



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 27 June 2017 at 6.30pm

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 27 June 2017 at 6.35pm
held at the Moonee Valley Civic Centre

PRESENT :

Members: Cr Andrea Surace Mayor
Cr Cam Nation
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence
Cr Nicole Marshall
Cr John Sipek

Officers: Mr Bryan Lancaster Chief Executive Officer
Mr David Benallack Chief Financial Officer
Ms Kate McCaughey A/Director Planning & Development
Ms Kendrea Pope Director Organisational Performance
Ms Natalie Reiter A/Director City Services
Mr Petrus Barry A/Director Planning & Development

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 27 June 2017.

The Mayor respectfully acknowledged the traditional custodians of this land - the Wurundjeri people of the Kulin Nation, their spirits, ancestors, elders and community members past and present. Council also extended its respect to the elders and descendants of other Aboriginal peoples present.

The Mayor, on behalf of Moonee Valley City Council and fellow Councillors, made a tribute to the late William McFarlane, former City of Essendon Mayor (1980-81), who passed away on the 10th of June and then recited the Councillor Creed:

“We commit to making positive strategic decisions for the future, remembering we are here to collectively deliver on the broader vision for Moonee Valley in a fair and equitable manner, always showing respect for one another.

Through strong leadership and maturity, we will engage in robust, intelligent debate before coming to informed, evidence-based decisions, being respectful of the outcome once the votes are cast. We will ensure we focus on policy, always mindful our role is to serve our local community.”

2. Apologies

Cr Sharpe has a Leave of Absence for this meeting.

The Mayor noted a leave of absence request from Cr Sharpe for the period 19 June to 16 July 2017 inclusive.

3. Confirmation of Minutes

Minute No. 2017/178

Council Resolution

Moved by Cr Lawrence, seconded by Cr Nation that the Minutes of the Ordinary Meeting of Council held on Tuesday, 13 June 2017 be confirmed.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Nil.

5. Presentations

Nil.

6. Petitions and Joint Letters

Nil.

7. Public Question Time

Nil.

Cr Sipek left the meeting at 6.55pm.

8. Reports by Mayor and Councillors

File No. FOL/17/11

Minute No. 2017/179

Council Resolution

Moved by Cr Byrne, seconded by Cr Cusack that the reports by the Mayor and Councillors be received.

CARRIED

Cr Sipek was not present for the vote on this item.

Cr Sipek returned to the meeting at 6.57pm.

9. Reports

Following the acceptance of Cr Marshall's proposed motion to item 9.1 for debate, Cr Nation, elected to declare an indirect conflict of interest by conflicting duty and left the meeting prior to the item being discussed.

Cr Nation left the meeting at 6.59pm.

9.1 Council Plan 2017-21 integrating the Health Plan

File No: FOL/17/11

Author: Julie Tipene-O'Toole
Coordinator Corporate Planning

Directorate: Organisational Performance

Minute No. 2017/180

Council Resolution

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

1. Adopt the Council Plan 2017-21 (provided as **Appendix A** – separately circulated).
2. Write to those who lodged a submission on the draft Plan advising of Council's decision and the reason for that decision in accordance with section 223 of the Act.
3. Bring a report to an Ordinary Council Meeting by no later than September 2017 detailing concept plans for upgrades to the Moonee Ponds Activity Centre. That report must outline how funding of the upgrade works will occur and anticipated timeframes for the works.
4. Review the utilisation of its aquatic leisure facilities to ensure that it maximises the use of these facilities, including by:
 - a) Reviewing user fees (including whether family fees are appropriate);
 - b) Reviewing and reporting on how swimming lanes and pools are allocated and whether that allocation as between users (including organisations) is fair and appropriate, particularly during peak times.

CARRIED

Cr Nation returned to the meeting at 7.18pm.

Cr Lawrence left the meeting at 7.24pm.

Cr Lawrence returned to the meeting at 7.26pm.

9.2 Budget 2017/18

File No: FOL/17/11

Author: Damian Hogan
Manager Finance Operations

Directorate: Financial Services

Recommendation

That Council:

1. a) Adopt the Annual Budget 2017/18 (provided as **Appendix A** (separately circulated).
b) Adopt the Strategic Resource Plan 2017/18 to 2020/21 as per Appendix B (separately circulated)
2. Authorise the Chief Executive Officer to give public notice of this decision in accordance with Section 129 of the Local Government Act 1989.
3. Respond to those who lodged a submission on the Proposed Budget 2017/18 in writing advising of Council's decision and the reason for the decision in accordance with Section 223(1) (d) of the Local Government Act 1989.
4. Grant a rebate in relation to rates and charges to all Moonee Valley residents eligible within the meaning of the State Concessions Act 1986. The maximum rebate is \$20.

