



**Maribyrnong City Council**

**ORDINARY MEETING OF COUNCIL MINUTES**

**Tuesday 24 July, 2018  
6.30pm**

**Council Chamber  
Level 1  
Maribyrnong Council Offices  
Corner Hyde and Napier Streets, Footscray**

**MEMBERSHIP**

Mayor Councillor Cuc Lam (Chair)  
Councillor Sarah Carter  
Councillor Simon Crawford  
Councillor Catherine Cumming  
Councillor Gina Huynh  
Councillor Mia McGregor  
Councillor Martin Zakharov

To be confirmed at the Ordinary Council Meeting  
to be held on 21 August, 2018

## **1. COMMENCEMENT OF MEETING AND WELCOME**

The meeting commenced at 6.33pm.

The Chair, Mayor Cr Cuc Lam made the following acknowledgement statement:

*"We acknowledge that we are on traditional lands of the Kulin Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples past and present".*

## **PRESENT**

Mayor Councillor Cuc Lam (Chair)  
Councillor Sarah Carter  
Councillor Simon Crawford  
Councillor Catherine Cumming  
Councillor Gina Huynh  
Councillor Mia McGregor  
Councillor Martin Zakharov

## **IN ATTENDANCE**

Chief Executive Officer, Stephen Wall  
Director Community Services, Clem Gillings  
Director Corporate Services, Celia Haddock  
Director Planning Services, Nigel Higgins  
Acting Director Infrastructure Services, Craig Medcalf  
Manager Governance and Commercial Services, Lisa King  
Communications Advisor, Christine De Kock  
Governance Support Officer, Adele Woolcock

## **2. APOLOGIES**

Nil.

## **3. LEAVE OF ABSENCE**

Nil.

## **4. DISCLOSURES OF CONFLICTS OF INTEREST**

Cr Gina Huynh declared a conflict of interest in relation to agenda items 8.1, Petition: Stop Dangerous Industrial Activity on Mephan Street, Maribyrnong and 9.1, Gordon and Mephan Precinct - Amendment C143 describing an indirect interest as the residential amenity is likely to be altered, and her family owns property within the precinct.

## **SUSPENSION OF STANDING ORDERS**

A motion was moved by Cr Mia McGregor, seconded by Cr Catherine Cumming, that Council suspend standing orders to receive a plaque from Victoria Police in recognition of Council's valued support and assistance of the Western Youth "Trek-2-Konnect" Kokoda Program.

**CARRIED**

## **RESUMPTION OF STANDING ORDERS**

A motion was moved by Cr Mia McGregor, seconded by Cr Gina Huynh, that Council resume standing orders.

**CARRIED**

## **5. PUBLIC QUESTION TIME**

### **Question**

Mr Robert Batt, resident of Maribyrnong asked the following questions:

1. Does the Council have written procedures for dealing with unauthorised building works?
2. Are these procedures available to the public?
3. Who in the Council staff is responsible for enforcing building regulations?

### **Response**

The Director Planning Services, Mr Nigel Higgins advised that unauthorised building works are a breach of the Building Act 1993 and its Regulations which has prescriptive measures to deal with these matters. Both the Building Act and its Regulations are public documents that are freely available. Mr Higgins advised that enforcement matters undertaken by officers are subject to some privacy. Mr Higgins noted that the Municipal Building Surveyor and that roles delegated Officers were responsible for enforcing these regulations.

### **Question**

Mr Andrew Clarke, resident of Seddon asked the following questions:

1. Would the Council consider it appropriate to review the relevance of sound reduction measures, including sound barriers for the diesel trains, like there are for busy freeways and other sections of train lines across the city?
2. Will the Council consider, before the path is chosen, the potential sound impact of the affirmed Melbourne Airport train link if the Sunshine path is selected. This would appear to increase the case for sensible consideration of current noise levels/future noise levels and options for sensible noise reduction measures.
3. Would the Council consider 'reasonable' restrictions on heavy vehicles for the four years until the intended ban on trucks at the completion of the Westgate Tunnel?

#### Response

The Chief Executive Officer, Mr Stephen Wall noted that railway operations are exempt from liability for nuisance in relation to noise under the Environment Protection Act 1970. Mr Wall further noted that there are a network of roads across the City, and that Buckley Street specifically is a VicRoads controlled road. Mr Wall confirmed that Council was always looking to improve liveability within the municipality and works closely with land managers to act on complaints that arise.

