



City of  
**Moonee Valley**

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# **Ordinary Meeting of Council**

**Tuesday, 23 April 2013**

**Minutes**

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**5. Presentations**

Cr Nation presented a plaque from Koori Kids, in appreciation of Council's ongoing commitment and support towards the NAIDOC Week Respect Band initiatives.

Cr Sharpe presented certificates for all Councillors, in recognition of their attendance at the Historical River Centennial Celebrations on Sunday 17 March 21013, to commemorate the changing of the name from Saltwater River to Maribyrnong River.

**6. Petitions And Joint Letters**

**6.1 Creation of Separate Commuter Bike Path alongside Travancore Park**

**File No.** FOL/10/899

Cr Cusack tabled a joint-letter signed by 75 individuals, urging Councillors to approve the requisite monies to create a separate commuter bike path alongside Travancore Park.

**6.2 Approval for a Composting Toilet at Community Garden**

**File No.** FOL/13/6

Cr Cornish tabled a joint-letter from the four office bearers from the Avondale Heights Community Garden Inc., seeking Council's assistance in approving a composting toilet at the community garden, located at the rear of 2-22 River Drive, Avondale Heights.

*In tabling a joint letter, the Appropriate Officer is required to undertake the necessary action and if necessary provide a further report to Council.*

**7. Public Question Time**

Nil.

**8. Reports by Mayor and Councillors**

**File No.** FOL/12/1435

**Minute No.** 2013/54

**Council Resolution**

Moved by Cr Sipek, seconded by Cr Nation that the reports by the Mayor and Councillors be received.

**CARRIED**

**9.1 Draft Council Plan 2013-17**

**File No:** FOL/11/176  
**Author:** Manager Community Development  
**Directorate:** Citizen Services & Information Management  
**Ward:** Municipal  
**Minute No:** 2013/55

**Council Resolution**

Moved by Cr Chantry, seconded Cr Cornish that Council:

1. Endorse the Draft Council Plan 2013-2017.
2. Authorise public notices to be placed in The Age, the Moonee Valley Leader and the Moonee Valley Weekly prior to any public consultation.
3. Make available the Draft Council Plan 2013-2017 for public inspection, and invite submissions in accordance with the *Local Government Act 1989*.
4. Consider any written submissions and any requests to be heard in support of such written submissions at a Special Committee of Council, comprising all Councillors, to be held on 28 May 2013 commencing at 5.30pm (if required).
5. Formally adopt the Council Plan 2013-2017 at the Council meeting to be held on Tuesday, 25 June 2013.

**CARRIED**

**9.2 Proposed Budget 2013/14**

**File No:** FOL/12/745  
**Author:** Manager Finance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2013/56

**Council Resolution**

Moved by Cr Chantry, seconded Cr Cusack that Council:

1. Adopt in principle the Proposed Budget 2013/14 as per Appendix A (separately circulated) as its budget for the 2013/14 financial year as required by the Local Government Act.
2. Authorise the Chief Executive to:
  - a) Give public notice of the preparation of the Proposed Budget in accordance with the Act;

- b) Make available for public inspection the information required by Regulation 9 of the Local Government (Finance and Reporting) Regulations 2004 and invite submissions under Section 223 of the Act.
3. Consider any submissions received on the proposed Budget 2013/2014 at a Special Committee of Council, comprising all Councillors, to be held on Tuesday 28 May 2013 commencing at 5.30pm (if required).

**CARRIED**

Cr Sipek left the meeting at 7.50pm.

