



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 28 March 2017 at 6.30pm

Minutes

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Minutes of the Ordinary Meeting of Council

Tuesday, 28 March 2017 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT :

Members: Cr Andrea Surace
Cr Cam Nation
Cr Samantha Byrne
Cr Jim Cusack
Cr Rebecca Gauci Maurici
Cr Richard Lawrence
Cr Nicole Marshall
Cr Narelle Sharpe

Officers:	Ms Natalie Reiter	Acting Chief Executive Officer
	Ms Gail Conman	Director City Services
	Ms Kendrea Pope	Director Organisational Performance
	Mr Kate McCaughey	Acting Director Planning & Development
	Mr Gil Richardson	Acting Director Planning & Development
	Mr Lee McSweeney	Coordinator Governance

1. Opening

The Mayor, Cr Surace, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 28 March 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 extends this respect to the elders and descendants of other Aboriginal peoples here today.

The Mayor 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

An apology was received from Cr Sipek.

3. Confirmation of Minutes

Minute No: 2017/34

Council Resolution

Moved by Cr Nation, seconded by Cr Cusack Special Meeting of Council held on Tuesday, 27 February and the Ordinary Meeting of Council held on Tuesday, 14 March 2017.

CARRIED UNANIMOUSLY

4. Declarations of Conflict of Interest

Cr Byrne declared an indirect conflict of interest in Item 9.1. Specifying the nature of the interest by close association as my parents live within close proximity of the property.

5. Presentations

Nil.

6. Petitions and Joint Letters

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

Nil.

7. Public Question Time

Nil.

8. Reports by Mayor and Councillors

File No. FOL/17/11

Minute No: 2017/35

Council Resolution

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

CARRIED UNANIMOUSLY

9. Reports

Having declared an indirect interest in Item 9.1, Cr Byrne left the meeting at 6.47pm.

9.1 19 Teague Street, Niddrie (Lot 407 on LP 010094) - Construction of three dwellings

File No: FOL/17/11
Author: Justin Scriha
Senior Statutory Planner
Directorate: Planning & Development
Ward: Rosehill
Minute No: 2017/36

Council Resolution

Moved by Cr Cusack, seconded by Cr Marshall that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV/622/2016 for the construction of three dwellings at 19 Teague Street, Niddrie (Lot 407 on LP 010094) in accordance with the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions and an electronic copy must be provided. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) The deletion of the study and reduction in size of the bathroom to the upper floor of Dwelling 3 in order to reduce the upper floor footprint.
 - b) The separation between the upper floor levels of Dwelling 1 and 2 increased to a minimum of 2 metres, with no further changes to either building footprint.
 - c) Any internal reconfiguration as a result of Conditions 1(a) and 1(b).
 - d) The height of the porch to Dwelling 1 reduced to less than 3.6 metres in accordance with Clause 55.03-1 (Street Setback) of the Moonee Valley Planning Scheme.
 - e) The provision of a low scale (no higher than 1.2 metres) and semitransparent front fence.
 - f) The provision of pedestrian visibility splays in accordance with Clause 52.06-8 (Design Standards for Car Parking) of the Moonee Valley Planning Scheme.
 - g) Dimensions of all proposed storage areas shown on the plans to ensure compliance with Clause 55.05-6 (Storage) of the Moonee Valley Planning Scheme.
 - h) The storage area within the garage of Dwelling 1 must not obstruct the vehicle parking space.

- i) The proposed vehicle crossing servicing the shared accessway to be constructed as a double crossover with No. 21 Teague Street.
- j) The existing and proposed vehicle crossings to be modified/constructed in accordance with Council's Vehicle Crossings Policy.
- k) The vehicle accessways to have a width 3 metres at the front title boundary, aligning with the vehicle crossings.
- l) All obscure glazed windows to be fixed or provided with a maximum opening capacity of 150mm.
- m) Any stormwater treatment measures and notations as a result of Conditions 3 and 8; and
- n) All BESS treatment measures and associated notations shown on the relevant plans as a result of Condition 4 in accordance with Clause 21.04 of the Moonee Valley Planning Scheme. This must be consistent with the information provided in the correct BESS report.