Mr Wall confirmed that although the State Government has announced its preferred route for the Airport Rail link, Council would continue to advocate for the northern Maribyrnong option. This would mean the rail line would run underground, addressing some of the noise pollution issues. If the Sunshine rail corridor is the chosen route for the Melbourne Airport Rail Link, then it will likely trigger the 2013 Victorian Passenger Rail Infrastructure Noise Policy (PRINP). An assessment will be undertaken to check if the future noise level will exceed the acceptable noise thresholds set out in the policy. Mr Wall confirmed that Council would be advocating for appropriate connections, stops and tram lines for the Airport Rail link.

Mr Wall noted that there is an unprecedented amount of construction activity within the municipality at the moment, which increases the amount of trucks on the City's roads. The network of roads within the municipality include major roads that are managed by VicRoads, and local roads that are managed by the Council. As per the existing regulations, trucks below 4.5 tonnes are allowed to access any road without requiring a permit. For heavy vehicles above 4.5 tonnes, comprising mainly of semi-trailers and b-doubles, Council can advocate for further restrictions, however Council currently receives dozens of permit applications each day for trucks to access local roads. Council officers are always looking at alternate routes for these trucks to take, but there may be no other option but for them to travel on local roads due to height restrictions or manoeuvrability issues.

#### **EXTENSION OF PUBLIC QUESTION TIME**

A motion was moved by Cr Martin Zakharov, seconded by Cr Mia McGregor, that Council extend Public Questions Time for 15 minutes.

**CARRIED**

Cr Huynh left the meeting at 6.54pm.

#### Question

Mr David Hodge, on behalf of Intrapac Property asked the following questions:

1. Why has 2-4 Mephan Street been considered a part of the overall precinct and no specific strategy developed to address the land use conflicts arising from the current inappropriate Industrial 3 Zone?
2. In implementing Amendment C143, will Council commit to delivering a strategy to now ensure that the land delivers the optimum employment outcomes for the community and resolve the land use conflicts with the surrounding residential

land and pass a resolution to encourage redevelopment of 2-4 Mephan Street? Noting that the owners of 2-4 Mephan Street have lodged an application to rezone the land to a Mixed Use Zone.

3. Is Council aware that the Mixed Use Zone is specifically designed to encourage the redevelopment of land where there are conflict with the surrounding land uses. Will Council commit to exhibiting this Planning Scheme Amendment which will resolve the land use conflicts on the site and deliver far superior employment outcomes.

#### Response

The Director Planning Services, Mr Nigel Higgins thanked Mr Hodge for the questions and confirmed that the matters raised were thoroughly investigated in the Panel's deliberations on Amendment C143. Mr Higgins noted that the Mixed Use Zone was a quasi-residential area with limited employment growth for the future. The Panel supported Council that the Industrial Zone 3 and the addition of local policy framework would improve the built form and amenity of the area.

Mr Higgins confirmed that the Maribyrnong Planning Scheme will help the Council to deal with any conflicts arising at the site.

The Amendment has been designed for the long-term to build employment in the area. Mr Higgins confirmed that Council would be working with all property owners to ensure that the precinct is successful. In addition, the policy framework that exists within Amendment C143 will work to improve the interface and neighbourhood amenity. Mr Higgins confirmed that Council would work with property owners when masterplanning their sites.

#### Question

Ms Sofie Filippone, resident of Maribyrnong asked the following questions:

1. Will the proposed design guidance have a binding effect to give certainty that the design is being complied with?
2. Will the Council consider the introduction of traffic calming measures such as pedestrian operated signals in the area?
3. The current tenant at 2-4 Mephan Street adversely affects the amenity of the neighbourhood. What assurance can the Council provide with regards to providing a satisfactory interface Birdwood Street?

#### Response

The Director Planning Services, Mr Nigel Higgins firstly thanked Ms Filippone for her input and noted that Council's vision is to improve the general area, and the Amendment C143 provides more tools to improve the interface. Industrial Zone 3 is the softest industrial zone and allows for an appropriate employment transition of the area which will in turn approve the general amenity.

Mr Higgins confirmed that Council is committed to working with residents in the neighbourhood to improve the local roads, and that improved road safety is a commitment the Council has for the whole city. Mr Higgins noted that the solutions for traffic calming had to be workable for all involved.

Mr Higgins confirmed that Council would work closely with its Local Laws department and the EPA to monitor the area and to improve its amenity.

