



City of
Moonee Valley

Ordinary Meeting of Council

Tuesday, 10 April 2018 at 6.30pm

Minutes

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The following reports were considered:

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Minutes of the Ordinary Meeting of Council

Tuesday, 10 April 2018 at 6.30pm
held at the Moonee Valley Civic Centre

PRESENT :

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

Officers: Ms Kendrea Pope A/Chief Executive Officer
Mr Steven Lambert Director City Services
Ms Natalie Reiter Director Planning & Development
Mr Petrus Barry A/Director Organisational Performance
Mr Gil Richardson A/Director Asset Planning & Strategic Projects
Ms Allison Watt Manager Governance and Communications
Ms Vera Mitrovic-Misic A/Manager Statutory Planning

1. Opening

The Mayor, Cr Sipek, opened the meeting and welcomed all present to the Council Meeting of Tuesday, 10 April 2018.

On behalf of Moonee Valley City Council, the Mayor welcomed all present and respectfully acknowledged the Traditional Custodians of the land on which Moonee Valley is located – the Wurundjeri People of the Kulin Nation; and paid respect to their Spirits, Ancestors, Elders and their Community Members past and present.

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

2. Apologies

An apology for non-attendance was received from Cr Cam Nation.

3. Confirmation of Minutes

That the Minutes of the Ordinary Meeting of Council held on Tuesday, 27 March 2018 be confirmed.

CONFIRMED

4. Declarations of Conflict of Interest

Cr Byrne declared an indirect conflict of interest in Item 9.4 Valley Lake (Area 2A) Local Area Traffic Management Study due to impact on residential amenity under s78E of the Local Government Act.

5. Presentations

Cr Gauci Maurici presented a banner to Council from the Lions Club of Essendon on its 65th anniversary.

6. Petitions and Joint Letters

Nil.

7. Public Question Time

Mrs Miriam Gillis of Moonee Ponds asked the following questions:

Question 1

As Councillors have you held consultation meetings with residents in your wards in relation to the future of Home and Community Care at MVCC?

Response

Mr Steven Lambert, Director City Services provided the following response:

Councillors did not hold ward meetings, however there has been extensive community consultation about this matter, including a postcard survey which was distributed to all aged care service recipients last year and which were made available at many events and activities during the Seniors Week Festival. We also had a listening post at the Seniors Festival where community members could leave their feedback about the Federal Government's reforms to the aged care sector. The outcomes of this consultation were reported back to Council. Generally, the community understands that these reforms are being driven by another level of government and that Council wants the best outcome for clients, the community and staff.

Question 2

As Councillors are you confident that any decision you make on Home and Community Care tonight will be an informed decision?

Response

Mr Steven Lambert, Director City Services provided the following response:

The Western Region Councils have worked in partnership over the past two years to consider service delivery options available to our ageing communities. Councillors have been briefed several times over the past 12 months about aged care reforms which are being driven by the Federal Government and what this means for Moonee Valley staff, clients and residents. Councillors and officers have been working towards a solution which provides continuity of care for our elderly clients and the best possible outcomes for staff and the broader community.

Mr Brian Gillis of Moonee Ponds asked the following questions:

Question 3

As Councillors are you aware of the preparation of tender documents for the transfer of business of Home and Community Care before you vote on a decision tonight?

Response

Mr Steven Lambert, Director City Services provided the following response:

Council officers have undertaken preliminary planning and preparation and have briefed Council several times prior to putting forward a recommendation for a Council decision. This preparation has included the work undertaken with other Western Region Councils.

Question 4

Councillors, before you vote on a decision tonight regarding the future of Home and Community Care in Moonee Valley City Council are you aware that Home and Community Care staff will not receive a redundancy payment if they reject a position with a contractor under the Transfer of Business clause in the MVCC Enterprise Agreement 2017-2020?

Response

Mr Steven Lambert, Director City Services provided the following response:

Council's main aim is to ensure ongoing employment of staff, to provide continuity of service for our clients and to mitigate redundancy. As part of the tender process we will be seeking an external provider that will take on all our existing staff and their current entitlements and conditions so that no staff member is worse off under any new employer.

Mr Barry Gough of Ascot Vale asked the following question:

Question 5

Have Councillors been briefed on the impact of home care staff redundancy entitlements in the event that Council contracts this service to an external agency, the staff are transferred to that agency as part of the transmission of

business and the contract is not subsequently renewed by the Federal Government?