Minute No. 2017/181

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Marshall that Council adopts the officer's recommendation with the following amendment to **Appendix A**:

1. Remove item "Buckley (Doutta) Pavilion Improvements" in the amount of \$500K as shown on page 39 of the draft 2017/18 budget as advertised.
2. Remove item "Buckley (Doutta) Pavilion Improvements" in the amount of \$530K as shown on page 60 of the draft 2017/18 budget as advertised.
3. Reduce the Borrowings amount by \$1.030M as shown on page 63 of the draft 2017/18 budget as advertised.
4. Work with Doutta Stars Football Club to determine critical requirements in relation to the Pavilion under a future Master Plan.

. CARRIED UNANIMOUSLY

Cr Byrne left the meeting at 7.47pm.

Cr Byrne returned to the meeting at 7.49pm.

9.3 172 Spencer Street, Essendon (Lot 129 Block E on LP 3151) - Construction of four dwellings

File No: FOL/17/11

Author: Lachlan Orr
Senior Statutory Planner

Directorate: Planning & Development

Minute No. 2017/182

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council advises 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 a Notice of Decision to Grant a Planning Permit in relation to Planning Permit Application No. MV/808/2016 for the construction of four dwellings at 172 Spencer Street, Essendon (Lot 129 Block E on LP 3151), subject to the following conditions:

1. Before the development starts, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority. The amended plans must be drawn to scale and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The ground floor of Dwellings 3 and 4 set back at least 4 metres from the western boundary achieving an area for deep soil canopy planting to filter views of the development to the west;
 - b) The first floors of Dwellings 3 and 4 set back at least 4.5 metres from the western boundary;
 - c) Modifications to the basement level as a result of Condition 1 a), which must comply with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
 - d) The internal setback between the first floors of Dwellings 2 and 3 to be a minimum of 4 metres;
 - e) The first floors of each dwelling to be set back at least 3.7 metres from the eastern boundary (Deakin Street);
 - f) The roof terrace of Dwelling 1 to be set back at least 1 additional metre from the southern boundary, and the terraces of both Dwellings 1 and 2 to be set back at least 1 additional metre from the western boundary;
 - g) Screening treatments provided along the western elevation of each roof terrace to minimise privacy impacts and for noise attenuation;
 - h) Any internal reconfigurations as a result of Conditions 1 a) to g);
 - i) All new front fencing and new sections of retaining wall to be set back at least 3 metres from each street;

- j) The internal fencing between the pedestrian pathways to Deakin Street to be no greater than 1.5 metres in height;
- k) Screening provided to the northern side of the roof terrace of Dwelling 4 to comply with Standard B22 of Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme;
- l) A notation that all new structures and planting at the north-eastern corner of the site will maintain a pedestrian visibility splay for the neighbouring accessway to comply with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
- m) A notation that the gradients to the shared accessway comply with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
- n) A notation that all storage areas and other facilities will not encroach on the minimum internal dimensions for each garage as required by Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
- o) The accessway to Spencer Street to be 3 metres in width;
- p) The crossover to Spencer Street reduced in width and to align with the accessway; and
- q) Any changes as a result of Conditions 3, 4 and 7.

When approved these plans become the endorsed plans 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. An amended STORM assessment report must be submitted simultaneously with the submission of amended plans in accordance with Condition 1. The STORM assessment must obtain a minimum of 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
4. A minimum 30 days prior to any building or works commencing, all WSUD Water Sensitive Urban Design (WSUD) Details (relating to the WSUD treatment measures nominated in the approved and complying STORM report), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
5. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) Hours of construction must read:
 - Monday to Friday 7.00am to 6.00pm
 - Saturday 9.00am to 1.00pm

- Any time on Sunday or Public Holidays.

All vehicular movements to and from the site are made only during the hours of 7.00am to 6.00pm Monday to Friday and 9.00am to 1.00pm Saturday.

Noise from construction or demolition work may occur outside of these times only where allowed by a permit approved by Planning Enforcement;

- b) Parking and traffic movement of all workers 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) Management of onsite stormwater and prevention of contamination which must be in the form of a detailed statement or report which outlines all measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems;
- j) Protection of surrounding roads from site contamination and damage including rumble grid and or wash down bay facility;
- k) Arrangements for chemical storage;
- l) Noise and vibration control;
- m) Risk assessment;
- n) Works timetable; and
- o) Number of workers expected to work on the site at any one time.