## **EXTENSION OF PUBLIC QUESTION TIME**

A motion was moved by Cr Martin Zakharov, seconded by Cr Mia McGregor, that Council extend Public Questions Time for 15 minutes.

**CARRIED**

### **Question**

Mr Chris Dorgan, resident of Maribyrnong asked the following questions:

1. What certainty does the local policy on urban design and amenity provide for the area?
2. if Amendment C143 is passed, what is Council's resolution to the current issues at 2-4 Mephan Street?

### **Response**

The Director Planning Services, Mr Nigel Higgins thanked Mr Dorgan for this contribution and confirmed that a traffic survey of the local area highlighted that 96% of the traffic was small residential vehicles, and only a small portion came from local businesses. Mr Higgins further noted that Council was committed to working with the neighbourhood to find workable traffic calming solutions. Additionally, Council was committed to providing better amenity in the area including planting more trees and rolling out further improvements. Mr Higgins also noted that the local policy and framework provides for more certainty and assists with the interface between Industrial Zone 3 and the general neighbourhood.

Mr Higgins confirmed that other Industrial Zone 3 areas provide for a broad range of new economies. Within the City there has been an overall increase in new economy businesses and a decline in traditional business like manufacturing. Mr Higgins confirmed that different tools were discussed at length, and that an Overlay was not considered appropriate for the area. Mr Higgins confirmed that the current policy direction within the Amendment C143 provides Council with the improved outcomes.

Cr Huynh returned to the meeting at 7.32pm.

## **6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

The purpose of this report was to present for confirmation, the minutes of the Ordinary Council Meeting held on 26 June 2018.

### **Council Resolution**

*That Council confirms the minutes of the Ordinary Council Meeting held on 26 June 2018.*

Moved: Cr Martin Zakharov  
Seconded: Cr Sarah Carter

**CARRIED**

## **7. REPORTS FROM COMMITTEES**

### **7.1. Noting of the Confirmed Minutes of Special Committees**

The purpose of this report was to present for noting the confirmed minutes of the Council's Special Committees established under section 86 of the *Local Government Act 1989*.

#### **Council Resolution**

*That Council notes the confirmed minutes of the*

- 1. Inner Melbourne Action Plan Committee held on 23 February 2018*
- 2. City Development Special Committee held on 29 May 2018.*

Moved: Cr Mia McGregor  
Seconded: Cr Gina Huynh

**CARRIED**

Cr Huynh left the meeting at 7.34pm due to a declared conflict of interest.

## **8. PETITIONS**

### **8.1. Petition: Stop Dangerous Industrial Activity on Mephan Street, Maribyrnong**

The purpose of this report was to table a petition received in relation to Industrial Activity on Mephan Street, Maribyrnong

#### **Council Resolution**

*That Council:*

- 1. Receives and notes the petition titled: Stop Dangerous Industrial Activity on Mephan Street, Maribyrnong*
- 2. Notes that the matters raised have been considered in the report at Item 9.1 of this Ordinary Council Meeting Agenda.*

Moved: Cr Mia McGregor  
Seconded: Cr Sarah Carter

**CARRIED**

## **9. OFFICER REPORTS**

### **9.1. Gordon and Mephan Precinct - Amendment C143**

The purpose of this report was to present the Gordon and Mephan Precinct Planning Panel Report (Amendment C143), and recommend the Amendment be adopted and submitted to the Minister for Planning for approval.

#### **Council Resolution**

*That Council:*

- 1. Considers the Amendment C143 Panel Report in Attachment 1, prepared by the Independent Panel appointed by the Minister for Planning, and supports the Panel's recommendation to adopt the amendment as exhibited, pursuant to Section 27 of the Planning and Environment Act 1987.*
- 2. Adopts Amendment C143 and reference document the Gordon and Mephan Precinct Framework Plan (2015) as detailed in Attachments 2 and 3 as recommended by the Panel, pursuant to Section 29 of the Planning and Environment Act 1987.*
- 3. Submits Amendment C143 to the Minister for Planning for approval, pursuant to Section 31 of the Planning and Environment Act 1987.*
- 4. Delegates to the Chief Executive Officer the power to make any necessary changes to the reference document following approval of the amendment by the Minister for Planning to ensure consistency with the approved planning provisions.*
- 5. Notes the response to the petition dated 25 June 2018, and that design guidance (illustrative material) will be prepared to assist developers in responding to the Gordon and Mephan Precinct Framework Plan policy requirements*

Moved: Cr Sarah Carter  
Seconded: Cr Simon Crawford

**CARRIED**

Cr Huynh returned to the meeting at 7.50pm.  
Cr McGregor left the meeting at 7.50pm.