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. 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 100% to comply with Clause 22.03-4 (Stormwater Management) of the Moonee Valley Planning Scheme.
- 4. An amended BESS assessment report must be submitted simultaneously with the submission of amended plans and STORM report in accordance with Conditions 1 and 3. The BESS Assessment must comply with Clause 21.04 (Sustainable Environment) of the Moonee Valley Planning Scheme and must accord with the amended STORM report.
- 5. Before the buildings approved by this permit are occupied, all boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6. 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.
- 7. 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.
- 8. 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 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.

9. A minimum 30 days prior to any building or works commencing, a WSUD Site Management Plan must be submitted to and approved by the Responsible Authority detailing the site and environmental management methods to be used. The plan must include, but is not limited to:
 - a) A statement or report outlining all construction measures to be taken to prevent litter, sediments and pollution from entering the stormwater systems.

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

10. 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 treatment measures written by the author of the WSUD Response and STORM or MUSIC model approved pursuant to this permit, or licensed installing/commissioning plumber, or similarly qualified person or company. This report must be to the satisfaction of the Responsible Authority and must confirm that all WSUD treatment measures 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's Guide or a Building Maintenance Guide.

11. Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
12. Before the buildings approved by this permit are 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 objective) 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.

13. 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.

14. Before the buildings approved by this permit are 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.

15. 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; and
- d) Finished with a permanent trafficable surface (such as concrete, asphalt or paving),

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:

- a) Be maintained and made available for such use; and
- b) Not be used for any other purpose,

to the satisfaction of the Responsible Authority.

16. 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.

17. 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 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.

18. Prior to the issue of an Occupancy Permit, all new boundary fencing as shown on the endorsed plans must be erected. The cost of such fencing must be met by the owner and carried out to the satisfaction of the Responsible Authority.
19. 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 land.
20. Before the development starts, and before any trees or vegetation are removed a landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The landscape plan and schedule must be prepared by a person or firm with suitable qualifications to the satisfaction of the Responsible Authority, drawn to scale and an electronic copy must be provided. The landscape plan and schedule must be generally in accordance with the landscape plan submitted with the application but modified to show:
 - a) Any changes as required by Condition 1 of this permit;
 - b) The provision of two (2) canopy trees within the front setback of Dwelling 1, which are able to achieve a minimum mature height of 4 metres;
 - c) A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant;
 - d) The use of drought tolerant species;
 - e) Features such as paths, paving and accessways;
 - f) All planting abutting the accessway(s) 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;
 - g) The use of non-invasive plant species which will ensure that existing infrastructure assets are not damaged by root systems; and

h) An appropriate irrigation system.

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

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

21. 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.
22. 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.
- No on street parking permits will be provided to the occupiers of the land.
- 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 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.
- 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 $C=0.80$.

For: Crs Surace, Nation, Cusack, Gauci Maurici, Lawrence, Marshall
Against: Cr Sharpe

CARRIED

Cr Byrne returned to the meeting at 6.53pm.

**9.2 52 Fletcher Street, Essendon (Lot 1 on TP 387667Q) -
Use and development of the land for a four storey
building comprising a shop and eight dwellings,
reduction to the car parking requirement and waiver of
the loading bay requirement**

File No: FOL/17/11
Author: Lachlan Orr
Senior Statutory Planner
Directorate: Planning & Development
Ward: Buckley
Minute No: 2017/37

Council Resolution

Moved by Cr Cusack, seconded by Cr Byrne that Council issue a Notice of Decision to Amend a Planning Permit in relation to application no. MV/693/2011/B at 52 Fletcher Street, Essendon (Lot 1 on TP 387667Q) in accordance with the following:

- The permit preamble amended to read:
'Use and development of the land for a four storey building comprising a shop and eight dwellings, reduction to the car parking requirement and waiver of the loading bay requirement'
- The inclusion of Condition 1 j):
The design of bicycle facilities to accord with the relevant standards in accordance with Clause 52.34 (Bicycle Facilities) of the Moonee Valley Planning Scheme.
- The inclusion of the following permit note:
This permit has been amended to change what the permit allows, to include Condition 1 j) and to modify the approved development pursuant to Section 72-76B of the *Planning and Environment Act 1987*.