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

The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

6. A maximum 30 days following completion of the building or works, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance arrangements for all WSUD measures. The program must include, but is not limited to:
 - a) Inspection frequency;
 - b) Cleanout procedures;
 - c) As installed design details/diagrams including a sketch of how the

system operates; and

- d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder's User Guide or a Building Maintenance Guide.

7. Before the development commences, an amended Sustainable Design Assessment (SDA) that outlines proposed design initiatives must be submitted to and approved by the Responsible Authority. The amended SDA shall refer to the endorsed plans. Upon approval the SDA will be endorsed as part of this planning permit and the development must incorporate the sustainable design initiatives outlined in the endorsed SDA to the satisfaction of the Responsible Authority. The SDA must be generally in accordance with the SDA submitted with the application, but modified as follows:

- a) Any changes as a result of Condition 1.

The development must incorporate the sustainable design initiatives outlined in the endorsed Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority.

8. Prior to the issue of an Occupancy Permit, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
9. Floor levels shown on the endorsed plan(s) must not be altered or modified without written consent of the Responsible Authority.
10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than gutters above the ground floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
11. Before the buildings approved by this permit are occupied, the concrete vehicular crossing must be constructed to suit the proposed driveway in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossings must be removed and the area reinstated to footpath, nature strip and kerb and channel 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 prior 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.

12. 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.
13. An on-site stormwater detention drainage system must be installed on the subject land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and manufacturers specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

When approved, the Drainage Layout Plan will form part of this permit.

The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

14. Prior to the issue of an Occupancy Permit, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
15. The development must be provided with external lighting capable of illuminating access to each garage, car parking space and pedestrian walkways. 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.
16. Before the development starts, or any trees or vegetation removed, an amended landscape plan (an electronic copy) prepared by a suitably qualified person or firm shall be submitted to 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 with the application but modified to show:

- a) Any changes as a result of Condition 1;

Once approved these plans become the endorsed plans of this permit. Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied.

17. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

18. This permit will expire if:

- 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 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 in writing request the Responsible Authority to extend the expiry date.

Once the development has commenced the owner or occupier of the land may in writing request the Responsible Authority to extend the expiry date within twelve (12) months of the lapse 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 Moonee Valley City Council regarding legal point of discharge, new crossings, building over easements, etc.
- No on-street parking permits will be provided to occupiers of the subject site.
- It is recommended that the required on-site detention system be designed to limit the rate of stormwater discharge from the property to pre-development levels in accordance with the following calculation; $C=0.4$, $t_c=5\text{mins}$, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- All drainage works undertaken must be in accordance with the requirements of Stormwater Drainage Requirements for Development Works as prepared by Moonee Valley City Council.
- All works undertaken within any existing road reserves must accord with the requirements of Moonee Valley City Council and be 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.

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Lawrence, Marshall

Against: Cr Sipek

CARRIED

Cr Gauci Maurici left the meeting at 7.53pm.

Cr Gauci Maurici returned to the meeting at 7.54pm.

Cr Sipek left the meeting at 7.53pm.

Cr Sipek returned to the meeting at 7.55pm.

9.4 7 Myrnong Crescent, Ascot Vale (Lot 44 on PS005216) - Construction of three dwellings

File No: FOL/17/11

Author: Grant Michell
Senior Statutory Planner

Directorate: Planning & Development

Minute No. 2017/183

Council Resolution

Moved by Cr Cusack, seconded by Cr Nation that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/9/2017 for the construction of three dwellings at 7 Myrnong Crescent, Ascot Vale (Lot 44 on PS005216), in accordance with the following grounds of refusal:

1. The bulk, scale, form and layout of the proposal fails to meet the objectives and strategies contained within Clause 15.01-5 (Cultural Identity and Neighbourhood Character) and 21.06 of the Moonee Valley Planning Scheme, resulting in a development that does not appropriately respond to the opportunities and constraints of the site as well as the surrounding context and fails to appropriately respond and contribute to the character of the area.
2. The proposal fails to comply with the following Standards or Objectives of Clause 55 of the Moonee Valley Planning Scheme:
 - a) Clause 55.02-1 – Standard B1 (Neighbourhood Character);
 - b) Clause 55.02-2 – Standard B2 (Residential Policy Objectives);
 - c) Clause 55.03-5 – Standard B10 (Energy Efficiency);
 - d) Clause 55.03-8 – Standard B13 (Landscaping);
 - e) Clause 55.04-2 – Standard B18 (Walls on Boundary); and
 - f) Clause 55.04-4 – Standard B20 (North Facing Windows).
3. The proposed development presents as an overdevelopment of the site.
4. The proposal will cause adverse traffic impacts on the surrounding area which will be substantial and unreasonable.