### **9.2. Maribyrnong Active Transport Advisory Committee**

The purpose of this report was to seek Council endorsement of community representative nominations to the Maribyrnong Active Transport Advisory Committee.

#### **Council Resolution**

*That Council appoints:*

- 1. Larissa MacFarlane, and Andrew Coonan from Yarraville Ward; Elena Pereyra, and Damon Berghan-Carrick from Stony Creek Ward; and Glen Mason, Leyla Asadi from River Ward as community representatives to the*

- Maribyrnong Active Transport Advisory Committee.*
2. *Cr Crawford as Chair and Cr Cumming as a substitute representative (Proxy) to the Maribyrnong Active Transport Advisory Committee.*

Moved: Cr Simon Crawford  
Seconded: Cr Catherine Cumming

**CARRIED**

Cr McGregor returned to the meeting at 7.53pm.

### **9.3. Enterprise Maribyrnong Special Committee Membership**

The purpose of this report was to seek Council appointment of two new Enterprise Maribyrnong Special Committee members.

#### **Council Resolution**

*That Council:*

1. *Thank the outgoing Enterprise Maribyrnong Special Committee members Gary Cooper and Melinda West for their input, time and commitment to delivering positive economic development outcomes for the City of Maribyrnong.*
2. *Appoints Ms Ying Zhang as a member of the Enterprise Maribyrnong Special Committee representing the Creative Industries sector.*
3. *Notes GPT's nomination of Ben Needham, Development Manager as the Regional Retail sector representative.*

Moved: Cr Mia McGregor  
Seconded: Cr Gina Huynh

**CARRIED**

### **9.4. 2018/19 Festival City Grants Program**

The purpose of this report was to seek Council endorsement of the Festival City Grants Program 2018/19.

#### **Council Resolution**

*That Council:*

1. *Endorse the recommendations of Maribyrnong City Council's Festival Advisory Panel for the 2018/19 Festival City Grants Program as follows:*

1. <i>Albanian Festival</i>	<i>\$2,000</i>
2. <i>Bathukamma Festival of Flowers</i>	<i>\$5,500</i>
3. <i>Blacksmiths Festival (biannual)</i>	<i>\$20,000</i>
4. <i>Carols in the Gardens</i>	<i>\$17,545</i>
5. <i>Emerge in the West</i>	<i>\$12,500</i>
6. <i>Ethiopian New Year Festival</i>	<i>\$8,000</i>
7. <i>Footscray Diwali</i>	<i>\$15,000</i>

8.	<i>HRAFF Goes West</i>	\$8,000
9.	<i>Macedonian Food Festival</i>	\$10,000
10.	<i>Melbourne International Jazz Festival</i>	\$8,000
11.	<i>Seddon Festival</i>	\$22,000
12.	<i>Setting Sun Film Festival</i>	\$9,000
13.	<i>West Footscray Festival</i>	\$15,000
14.	<i>West Projections Festival</i>	\$8,000
15.	<i>Wominjeka Festival</i>	\$15,000
16.	<i>Yarraville Festival</i>	\$30,000

2. *Note the recommendations of Maribyrnong City Council's Festival Advisory Panel for the 2018/19 Risk and Waste Management Support:*  
*Risk and Waste Services* \$37,480
3. *Note that all applicants will be advised in writing of the outcome of their application on 24 July 2018.*
4. *Note that current recommendations be 'set' for two years (2018/2019 and 2019/2020) for all annual festivals subject to Council's 2019/20 Budget.*
5. *Note that the next community festival grant program round will be open again in 2020/2021.*

Moved: Cr Martin Zakharov  
Seconded: Cr Catherine Cumming

**CARRIED**

## **9.5. Intercultural Cities Agreement**

The purpose of this report was to approve the signing of the Statement of Intent between the Council of Europe and Maribyrnong City Council in regard to joining the Intercultural Cities Programme.