**9.3                    1072 Mt Alexander Rd & 2-2A Marco Polo St, Essendon (Lot 1 TP344500W) - Use of the land for food and drink premises, construction of buildings, including a five storey building for the purpose of dwellings, reduction in the car parking requirements, waiver of the loading bay requirements along with the removal of a restrictive covenant.**

**File No:** MV/490/2012  
**Author:** Principal Town Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2013/57

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Surace that with respect to an Application for Review against Council's failure to decide the application within the prescribed time, Council resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and other parties to the application, that if Council were in a position to decide on the application, that the decision would have been to issue Refusal to Grant a Permit in relation to Planning Application MV/490/2012 for the use of the land for a food and drink premises, construction of buildings, including a five storey building for the purpose of dwellings, reduction in the car parking requirements, waiver of the loading bay requirements along with the removal of a restrictive covenant at 1072 Mt Alexander Rd & 2-2A Marco Polo St, Essendon on the following grounds:

1. The application fails to satisfy Section 60(5) of the Planning and Environment Act 1987. Council cannot be satisfied that the owner of the land benefited by the covenant will be unlikely to suffer any detriment of any kind (including perceived detriment) as a consequence of the removal of the restrictive covenant.
2. The objection received from the beneficiary is not vexatious and is made in good faith, not made in bad faith.

**CARRIED**

Cr Sipek returned to the meeting at 7.53pm.

**9.4 17 Roberts Street, Essendon (Lot 2 on PS 015245) -  
Construction of three double storey dwellings**

**File No:** MV/622/2012  
**Author:** Town Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2013/58

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Surace that in relation to application for Planning Permit No. MV/622/2012 Council resolves to Refuse to Grant a Permit for the construction of three double storey dwellings at 17 Roberts Street, Essendon, Lot 2 on PS 015245, on the following grounds:

1. The proposal would present a visually dominant and unsympathetic built form character to the area and adjoining properties contrary to Clauses 21.05-3 (Objectives and Strategies – Urban Design) and 55.02-1 (Neighbourhood Character) of the Moonee Valley Planning Scheme.
2. The proposal fails to provide the minimum required setback from the street pursuant to Clause 55.03-1 (Street Setback) of the Moonee Valley Planning Scheme.

**CARRIED**

**9.5 366 Pascoe Vale Road, Strathmore (Lots 3, 4 & 5 on  
TP713567G) - Construction of a four storey building, with  
basement level, comprising retail premises and dwellings, a  
waiver in loading bay requirements and alteration of access  
to a Road Zone, Category 1**

**File No:** MV/517/2012  
**Author:** Senior Town Planner  
**Directorate:** City Works & Development  
**Ward:** Buckley  
**Minute No:** 2013/59

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Cornish that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/517/2012 for the construction of a four storey building with basement level comprising retail premises and dwellings, a waiver in loading bay requirements and alteration of access to a Road Zone, Category 1 at 366 Pascoe Vale Road, Strathmore, Lots 3, 4 & 5 on TP 713567G, subject to the following conditions:

1. Before the use and development starts, amended plans (three copies) must be submitted and approved to the satisfaction of the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans submitted and assessed with the application but modified to show:
  - a) A variation and increase in fenestration on the west-facing elevation of the second floor level, in accordance with the plan 'TP-EW Option 2' received by Council on 5 February, 2013.
  - b) A significantly lighter colour palette complementary to the surrounding area.
  - c) A minimum internal headroom of 2.1 metres for the basement level and ground floor level car parking areas.
  - d) Each car space within a tandem arrangement at the ground floor level allocated to retail employees only, with clear signage and/or line markings indicating this.
  - e) All visitor car spaces, residential and retail, clearly allocated as such with signage and/or line markings.
  - f) All visitor car spaces (residential and retail) designed so vehicles can ingress and egress within one manoeuvre.
  - g) Visitor car spaces 3.0 metres in width to have the turning area section of the car space clearly hatched with line markings.
  - h) The canopy/verandah at the front of the site along Pascoe Vale Road to be cantilevered, with the deletion of the supporting columns.
  - i) Acoustic attenuation or double glazing to the west-facing bedroom windows of Dwellings 7 and 14.
  - j) The correct allocation of residential storage areas within the basement level.

Once approved these plans become the endorsed plans of this permit.

2. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of the Responsible Authority.
3. Prior to the issue of an Occupancy Permit, all retaining walls and boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
4. Service units, including air conditioning units, must not be located on any of the balconies or terrace areas unless appropriately visually and acoustically screened to the satisfaction of the Responsible Authority.
5. Prior to any building or works commencing, a Construction Management Plan must be submitted to and approved by the Responsible Authority detailing the construction activity proposed. The plan must include, but not be limited to:
  - a) Hours of construction;



- b) Parking and traffic movement of all workers vehicles and construction vehicles;
- c) Scaffolding and hoarding for the site;
- d) Allocated areas for loading and unloading;
- e) Site evacuation plan and procedure;
- f) Occupational health and safety policy;
- g) Hazard identification and control;
- h) Environmental management and waste minimisation;
- i) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- j) On site stormwater contamination;
- k) Chemical storage;
- l) Noise and vibration;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected of work on the site at any one time.

Once submitted and approved the works detailed by the Construction Management Plan must be carried out to the satisfaction of the Responsible Authority.

- 6. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
- 7. The privacy screens/obscure glazing as shown on the endorsed plans must be installed prior to the occupation of the building.
- 8. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must be to the satisfaction of the Responsible Authority:
  - a) Be provided and completed prior to the commencement of the use hereby permitted;
  - a) Thereafter be maintained.
  - b) Be made available for such use at all times and not used for any other purpose;
  - c) Be properly formed to such levels that it can be used in accordance with the endorsed plan;
  - d) Be drained and sealed with an all weather seal coat; and
  - e) Have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the endorsed plan.

Before the commencement of the use signs must be erected in association with the car parking hereby provided, allowing for the identification of the car park, to the satisfaction of the Responsible Authority.

9. Standard concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's standard specification and any vehicle crossing(s) no longer required must be removed and the land, footpath and kerb and channel replaced all to the satisfaction of the Responsible Authority. All vehicle access points must be located a minimum of 1.0 metre from any infrastructure including service pits. Alternatively, such assets may be incorporated into the crossover with the written consent of the Responsible Authority and the relevant servicing authority/agency. Subsequent works and costs in association with relocation and/or amendment must be incurred at the owner's cost, to the satisfaction of the relevant servicing authority/agency and the Responsible Authority.
10. Bicycle parking spaces, access, lockers and compounds, associated showers and change rooms, must be provided, maintained and kept available for these purposes at all times to the satisfaction of the Responsible Authority.
11. Before the use of the land commences, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the occupiers of the land. The Plan must include, but is not limited to, the following:
  - a) A description of the location in the context of alternate modes of transport and objectives for the Green Travel Plan;
  - b) Outline Green Travel Plan measures for the development including, but not limited to:
    - i) Household welcome packs – tram, train and bus timetables relevant to the local area must be included in the pack of information provided to purchasers upon a purchaser's occupation of an apartment;
    - ii) Include a myki pass (of equivalent value to 10 x 2 hour zone 1 trips) and registration information;
    - iii) Bicycle parking and facilities available on the land; and
    - iv) Monitoring & review.
  - c) A plan showing:
    - i) The bicycle parking areas to be provided for use by residents.

Once approved the Green Travel Plan must form part of the planning permit and any ongoing Management Plan for the land, to ensure the Green Travel Plan continues to be implemented by residents/owners to the satisfaction of the Responsible Authority.

### **VicRoads Conditions**

12. No on-street garbage collection is to be undertaken for the development on Pascoe Vale Road or on Woodland Street close to the Pascoe Vale Road signalised intersection, to the satisfaction of VicRoads and/or the Responsible Authority, as such activities could impact on the safety of the intersection operation.

13. All disused or redundant vehicle crossings on Pascoe Vale Road must be removed and the area reinstated to footpath, nature strip, kerb and channel to the satisfaction of and at no cost to VicRoads and/or the Responsible Authority prior to the commencement of the occupation of the buildings hereby approved.

