Portfolios assists Council to better manage and measure its performance in achieving stated objectives and future visions as set out in the Council Plan.

**3. Financial**

There are no financial implications associated with this report.

**4. Environmental**

There are direct environmental implications associated with this report.

**Conclusion**

Assignment of Councillors to portfolios allows for direct input by elected representatives to the initial stages strategy development and policy issues, providing for a more efficient and effective process, allowing an intimate understanding of specific areas.