CARRIED UNANIMOUSLY

9.5 **184-188A Sterling Drive, East Keilor (Lots 257, 258 & 259 LP94072 and Lot 1 PS417032N) - Construct buildings and works to extend an existing residential aged care facility in a General Residential Zone and Melbourne Airport Environs Overlay (MAEO2)**

File No: FOL/17/11

Author: William Wheeler
Principal Statutory Planner

Directorate: Planning & Development

Minute No. 2017/184

Council Resolution

Moved by Cr Sipek , seconded by Cr Byrne that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/516/2016 to construct buildings and works to extend an existing residential aged care facility in a General Residential Zone and Melbourne Airport Environs Overlay (MAEO2) at No.184-188A Sterling Drive, East Keilor (Lots 257, 258 & 259 LP94072 and Lot 1 PS417032N), subject to 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) Any design modifications as a result of the Risk Assessment Report required under Condition 6;
 - b) A detailed material and finishes plan that confirms the building can be constructed to withstand the overpressures and temperatures identified by the Risk Assessment Report and how this will be achieved. Details of window types (including laminated glass) and method of fixing, for the building to demonstrate that shattering of glass will be prevented, must also be included;
 - c) Any design modifications as a result of the Acoustic Report required under Condition 26;
 - d) The location and details of any existing, modified and new easements to be created in association with Council assets and drainage infrastructure;
 - e) Installation of appropriate vehicle entry and exit signage along the site frontage, in accordance with the relevant Australian Standards;
 - f) All staff, visitor and disabled car parking spaces and loading zones line-marked and signed in accordance with the relevant Australian Standards and the Car Parking Management Plan required under Condition 13;

- g) All redundant vehicle crossovers reinstated to nature strip, kerb and channel in line with Council's 'Vehicle Crossings Policy';
- h) Proposed and modified vehicle crossovers, including splays, designed in accordance with Council's 'Vehicle Crossings Policy' and match/align with the proposed vehicle accessways;
- i) Any existing services/infrastructure within 1.0 metre of the proposed/modified vehicle crossovers to be modified or relocated to the satisfaction of the Responsible Authority;
- j) The provision of pedestrian visibility splays on the Ground Floor Plan in accordance with the requirements of Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme;
- k) All ground floor habitable room windows directly abutting a car parking space or shared vehicle accessway provided with suitable acoustic attenuation (i.e. double glazing);
- l) A prominent note on all floor and elevation plans stating: "Refer to endorsed Sustainable Management Plan for all ESD commitments and requirements"; and
- m) The location and details of all Water Sensitive Urban Design measures outlined within the approved MUSIC assessment.

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. A minimum 30 days prior to any building or works commencing, all Water Sensitive Urban Design (WSUD) details (relating to the WSUD treatment measures nominated in the approved and complying MUSIC assessment), such as cross sections and/or specifications, to assess the technical effectiveness of the proposed stormwater treatment measures, must be submitted for approval by the Responsible Authority.
- 4. A minimum 30 days prior to any building or works commencing, a Construction and Site Management Plan (CSMP) must be submitted to and be approved by the Responsible Authority detailing the construction activity proposed and the site and environmental management methods to be used. The CSMP must be in accordance with Moonee Valley City Council's CSMP's guideline and templates.

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

The development must be carried out in accordance with the endorsed CSMP and the provisions, requirements and recommendations of the endorsed CSMP must be implemented and complied with to the satisfaction of the Responsible Authority.

- 5. A maximum 30 days following completion of the development, a WSUD Maintenance Program must be submitted to and approved by the Responsible Authority which sets out future operational and maintenance

arrangements for all WSUD measures. The program must include, but is not limited to:

- a) Inspection frequency;
- b) Cleanout procedures;
- c) As installed design details/diagrams including a sketch of how the system operates; and
- d) A report confirming completion and commissioning of all WSUD Response initiatives by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all initiatives specified in the WSUD Response and STORM or MUSIC model have been completed and implemented in accordance with the approved report.

The WSUD Maintenance Program may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder's Guide or a Building Maintenance Guide.

6. Before the development starts, a detailed Risk Assessment Report must be prepared by a qualified risk assessment engineer to the satisfaction of Mobil. A copy of the Risk Assessment Report must be submitted to Mobil for review and approval. Once approved by Mobil, the Risk Assessment Report is to be submitted to the Responsible Authority for approval. When approved, the Risk Assessment Report will be endorsed and will form part of this permit. The development must be carried out in accordance with the endorsed Risk Assessment Report and the provisions, requirements and recommendations of the endorsed Risk Assessment Report must be implemented and complied with to the satisfaction of Mobil and the Responsible Authority.
7. Buildings or works must not be constructed over or adjacent to any easement or within one metre of an existing Council drainage asset without the prior written consent of Council (or of the authorities or agencies with an interest in the easement) to the satisfaction of the Responsible Authority.
8. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
9. Before the building approved by this permit is occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 55.04-6 (Overlooking) of the Moonee Valley Planning Scheme to the satisfaction of the Responsible Authority.