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

LOST

Adjournment of Meeting

Minute No: 2017/38

Council Resolution

Moved by Cr Lawrence, seconded by Cr Gauci Maurici that the meeting be adjourn for 5 minutes to prepare a Proposed Motion for item 9.2.

CARRIED UNANIMOUSLY

Minute No: 2017/39

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that the meeting be resumed.

CARRIED UNANIMOUSLY

Minute No: 2017/40

Council Resolution

Moved by Cr Sharpe, seconded by Cr Lawrence that Council refuse the application to amend a planning permit in relation to application no MV/693/2011/B at 52 Fletcher Street, Essendon (Lot 1 on TP 387667Q) in accordance with the following:

- Unacceptable impact on the neighbouring heritage property including significant overshadowing;
- Detriment to neighbourhood character;
- Visual bulk;
- Overdevelopment of the size of the block (300 square metres);
- Inadequate retail or visitor car spaces.

For: Crs Surace, Nation, Byrne, Gauci Maurici, Lawrence, Sharpe

Against: Crs Cusack, Marshall

**THE FORESHADOWED MOTION IN THE NAME OF CR SHARPE
WAS PUT AND CARRIED**

9.3 Debneys Park Precinct - Planning Update

File No: FOL/17/11

Author: Colin Harris

Senior Project Manager – Infrastructure & Land Use

Developments

Directorate: Planning & Development

Ward: Myrnong

Minute No: 2017/41

Council Resolution

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

1. Receive and note this report.
2. Provide in-principle support for the relocation of the Flemington Community Centre more proximate to Racecourse Road in any future development outcomes.
3. Support the Minister for Planning to be the Responsible Authority for the Debneys Precinct through the forthcoming planning process.

CARRIED UNANIMOUSLY

9.4 Motion for MAV State Council Meeting on 12 May 2017

File No: FOL/17/11

Author: Lee McSweeney
Coordinator Governance

Directorate: Organisational Performance

Ward: Municipal

Minute No: 2017/42

Council Resolution

Moved by Cr Marshall, seconded by Cr Sharpe that Council

1. Submit the following Motions to the Municipal Association of Victoria (MAV) State Council Meeting on 12 May 2017:
 - a) That MAV State Council take urgent action to advocate to the Federal and State Governments to secure ongoing funding of the Universal Access to Early Childhood Education Program (15 Hours of Kindergarten) beyond 2017.
 - b) That Council join the MAV in circulating and encouraging community members to sign the "Stop the kinder funding cuts" petition.
2. That the MAV advocate to the state government to amend the *Victorian Government Land Holding Policy and Guidelines* in relation to state owned or state government agency owned land which has been exclusively occupied, used and maintained by a municipal council on a long term basis for the purpose of providing public open space, municipal recreation and playground or allied public infrastructure, so as to enable the land owner to exercise discretion to either:
 - a) Enter into a long term lease or licence with a council where the occupation and use of the land demonstrates a long term social or community benefit which justifies a nominal lease rental, or
 - b) Gift and transfer the land to a council by way of a restrictive Crown grant whereby the land is permanently reserved as public open space or community use at a nominal consideration.

3. That the reports circulated to Councillors prior to the meeting be tabled.

CARRIED UNANIMOUSLY

9.5 Report on Assemblies of Council

File No: FOL/17/11
Author: Lee McSweeney
Coordinator Governance
Directorate: Organisational Performance
Ward: Municipal
Minute No: 2017/43

Council Resolution

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

CARRIED UNANIMOUSLY

9.6 Land Leases of Council Owned Facilities

File No: FOL/17/11
Author: Carey Patterson
Manager Building, Health & Property Services
Directorate: City Services
Ward: Municipal
Minute No: 2017/44

Council Resolution

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

1. Receive the report relating to the Land Leases of Council Owned Facilities as presented in **Appendix A** (Confidential – separately circulated); and
2. Maintains its current policy in relation to its leasing arrangements until the Community Facilities Framework has been completed at which time a report be prepared for Council outlining options in relation to existing and future leasing arrangements, such report to consider issues of sustainability, equity and capacity to pay.