**End VicRoads Conditions**

14. 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.
15. Prior to the commencement of buildings and works, a drainage layout plan, including stormwater outlets and legal points of discharge, must be prepared and submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority the plan must be carried out to the satisfaction of the Responsible Authority.
16. All stormwater runoff from the proposed roof area must be harvested via rainwater tank(s) and reused for the building's facilities (toilets, irrigation etc). All stormwater overflow from the rainwater tank(s) must drain via an underground drainage system and discharge to an approved legal point of discharge to the satisfaction of the Responsible Authority.
17. Prior to the issue of the occupancy certificate green paint must be applied within the existing bike lane located along Woodland Street between Pascoe Vale Road and No. 54 Woodland Street to the satisfaction of the Responsible Authority.
18. To the satisfaction of the Responsible Authority goods must not be stored or left exposed outside a building so as to be visible from any public road or thoroughfare.
19. The development must be provided with external lighting capable of illuminating access to the basement entrance, rear ground floor entrance, each car parking area and each pedestrian entrance. Lighting must be located, directed and shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within or beyond the site to the satisfaction of the Responsible Authority.
20. Noise emitted from the premises must not exceed the permissible noise levels determined in accordance with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
21. Noise levels emanating from service equipment on the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1.
22. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and must be connected to a registered security service.

23. The amenity of the area must not be detrimentally affected by the use of land, through:
- a) Transportation of materials, goods or commodities to or from the land.
  - b) Appearance of any building, works or materials.
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste produces, grit or oil.
  - d) Presence of vermin.
  - e) or in any other way.

to the satisfaction of the Responsible Authority.

24. Prior to the commencement of the development, the applicant shall submit a Waste Management Plan to the Responsible Authority for approval. The Waste Management Plan shall be in accordance with the City of Moonee Valley's "Waste Management Plans – Guidelines for Applicants" and once approved shall be implemented to the satisfaction of the Responsible Authority.
25. This permit will expire if one of the following circumstances applies:
- a) the development does not start within two (2) years of the date of issue of this permit, or
  - b) the development is not completed within four (4) years from the date of issue of this permit.

Before the permit expires or within three (3) months afterwards the owner or occupier of the land may in writing request 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.
- Before commencement of the development occurs, the applicant should contact the Moonee Valley City Council's Technical Services Department regarding legal point of discharge, building over easements, etc.
- A permit must be obtained from Council for all vehicular crossings.
- This permit does not authorise any advertising signs except those which are exempted by the Moonee Valley Planning Scheme.
- Owners of properties may be asked to pay an inspection fee and provide a bond to ensure that Council assets in the vicinity of their works are not damaged during construction.
- No on street parking permits will be provided to the occupiers of the subject site.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by the Moonee Valley City Council.

- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and to the satisfaction of the Responsible Authority.
- Existing levels along the property line must be maintained. All proposed levels must match to existing surface levels along the property boundary. Council will not accept any modifications to existing levels within any road reserve.

**CARRIED**

**9.6 Planning Scheme Amendment C128 - Implementation of the Neighbourhood Character Study**

**File No:** FOL/11/907  
**Author:** Strategic Planner  
**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute No:** 2013/60

**Council Resolution**

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

1. Having complied with part 3, Division 1 and 2 of the Planning and Environment Act 1987, and in accordance with Section 29(1), that Council adopt Moonee Valley Planning Scheme Amendment C128. The revised amendment will incorporate all changes recommended by the Panel as per page 19 of the Panel Report included in Appendix B (separately circulated).
2. Pursuant to Section 31(1) of the Planning and Environment Act 1987, submit Moonee Valley Planning Scheme Amendment C128 to the Minister for Planning for approval.

**CARRIED**

**9.7 Health and Wellbeing Profile and Consultation Report**

**File No:** FOL/12/106  
**Author:** Manager, Community Development  
**Directorate:** Citizen Services & Information Management  
**Ward:** Municipal  
**Minute No:** 2013/61

**Council Resolution**

Moved by Cr Marshall, seconded by Cr Sipek that Council:

1. Adopt the Consultations Report and the Moonee Valley Health and Wellbeing Profile.

2. Note that Council will consider the draft Moonee Valley Public Health and Wellbeing Plan 2013-2017 on 23 July 2013.

**CARRIED**

Cr Nation left the meeting at 8.06pm and returned at 8.08pm.