Response

Mr Steven Lambert, Director City Services provided the following response:

Yes. Councillors have been briefed several times on this subject. As articulated in the previous response, as part of the tender process we will be seeking an external provider that will take on all our existing staff and their current entitlements – including redundancy entitlements - and conditions so that no staff member is worse off under a new employer.

Mr Billy King of the Australian Services Union asked the following questions:

Question 6

Have Councillors been briefed on the proposed restructure in the Customer Service unit?

Response

Mr Petrus Barry, Acting Director Organisational Performance provided the following response:

Councillors are aware of the commencement of the consultation process regarding the proposed change for the Customer Service unit. Councillors have also been advised that the purpose of this change is to align service delivery with best practice in customer service contact centres. This includes having a dedicated team to deliver customer centric projects which will allow the operational team to focus on servicing our customers' needs. Councillors have been kept informed on the progress, however are not directly involved in the details of the proposed restructure.

Point of Clarification - Cr Marshall advised that Councillors had not been briefed on the matter, to which Mr Barry responded that an update had been sent via email. Cr Marshall responded that an update is not a briefing.

Question 7

As Councillors are you aware that the proposed restructure in the Customer Service unit will lead to multiple job losses and have people doing the same work for less pay?

Response

Mr Petrus Barry, Acting Director Organisational Performance provided the following response:

The proposed Customer Service unit restructure is to create an agile workforce to allow for the community to choose to interact with us - whether this is over the phone, in person or online – in such a way that we can respond efficiently and effectively. Councillors are aware that the consultation process has commenced and that Council is seeking feedback from staff and the union to inform any decision being made. Councillors are not involved directly in the

details of the proposed restructure but acknowledged that to achieve the above outcome, roles and responsibilities will need to be reviewed.

Point of Clarification - Cr Marshall advised that the last sentence of Mr Barry's response purported to be a statement on behalf of Councillors, which is not the case or Cr Marshall's understanding of the situation.

Ms Rose Iser of Travancore asked the following questions:

Question 8

Is MVCC now in general agreement on the built form outcome, and if yes, can MVCC clearly state what this general agreement means?

Response

Mr Gil Richardson, Acting Director Asset Planning & Strategic Projects provided the following response:

Whilst the Amendment is generally consistent with Council's submission it does not specifically address the community infrastructure needs identified in our submission including public transport improvements and a new community hub. A report will be presented to Council in May / June outlining the key aspects of the Planning Scheme Amendment and the Advisory Committee report and how the outcomes meet Council's original Submission.

Question 9

How will Council seek to advocate for public housing resident's interests to achieve the best outcome from the planning approvals process given residents expressed concerns, the lack of information provided to residents, and the removal of the Council as the Responsible Authority for the area?

Response

Mr Gil Richardson, Acting Director Asset Planning & Strategic Projects provided the following response:

The Council report will also outline next steps including the need for the Department of Health and Human Services to prepare a detailed Development Plan for the site in partnership with Council and other key stakeholders.

8. Reports by Mayor and Councillors

Nil.

9. Reports

9.1 1-13 Fullarton Road, Airport West (Lot 1 on PS718354L) - Construction of six dwellings

File No: FOL/18/32

Author: Grant Michell
Principal Statutory Planner
Directorate: Planning & Development
Minute No: 2018/54

Council Resolution

Moved by Cr Byrne, seconded by Cr Surace that Council issue a Notice of Decision to Refuse to Grant a Permit in relation to Planning Permit Application No. MV/924/2016 for the construction of six dwellings at 1-13 Fullarton Road, Airport West (Lot 1 on PS718354L) in accordance with the following grounds of refusal:

1. The proposal does not comply with the Clause 21.06-1 (Neighbourhood Character), Clause 21.06-4 (Objectives & Strategies – Urban Design), and Clause 52.02 (Neighbourhood Character and Infrastructure) of the Moonee Valley Planning Scheme as it would result in a development that fails to appropriately respond to its location and the surrounding context.
2. The proposal does not satisfy the following objectives and standards of Clause 55 of the Moonee Valley Planning Scheme:
 - a) Clause 55.02-1 (Neighbourhood character Objective);
 - b) Clause 55.03-1 (Street Setback);
 - c) Clause 55.04-1 (Side and Rear Setbacks);
 - d) Clause 55.04-7 (Internal Overlooking);
 - e) Clause 55.05-2 (Dwelling Entry);
 - f) Clause 55.05-3 (Daylight to New Windows); and
 - g) Clause 55.06-1 (Design Detail Objective).
3. The location of the proposed vehicular crossover is inappropriate and will result in unreasonable traffic impacts to Fullarton Road and safety impacts to residents.
4. The proposed development presents as an overdevelopment of the subject site due to the lack of consideration given to the siting of the dwellings and its response to its corner location.