CARRIED UNANIMOUSLY

10. Notices of Motion

The Mayor, Cr Surace vacated the Chair to move Notice Of Motion 2017/01 - Proposed Tolls on Citylink at 8.08pm.

Cr Nation, Deputy Mayor was appointed Temporary Chairperson and took the Chair at 8.08pm.

10.1 Notice Of Motion 2017/01 - Proposed Tolls on Citylink

File No: FOL/17/11
From: Councillor Andrea Surace
Ward: Municipal
Minute No: 2017/45

Council Resolution

Moved by Cr Surace, seconded by Cr Marshall take notice that at the Ordinary Meeting of Council to be held on 28 March 2017 it is my intention to move that Council write to the Minister for Roads and Road Safety and the Chief Executive Officer of VicRoads, expressing Council's concern in relation to the proposed increase in CityLink tolls for heavy vehicles to be imposed from 1 April 2017 including:

1. The potential for a significant increase in commercial vehicle traffic volumes that the City of Moonee Valley is likely to experience as a consequence of trucks avoiding CityLink.
2. The flow-on effect of heavy vehicles on the amenity of the local community and damage to local road infrastructure.
3. Requesting a copy of the traffic impact assessment / modelling outlining the impact on Moonee Valley's road network of the expected increase in heavy vehicle traffic (day and night) avoiding the tolls and proposed mitigation measures.

CARRIED UNANIMOUSLY

The Deputy Mayor, Cr Nation vacated the Chair at 8.21pm.
The Mayor, Cr Surace resumed the Chair at 8.21pm.

10.2 Notice Of Motion 2017/02 - Livestreaming of Ordinary and Special Council Meetings

File No: FOL/17/11
From: Councillor Nicole Marshall
Ward: Myrnong
Minute No: 2017/46

Council Resolution

Moved by Cr Marshall, seconded by Cr Byrne take notice that at the Ordinary Meeting of Council to be held on 28 March 2017 it is my intention to move:

That the Chief Executive Officer prepare a report to Council:

1. Outlining the costs associated with livestreaming and video podcasting Ordinary and Special Meetings, with a view of implementation in the 2017/2018 financial year; and
2. Advising of the necessary changes to Council policies and protocols to support implementation of livestreaming and timeframes for delivery.

CARRIED UNANIMOUSLY

10.3 Notice Of Motion 2017/03 - Design of Pavillions

File No: FOL/17/11

From: Councillor Nicole Marshall

Ward: Municipal

Minute No: 2017/47

Council Resolution

Moved by Cr Marshall, seconded by Cr Nation take notice that at the Ordinary Meeting of Council to be held on 28 March 2017 it is my intention to move that:

1. Council's CEO prepare a report for Council outlining how Council can:
 - a. reduce the costs associated with the construction of new or upgraded pavilions; and
 - b. have greater certainty regarding final construction costs before Council agrees to undertake a pavilion project, including the possibility of agreeing construction budgets prior to the design process.
2. In future master plans which contemplate the upgrading or construction of a new pavilion, indicative pavilion costings be developed and included as part of the master plan process.
3. Council develop a standard, cost-effective pavilion model to be used as the base model for all new or upgraded pavilion projects with such model to be varied only where necessary from an engineering, construction or planning perspective and/or where contributions to the project are funded by a third party.

CARRIED UNANIMOUSLY

11. Urgent Business

Nil.

12. Confidential Reports

Minute No: 2017/48

Council Resolution

Moved by Cr Sharpe, seconded by Cr Cusack 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:

12.1 199-203 Union Road, Ascot Vale (Lot 1 TP846865E) - Consideration of an offer to form a consent position

Item 12.1 is Confidential under the terms section 89(2) of the Local Government Act 1989 as it contains information relating to: (h) other matter.

12.2 Independent Member Appointments to Council's Audit Advisory Committee

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

CARRIED UNANIMOUSLY

Minute No: 2017/53

Council Resolution

Moved by Cr Nation, seconded by Cr Lawrence that Council resume in open Council.

CARRIED UNANIMOUSLY

13. Close of Meeting

The meeting concluded at 9.13pm.

**CR ANDREA SURACE
CHAIRPERSON**