All privacy screens and other measures to prevent overlooking as shown on the endorsed plans must at all times be maintained to the satisfaction of the Responsible Authority.
10. All pipes, fixtures, fittings, ducts and vents servicing any building on the land, other than storm water down pipes and gutters above the ground

floor storey of the building, must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

11. Before the buildings approved by this permit are occupied, the areas set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Available for use in accordance with the endorsed plans;
 - c) Properly formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving); and
 - e) Line-marked or provided with another adequate means of ensuring that the boundaries of all vehicle spaces and direction arrows are clearly indicated on the ground,

in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

The area set aside for the parking of vehicles, together with the associated driveways and access lanes as shown on the endorsed plans must:

- f) Be maintained and made available for such use; and
 - g) Not be used for any other purpose,to the satisfaction of the Responsible Authority.
12. Before the building approved by this permit is occupied, concrete vehicular crossing(s) must be constructed to suit the proposed driveway(s) in accordance with the Responsible Authority's specification and any obsolete, disused or redundant vehicle crossing(s) must be removed and the area reinstated to footpath, nature strip and kerb and channel 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 prior 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.
13. Before the development starts, a Car Parking Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Car Parking Management Plan must be prepared by a traffic consultant and must include:
 - a) A car parking layout generally in accordance with the relevant requirements of the Australian Standards for Off-Street Car Parking AS/NZS 2890.1-2004 (including dimensions, column location, headroom clearance, etc.);

- b) The number of car parking spaces allocated to staff and visitors associated with the residential aged care facility;
- c) The management of staff and visitor car parking spaces and security arrangements for occupants of the development, including the provision of an intercom system at the security entrances;
- d) Lighting of parking areas, entries and exits;
- e) Proposed signage to direct occupants and visitors to their designated spaces;
- f) Arrangements for the loading and unloading of goods and materials for the residential aged care facility;
- g) No charge being made for car parking without the consent of the Responsible Authority;
- h) Traffic calming measures for inclusion within the accessways and car parking areas on site, including rubber speed humps and speed restrictions as appropriate;
- i) The closure of the car parking area (for visitors) a minimum of 30 minutes after visiting hours; and
- j) The movements of trucks and other vehicles to the loading zone showing likely access routes and movements from adjacent roads.

When approved, the Car Parking Management Plan will be endorsed and will form part of this permit.

The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

- 14. Before the existing street tree at the front of the site (to the east along Sterling Drive) is removed to facilitate the new vehicle crossover, the applicant must advise the Responsible Authority of the method of removal and safety measures to be implemented. The removal of the tree must be undertaken to the requirements and satisfaction of the Responsible Authority.
- 15. The existing street tree, at the front of the site along Sterling Drive, to be removed must be replaced with an advanced tree which is at least 2.0 metres high at the time of planting and of a species and condition to the satisfaction of the Responsible Authority. Before the development starts, the applicant must provide details to the satisfaction of the Responsible Authority of the replacement tree including:
 - a) Method of mulching and mounding;
 - b) The species of the replacement planting;
 - c) The size of planting and its maturity; and
 - d) The location of the replacement planting.

All costs associated with the removal and replacement of the street tree must be borne by the permit/applicant.

16. All structures within the pedestrian visibility splays at each vehicle access point must be at least 50% visually permeable pursuant to Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
17. 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.
18. An on-site stormwater detention drainage system must be installed on the land to the satisfaction of the Responsible Authority.

Before the development starts a Drainage Layout Plan, including computations and manufacturer's specifications, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must depict an on-site stormwater detention drainage system to be installed on the land.

When approved, the Drainage Layout Plan will form part of this permit.

The on-site stormwater detention drainage system must be installed and the provisions, recommendations and requirements of the endorsed Drainage Layout Plan must otherwise be implemented and complied with to the satisfaction of the Responsible Authority.

19. Before the development starts, a Drainage Layout Plan, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must include computations and location of stormwater outlets and legal points of discharge.
20. A Council drain must be constructed to reach the approved point of discharge (work will include relocation of existing Council drainage across the property and on Sterling Drive as required). Before the development commences, Engineering Design Plans and a Drainage Layout Plan (with computations) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The Engineering Design Plans and Drainage Layout Plan must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority and must accord with Council's Drainage Design Guidelines.