**9.8 Request for extension of 2012/13 Parking Permit validity to 31 October 2013**

**File No:** FOL/12/706  
**Author:** Acting Coordinator Transport  
**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute No:** 2013/62

**Council Resolution**

Moved by Cr Cusack, seconded by Cr Surace that Council endorse the extension of the validity of 2012/13 Parking Permits until 31 October 2013.

**CARRIED**

**Reports Considered En Bloc**

**Minute No:** 2013/63

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Chantry that the recommendations contained in reports:

- 9.9 2012/13 Capital Works Status Report (March 2013);
  - 9.13 Review of Councillor and Mayoral Allowances;
  - 9.15 Report on Tenders and Contracts Awarded;
  - 9.16 Report on Strategy Groups; and
  - 9.17 Report on Assemblies of Councillors;
- be adopted by Council.

**CARRIED**

**9.9 2012/13 Capital Works Status Report (March 2013)**

**File No:** FOL/11/903  
**Author:** Manager Infrastructure  
**Directorate:** City Works & Development  
**Ward:** Municipal  
**Minute No:** 2013/63

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Chantry that Council approve:

1. The 2012-13 Capital Works Program Revision – March 2013 as detailed in Appendix A, which shows proposed amendments and revised forecasts in expenditure to nominated projects.
2. The “Urgent/Emergency Works” project as detailed in Appendix B.
3. The substituted streets in the local roads program as detailed in Appendix C.

**CARRIED**

**9.13                      Review of Councillor and Mayoral Allowances**

**File No:** FOL/10/1660  
**Author:** Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2013/63

**Council Resolution**

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

1. In accordance with Section 74 of the Local Government Act 1989, initiate a review of its Councillor and Mayoral allowances and propose to retain the current level of \$26,843pa and \$85,741pa respectively, plus 9% (equivalent of superannuation guarantee contribution).
2. Invite submissions in accordance with Section 223 of the Local Government Act 1989 and consider any submissions at a Special Committee of Council, comprising all Councillors to be held on Tuesday, 28 May 2013 commencing at 5.30pm (if required).
3. Receive a further report following the consultation period, at the Ordinary Meeting of Council to be held on Tuesday, 25 June 2013.

**CARRIED**

**9.15                      Report on Tenders and Contracts Awarded**

**File No:** FOL/10/358  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2013/63

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Chantry that Council receive and note the report of Council’s Tenders Committee and tenders awarded at its meeting held on 9 April 2013.

**CARRIED**

**9.16 Report on Strategy Groups**

**File No:** FOL/12/69  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2013/63

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Chantry' that Council receive and note the following confirmed Strategy Group Minutes:

1. Place Strategy Group held 5 February 2013 (Appendix A);
2. People Strategy Group held 5 February 2013 (Appendix B);
3. Environment Strategy Group held 5 February 2013 (Appendix C); and
4. Collective Strategy Group held 5 March 2013 (Appendix D).

**CARRIED**

**9.17 Report on Assemblies of Councillors**

**File No:** FOL/09/1245  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2013/63

**Council Resolution**

Moved by Cr Cornish, seconded by Cr Chantry that Council receive and note the written records of Assembly of Councillors, provided as Appendix A, received since the last report to Council in March 2013.

**CARRIED**

**9.10 Endorsement of Nominations for Council Community  
Advisory Committees**

**File No:** 20/011/010  
**Author:** Coordinator Governance  
**Directorate:** Corporate Services  
**Ward:** Municipal  
**Minute No:** 2013/64