CARRIED UNANIMOUSLY

9.2 116 Glass Street and 2 Winifred Street, Essendon (Lot 1 on TP393405N and Units 1 and 2 on SP014011) - Construction of 18 dwellings in a Design and Development Overlay Schedule 10

File No: FOL/18/32
Author: Grant Michell
Principal Statutory Planner
Directorate: Planning & Development
Minute No: 2018/55

Council Resolution

Moved by Cr Gauci Maurici, seconded by Cr Lawrence that Council issue a Notice of Decision to Grant a Permit in relation to Planning Permit Application No. MV631/2017 for the construction of 18 dwellings in a Design and Development Overlay Schedule 10 at 116 Glass Street and 2 Winifred Street, Essendon (Lot 1 on TP393405N and Units 1 and 2 on SP014011) subject to the following conditions:

- 1) Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted in an electronic format and approved by the Responsible Authority. The amended plans must be drawn to scale with dimensions. The amended plans must be generally in accordance with the plans submitted and assessed with the application but modified to show:
 - a) Alterations in the development layout in accordance with the discussion plans submitted to Council on 21 February 2018 (TPO2, TPO3, TP21 and TP40 Revision C);
 - b) Alterations to the eastern elevation of Dwelling 10 in accordance with the Sketch Plans submitted to Council on 4 December 2017 (Sketch Plan Pg. 3);
 - c) A notation stating that the crossover is to be constructed in accordance with Council's Vehicle Crossing Policy and centred to the accessway;
 - d) The location of the crossover, road reserve and all street furniture on all floor plans;
 - e) All site services and mailboxes to be no more than 1.5 metres in height;
 - f) All STORM and BESS annotations and measures in accordance with Conditions 3 and 4 of this permit;
 - g) The street setback to Winifred Street to be increased to 3.85 metres in compliance with Clause 55.03-1 (Standard B6 Street Setback) of the Moonee Valley Planning Scheme;
 - h) Alterations to the built form in accordance with condition 1(g) of

this permit with no reductions in the side and rear setbacks;

- i) The deletion of Dwellings 11 and 12
- j) All ground floor habitable room windows facing the common walkways to be double glazed;
- k) All internal boundary fencing;
- l) All boundary fencing to be 1.8 metres in height and taper to 1.2 metres at the street abutments;
- m) A notation on the elevation plans stating that all habitable room windows and terraces at first and second floor levels screened in accordance with Clause 55.04-6 (Standard B22 Overlooking) of the Moonee Valley Planning Scheme; and
- n) A landscape plan in accordance with Condition 5.

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 BESS report which is a published version must be submitted simultaneously with the submission of amended plans and to be in accordance with Clause 21.04 (Sustainable Environment) of the Moonee Valley Planning Scheme.
- 4) 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.
- 5) Before the development starts, and before any trees or vegetation are removed an amended landscape plan and schedule to the satisfaction of the Responsible Authority must be submitted in an electronic format 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) Additional landscaping along the eastern boundary opposite Dwelling 10 in accordance with the Sketch Plans submitted to Council on 4 December 2017 (Sketch Plan Pg. 3); and
 - c) Details of all planter boxes, including soil volumes to ensure sufficient area is provided for the proposed landscaping response.

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.

- 6) 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.
- 7) 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.
- 8) 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 Guidelines and Template.

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.

- 9) 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.

- 10) Floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 11) Before the building/s approved by this permit is/are occupied, the privacy screens and other measures to prevent overlooking as shown on the endorsed plans must be installed in accordance with Clause 54.04-6/55.04-6 (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.

- 12) 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.
- 13) Before the building approved by this permit is 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 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:

- 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.
- 14) Before the buildings approved by this permit are occupied, 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 crossing 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. In addition all vehicle access points must be located a minimum 2.0m from any tree. 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) 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.

- 16) 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.