When approved, the Engineering Design Plans and Drainage Layout Plan will be endorsed and will form part of this permit.

The drainage must be constructed in accordance with the endorsed Engineering Design Plans and Drainage Layout Plan and the provisions, recommendations and requirements of the endorsed Engineering Design Plans and Drainage Layout Plan must otherwise be implemented and

complied with to the satisfaction of the Responsible Authority.

After the drainage works have been constructed and before the building approved by this permit is occupied, as constructed plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

All costs associated with the preparation of the plans and installation and construction of the required drainage works must be borne by the permit holder.

21. A drainage surcharge route must be shown on the layout plan, to demonstrate the overland flow path in the event of a storm exceeding the underground minor drainage system.

An underground drainage system must be designed to handle the 1 in 100 year storm event for the critical storm duration.

Before the development commences, a Drainage Layout Plan and Drainage Computations for the drainage system (including consideration of any drainage catchment external to the development that may drain to the drainage system) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Drainage Layout Plan and Drainage Computations must be prepared by a Civil Engineer with suitable qualifications to the satisfaction of the Responsible Authority.

When approved, the Drainage Layout Plan and Drainage Computations will be endorsed and will form part of this permit.

22. Before the building approved by this permit is occupied, all boundary fencing must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
23. Except with the prior written consent of the Responsible Authority, equipment, services or other building features (other than those shown on the endorsed plans) must not be erected above the roof level of the building.
24. The development must be provided with external lighting capable of illuminating access to each car parking space and pedestrian walkways. 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 land.
25. The proposed development must be constructed so as to comply with any noise attenuation measures required by Section 3 of *Australian Standard AS 2021-2015, Acoustics - Aircraft Noise Intrusion - Building Siting and Construction*, issued by Standards Australia Limited.
26. Before the development starts, an acoustic report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The acoustic report must be prepared by an acoustics consultant with suitable qualifications to the satisfaction of the Responsible Authority and must detail the noise attenuation measures required to all new habitable rooms within the residential aged care facility

to ensure minimal impacts from noise sources external to the building. Acoustic attenuation is to be provided in accordance with the indoor design sound levels of *AS 2021-2015 (Acoustics - Aircraft Noise Intrusion - Building Siting and Construction)* to achieve the required aircraft noise reduction.

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

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

27. All security alarms or similar devices installed on the land must not emit any noise which is audible beyond the boundary of the land and must be designed in accordance with the relevant Australian Standard and must be connected to a security monitoring service.

VicTrack Conditions

28. The permit holder must, at all times, ensure that the common boundary with railway land is fenced at the permit holder's expense to prohibit unauthorised access to the rail corridor.
29. The permit holder must not, at any time:
 - a) Allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - b) Store or deposit any waste, soil or other materials on the railway land.
30. The permit holder must not plant any plants or tree species that are likely to cause any future overhang onto the railway land or disturbance to the railway operations.

End VicTrack Conditions

31. Before the development starts, and before any trees or vegetation are removed, an amended landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended landscape plan must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale with dimensions and an electronic copy must be provided. The amended landscape plan must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Any changes required by Condition 1 of this permit;
 - b) The use of non-invasive plant species within any easements which will ensure that existing infrastructure assets are not damaged by root systems; and
 - c) All planting abutting the accessways and land frontage to have a maximum mature height of no more than 900mm in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.

When approved, the amended landscape plan will be endorsed and will form part of this permit.

Landscaping in accordance with the endorsed landscaping plan and schedule must be completed before the building is occupied.

32. The garden areas shown on the endorsed plan and schedule must only be used as gardens and must be constructed, completed and maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Any tree or shrub damaged, removed or destroyed must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.
33. Before the development starts, the Sustainable Management Plan (SMP) prepared by 'Ark Resources' dated 28 June 2016 is to be modified in accordance with Condition 1 of this permit and submitted to the Responsible Authority for approval. Once approved, the SMP is to be implemented and appropriately managed during construction of the proposed development.
34. Before the development starts, the Waste Management Plan prepared by 'Wastech Services' dated 15 June 2016 must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be in accordance with Condition 1 of this permit and the City of Moonee Valley's 'Waste Management Plans – Guidelines for Applicants'. When approved the Waste Management Plan will be endorsed and will form part of this permit. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
35. All wastes must be disposed of to the satisfaction of the Responsible Authority. Liquid waste or polluted waters must not be discharged into a sewer or storm water drainage system.
36. Before the development starts, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*, which provides for the following:
 - a) The land is, or will in the future be, subject to aircraft noise exposure associated with Melbourne Airport and is currently located between the 20 to 25 ANEF noise contours. Table 2.1 of Australian Standard AS 2021–2015, *Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*, issued by Standards Australia Limited, states that 'Within the 20 ANEF to 25 ANEF some people may find that the land is not compatible with residential or educational uses'. As a result, Melbourne Airport does not accept any responsibility or liability in respect of any matter arising from aircraft noise and will not enter into any correspondence with the developer or tenants of the aged care facility relating to noise complaints due to the development being within the 20-25 ANEF contours.