### Council Resolution

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

1. Appoint the following persons as Community representatives on Council's various Community Advisory Committees:
  - a) Arts and Culture Advisory Committee: Frank Di Blasi; Vincenza Fazzalori; Kay Feain; John Francis; Paul Green; Pip Grummet; Suzanne Ridley and Debbie Qadri.
  - b) Integrated Transport Committee: Gary Allan; Chris Carabott; Laurie Elliot and Frank Kinnersley.
  - c) Disability Reference Group: Vincenza Fazzalori; Lisa Greenfield and Greg Francis.
  - d) Early Years Reference Group: Debbie Williams and Dianne Truccolo.
  - e) Friends of Liguica Working Group: Joan Heard AM and Bruce Henry.
  - f) Moonee Valley Integrated Waterways Advisory Committee: Sue Hooper; Frank Kinnersley; Elaine Brogan; Virginia Moylan; Terry Mundy; Tony Smith and Peter Somerville.
2. Write to all applicants thanking them for their interest and willingness to assist the Moonee Valley community.

**CARRIED**

### 9.11                    25 Rose Avenue, Niddrie - Part Road Discontinuance and Sale of Land

**File No:** PR21613  
**Author:** Coordinator Property Services  
**Directorate:** Corporate Services  
**Ward:** Buckley  
**Minute No:** 2013/65

### Council Resolution

Moved by Cr Cornish, seconded by Cr Chantry that the matter be deferred pending receipt of further information and that the matter be relisted to the next practical Council meeting.

**CARRIED**

### 9.12                    Attendance at the 2013 ALGA National General Assembly of Local Government

**File No:** FOL/09/241  
**Author:** Manager Governance & Local Laws  
**Directorate:** Corporate Services

**Ward:** Municipal

**Minute No:** 2013/66

**Council Resolution**

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

1. Receive and note the Australian Local Government Association discussion paper “Foundations for the Future – Twenty 13” (see Appendix A – separately circulated).
2. Note the attendance of Cr Narelle Sharpe and endorse the attendance of Cr Jim Cusack and Cr John Sipek to the Australian Local Government Association 2013 National General Assembly of Local Government, to be held in Canberra on 16-19 June 2013.

**CARRIED**

**9.14 Review of Council's Instruments of Delegations**

**File No:** FOL/11/143 & FOL/11/1060

**Author:** Manager Governance & Local Laws

**Directorate:** Corporate Services

**Ward:** Municipal

**Minute No:** 2013/67

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Cornish that Council having undertaken a review of its delegations in accordance with Section 98 of the Local Government Act 1989 (“The Act”), hereby resolves that:

1. The Instrument of Delegation to the Chief Executive, dated 22 February 2011, continues unchanged.
2. There be delegated to the members of the Council Staff, the powers, duties and functions set out in the Instrument of Delegation to members of the Council Staff, provided as Appendix B (separately circulated), subject to the conditions and limitations specified in that Instrument.
3. The Instrument of Delegation to the Chief Executive Performance Review Committee, dated 11 March 2011, continues unchanged and a procedure be developed to show how the process is initiated.
4. The Instrument of Delegated to the Tenders Committee, dated 6 July 2009, remains unchanged.
5. The Instruments of Delegations outlined in 2 above, shall come into force immediately upon the common seal of the Council is affixed to the Instruments and previous corresponding Instruments shall be revoked.
6. The duties and functions set out in the Instruments of Delegation outlined in 1 to 4 above must be performed and the powers set out in the instruments must be

executed in accordance with any guidelines or policies of Council that it may from time to time adopt.

7. It is noted that the instrument of Delegation to the Chief Executive, includes a power of sub-delegation to members of Council staff, in accordance with Section 98(3) of the Act.

**CARRIED**

**10. Notices of Motion**

Nil.

**11. Urgent Business**

Nil.

**Council Resolution**

Moved by Cr Nation, seconded by Cr Sipek that Council resolve to close the meeting to the public pursuant to Section 89(2) of the Local Government Act 1989, to consider a report which relates to a potential contractual matter.

**CARRIED**

**12. Consideration of Confidential Report**

12.1 Potential Land Purchase

**Council Resolution**

Moved by Cr Chantry, seconded by Cr Cusack that the meeting resume in Open Council.

**CARRIED**

The meeting concluded at 9.09pm.

**CONFIRMED**

**CR NARELLE SHARPE  
CHAIRPERSON**