- 17) The development must be provided with external lighting capable of illuminating access to each vehicle accessway, 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.

- 18) This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within two (2) years from 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 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 on 9243 8888 regarding legal point of discharge, vehicular crossings, building over easements, asset protection, road consent/occupancy, etc.
- 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 $C=0.80$.
- 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.
- The development authorised by this permit will require the submission of a Construction and Site Management Plan (CSMP) prior to the commencement of any works. All CMPs are required to be made via Council's new online system at <http://www.mvcc.vic.gov.au/planning-and-building/planning/construction-site-management-plans.aspx> or in person at 9 Kellaway Ave, Moonee Ponds.
- The on-site car spaces and storage cages must not be subdivided, leased or sold separately to external parties that are not prime lot owners or tenants of the building or development.

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

Against: Crs Sipek, Sharpe, Surace

CARRIED

9.3 East Keilor Leisure Centre redevelopment - schematic design

File No: FOL/18/32
Author: Melanie Lorback
Senior Project Coordinator
Directorate: City Services
Minute No: 2018/56

Council Resolution

Moved by Cr Surace, seconded by Cr Byrne that Council endorse the *East Keilor Leisure Centre redevelopment - Schematic Design* (**Appendix A**, separately circulated) and the associated project estimate (**Appendix B**) for the proposed redevelopment of East Keilor Leisure Centre.

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

Having previously declared a conflict of interest in the following item, Cr Byrne left the meeting at 7:23pm.

9.4 Valley Lake (Area 2A) Local Area Traffic Management Study

File No: FOL/18/32
Author: James Kempen
Traffic and Transport Engineer
Directorate: Planning & Development
Minute No: 2018/57

Council Resolution

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

1. Endorses the Draft Traffic Management Plan for the Valley Lake 2A Local Area Traffic Management Study (as shown in **Appendix A**) as detailed below:
 - a) Refer items I, O, V and Y to Council's Transport operational budget for installation, and
 - b) Endorse all other items for public consultation.
2. Endorses the Draft Parking Management Plan for the Valley Lake 2A Local Area Traffic Management Study, (as shown in **Appendix B**), for public consultation.
3. Receives a further report at the conclusion of the public consultation.
4. Receives a further report that considers more efficient methods of

preparing and developing Local Area Traffic Management Plans.

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

Cr Byrne returned to the meeting at 7:26pm.

9.5 Update on Notice of Motion No. 2017/08 - Large Gum Trees in Keilor East and Avondale Heights

File No: FOL/18/32

Author: David Murnane
Coordinator Open Space Management

Directorate: City Services

Minute No: 2018/58

Council Resolution

Moved by Cr Byrne, seconded by Cr Surace that Council endorses the implementation of recommendations made in the *Tree Impact Assessments – Keilor East and Avondale Heights* report (**Appendix A**, separately circulated), including:

- a) The development of species palettes for Keilor East and Avondale Heights, predicated on appropriate size for location and site constraints, complementing pervading landscape characters and drought/heat tolerances.
- b) The review of procedures outlined in Council's Tree Management Strategy 2013-17, regarding the management of tree roots and tree removal protocol, in line with information contained in the attached report.
- c) The development of a style guide for street designs that can incorporate larger trees, in line with the of the 'plant the right tree, in the right place' concept discussed in the report.
- d) The review of Council's tree root damage claim investigation process, which takes into consideration the MAV insurance tree root risk assessment tool.

CARRIED UNANIMOUSLY

9.6 Report on Assemblies of Councillors

File No: FOL/18/32

Author: Kate Evans
Governance Officer

Directorate: Organisational Performance

Minute No: 2018/59

Council Resolution

Moved by Cr Surace, seconded by Cr Lawrence that Council receives and notes the written records of assembly of Councillors, provided as **Appendix A**, received since the last report to Council in December 2017.

CARRIED UNANIMOUSLY

10. Urgent Business

Nil.

12. Confidential Reports

Council Resolution

Moved by Cr Surace, seconded by Cr Lawrence 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 matter:

12.1 Aged Care Services at Moonee Valley City Council

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

For: Crs Sipek , Cusack, Lawrence, Sharpe, Surace

Against: Crs Byrne, Gauci Maurici, Marshall

CARRIED

The meeting closed to the public at 7.35pm

13. Close of Meeting

The meeting concluded at 8.33pm

CR JOHN SIPEK
CHAIRPERSON