The owner of the land, or other person in anticipation of becoming the

owner of the land, must pay all costs and expenses (including legal expenses) of, and incidental to, the agreement (including those incurred by the Responsible Authority).

37. This permit will expire if:

- 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 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.
- Before the development starts, the permit holder must contact Moonee Valley City Council regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- This permit does not authorise any advertising signs. No advertising signs may be erected on the land (other than those which, under the Moonee Valley Planning Scheme, are exempt from the need for a planning permit).
- No on street parking permits will be provided to the occupiers of the land.
- The required on-site detention system must be designed to limit the rate of stormwater discharge from the land to pre-development levels in accordance with the following calculation: $C=0.4$, $t_c=5$ mins, ARI 1 in 5. An ARI of 1 in 10 should be used for storage and the greater of post development C or $C=0.80$.
- 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.
- Before the development starts, separate approval must be obtained from the Moonee Valley City Council in relation to the proposed removal and/or replacement of the nominated street tree. Please contact Council on 9243 8888 to speak with Council's Arborist.
- All works undertaken within any existing road reserves must accord with the requirements of the Moonee Valley City Council's Technical Services Department and be to the satisfaction of the Responsible Authority.
- 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.

- Prior to, during and at completion of the works outlined in Condition 20, staged inspections must be arranged with Moonee Valley City Council's Development Engineering Unit.

CARRIED UNANIMOUSLY

Cr Lawrence left the meeting at 8.21pm.

Cr Lawrence returned to the meeting at 8.23pm.

9.6 Review of Councillor and Mayoral Allowances

File No: FOL/17/11

Author: Lee McSweeney
Coordinator Governance

Directorate: Organisational Performance

Minute No. 2017/185

Council Resolution

Moved by Cr Cusack, seconded by Cr Sipek that Council, having taken in to consideration public submissions and completed its statutory review, resolve to set the Councillor and Mayoral allowances at \$29,630 per annum (Councillors) and \$94,641 per annum (Mayoral), plus 9.5% (equivalent of superannuation guarantee contribution).

For: Crs Surace, Cusack, Sipek

Against: Crs Nation, Byrne, Gauci Maurici, Lawrence, Marshall

LOST

Motion

Moved by Cr Nation, seconded by Cr Byrne that Council, having taken in to consideration public submissions and completed its statutory review, resolve to set the Councillor and Mayoral allowances at \$28,907 per annum (Councillors) and \$92,333 per annum (Mayoral), plus 9.5% (equivalent of superannuation guarantee contribution).

Minute No. 2017/186

Council Resolution

Amendment

Moved by Cr Cusack, seconded by Cr Marshall that Council ensures that the funds that were allocated in the 2017/2018 Budget in anticipation of an increase in Councillor and Mayoral Allowances be redirected to Council's Biannual Grants Program.

CARRIED UNANIMOUSLY

Minute No. 2017/187

Council Resolution

Substantive Motion

Moved by Cr Nation, seconded by Cr Byrne that Council:

1. Having taken in to consideration public submissions and completed its statutory review, resolve to set the Councillor and Mayoral allowances at \$28,907 per annum (Councillors) and \$92,333 per annum (Mayoral), plus 9.5% (equivalent of superannuation guarantee contribution).
2. Ensures that the funds that were allocated in the 2017/2018 Budget in anticipation of an increase in Councillor and Mayoral Allowances be redirected to Council's Biannual Grants Program.

**The foreshadowed motion in the name of Cr Nation was put and
CARRIED UNANIMOUSLY**

9.7 Proposed second wicket at Strathnaver Reserve

File No: FOL/17/11

Author: Luke Casey
Senior Sports Development Officer

Directorate: Planning & Development

Minute No. 2017/188

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Byrne that Council:

1. Ensure Strathnaver Reserve and Strathnaver Sports Pavilion remain as multi-use facilities, as per Council's Sports Development Plan 2014-23.
2. Ensure the seasonal allocation of cricket in summer and soccer in winter continues at Strathnaver Reserve and Strathnaver Pavilion.
3. Note that Council officers will, as a matter of urgency, work with Cricket Victoria, Commonwealth Department of Infrastructure and Regional Development and the Strathmore Cricket Club to further develop the sport of cricket, including opportunities to use the Cricket Victoria grant to upgrade cricket facilities within the municipality.

For: Crs Surace, Nation, Byrne, Cusack, Gauci Maurici, Marshall, Sipek

Against: Nil.

Abstained: Cr Lawrence.

CARRIED

At the request of Cr Sipek, the Chairperson accepted to consider Reports 9.8, 9.9 and 9.10 En Bloc.

Reports Considered En Bloc

Minute No. 2017/189

Council Resolution

Moved by Cr Sipek, seconded by Cr Nation that that the recommendations contained in reports:

- 9.8 Microsoft Enterprise Agreement Renewal Approval
- 9.9 Draft Domestic Animal Management Plan 2017-2021
- 9.10 Report on Assemblies of Council

be adopted by Council.

CARRIED UNANIMOUSLY

9.8 Microsoft Enterprise Agreement Renewal Approval

File No: FOL/17/11

Author: Robert Raiskums
Chief Information Officer

Directorate: Organisational Performance

Minute No. 2017/189

Council Resolution

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

1. In accordance with Section 186 5(c) of the *Local Government Act* 1989, enter into a contract with or through the Municipal Association of Victoria Procurement ('MAV Procurement') for the provision of goods, services or works.
2. Enter into Contract FOL/17/647 with Staples Australia for \$865,000 (ex GST) for a term of three years.
3. Authorise the Chief Executive Officer to negotiate the final form and execute the contract on behalf of Council.

CARRIED UNANIMOUSLY

9.9 Draft Domestic Animal Management Plan 2017-2021

File No: FOL/17/11

Author: Carey Patterson
Manager Building, Health & Property Services

Directorate: City Services

Minute No. 2017/189

Council Resolution

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

1. Endorse the draft Domestic Animal Management Plan 2017-2021 provided as **Appendix A** (separately circulated) for the purposes of community consultation.
2. Receive a further report, following the completion of the community consultation.

CARRIED UNANIMOUSLY

9.10 Report on Assemblies of Council

File No: FOL/17/11

Author: Lee McSweeney
Coordinator Governance

Directorate: Organisational Performance

Ward: Municipal

Minute No. 2017/189

Council Resolution

Moved by Cr Sipek , seconded by Cr Nation that Council receive and note the written records of Assembly of Councillors, provided as **Appendix A**, received since the last report to Council in May 2017.

CARRIED UNANIMOUSLY

Cr Sipek left the meeting at 9.27pm.

Cr Sipek returned to the meeting at 9.29pm.

Cr Cusack left the meeting at 9.32pm.

Cr Cusack returned to the meeting at 9.34pm.

10. Notices of Motion

10.1 Notice Of Motion Report - Exploring possible options regarding Tennis court usage for leisure

File No: FOL/17/11

From: Councillor Samantha Byrne

Minute No. 2017/190

Council Resolution

Moved by Cr Byrne, seconded by Cr Cusack that Council prepare a report to come before an Ordinary Meeting of Council

1. Availability of free to access and pay-per-use council owned tennis courts within the municipality;
2. The potential positive and negative outcomes of implementing the 'book a court' tennis program for Council and tennis clubs within the municipality; and
3. Options deemed suitable to increase availability of tennis facilities in the municipality.

CARRIED UNANIMOUSLY

11. Urgent Business

Nil.

12. Confidential Reports

Minute No. 2017/191

Council Resolution

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

12.1 Understanding and Meeting Competitive Neutrality Obligations

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (a) personnel matters AND (d) contractual matters.

12.2 Community Service Subsidies 2017/18

Item 12.2 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.

12.3 23 & 25 Russell Street, Essendon (Lot 3 LP7523 and Land in PS527604D) - Construction of a multi storey building comprising a shop and dwellings, reduction in the car parking requirements and waiver of the loading bay requirements

Item 12.3 is Confidential under the terms section 89(2) of the Local

Government Act 1989 as it contains information relating to: (h) other matter.

- 12.4 177A Mt Alexander Road, Flemington (Lot 1 TP803253F) - Construct a multi-storey building in a Design and Development Overlay (DDO3) and Environmental Significant Overlay (ESO2), use of the land for dwellings, reduce car parking requirements, waive loading bay requirements and alter access to a road in a Road Zone, Category 1**

Item 12.4 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.

CARRIED UNANIMOUSLY

Minute No. 2017/196

Council Resolution

Moved by Cr Sipek , seconded by Cr Gauci Maurici that Council resume in open Council.

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 9.58pm.

**CR ANDREA SURACE
CHAIRPERSON**