### **Council Resolution**

*That Council approve the Mayor and CEO to sign a statement of intent between Maribyrnong City Council and the Council of Europe to become a member of the Intercultural Cities Programme*

Moved: Cr Mia McGregor  
Seconded: Cr Gina Huynh

**CARRIED**

## **9.6. Assembly of Councillors - June 2018**

The purpose of this report was to receive and note the record of Assemblies of Councillors for June 2018.

### **Council Resolution**

*That Council notes the record of Assemblies of Councillors for June 2018.*

Moved: Cr Gina Huynh  
Seconded: Cr Catherine Cumming

**CARRIED**

#### **9.7. Delegates Report - June 2018**

The purpose of this report was to present the Councillor delegates' reports for the period June 2018.

#### **Council Resolution**

*That Council notes the Councillor delegates' reports June 2018 which will be made available on Council's website for the term of the current Council.*

Moved: Cr Mia McGregor  
Seconded: Cr Catherine Cumming

**CARRIED**

### **10. NOTICES OF MOTION**

#### **10.1. Notice Of Motion: PFAS at Melbourne Airport**

Per- and poly-fluoroalkyl substances ("PFAS") are a group of manufactured chemicals that have been used since the 1950s in a range of common household products and specialty applications including, for example, in the manufacture of non-stick cookware, stain protection applications, and in some types of fire-fighting foam. At airports, PFASs have been used in firefighting foam for petroleum fuel fires or spills.

The Environment Protection Authority (EPA) Victoria states that there is worldwide concern about the use of PFASs as they are persistent in the environment and are resistant to normal environmental breakdown. Because of this, they can build up and move through the environment and food chain, and accumulate at levels of concern to human and environmental health. At the moment there is no conclusive evidence that PFASs cause any specific illnesses, including cancer, in humans.

At Melbourne Airport, it has been used in responding to and training for firefighting emergencies. Melbourne Airport has stated that environmental monitoring has identified the presence of PFAS contamination at the airport and is conducting environmental investigations to better understand the extent of that contamination.

As Melbourne Airport discharges into five waterways – the Maribyrnong River, Steele Creek, Steele Creek North, Arundel Creek and the Moonee Ponds Creek,

there has been concern raised what affect PFASs stemming from the Airport have had on the wider environment. The motion seeks to gain a better understanding of the actions undertaken by national and state environmental protection agencies in regards to the issue.

### **Council Resolution**

*That Council formally seek advice from both the National Environment Protection Council (NEPC) and the Victorian Environment Protection Authority (EPA) on:*

- a) How long has the NEPC/EPA known about PFAS at Melbourne Airport?*
- b) Who is taking responsibility for the clean-up of PFAS at Melbourne Airport?*
- c) Over what timeframe is the clean-up of PFAS at Melbourne Airport to occur?*
- d) Has contaminated soil at Melbourne Airport already been removed? If so, where has the contaminate soil been relocated? Has any contaminated soil been relocated within the airport boundaries?*
- e) What is being done to keep local residents and waterway groups informed of the PFAS contamination issue?*
- f) What steps have been taken by NEPC/EPA to protect waterways in Melbourne's West from PFAS and other contamination?*

Moved: Cr Simon Crawford  
Seconded: Cr Catherine Cumming

**CARRIED**

## **11. URGENT BUSINESS**

Nil.

## **12. CONFIDENTIAL BUSINESS**

### **Council Resolution**

*That Council, in accordance with section 89(2) (d) of the Local Government Act 1989, close the meeting to members of the public at 8.16pm to consider Confidential agenda item 12.1, Future Options for HACC Program for Younger People (HACC-PYP) and the National Disability Insurance Scheme (NDIS), as it contains information in relation to contractual matters.*

Moved: Cr Catherine Cumming  
Seconded: Cr Sarah Carter

**CARRIED**

## **CLOSURE OF PUBLIC MEETING**

The Chair, Mayor Cr Cuc Lam, declared the meeting closed to members of the public at 8.16pm for consideration of confidential agenda item 12.1.

## REOPENING OF PUBLIC MEETING

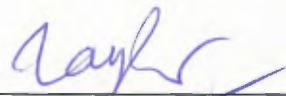
The meeting was reopened to the public at 8.20pm.

The Chair, Mayor Cr Cuc Lam, advised that in accordance with the resolution of confidential agenda item 12.1, Future Options for HACC Program for Younger People (HACC-PYP) and the National Disability Insurance Scheme (NDIS), the following resolution is considered to be released to the public:

- a) Endorse a tender process to identify a preferred provider to deliver services to people under 65 years of age with disability, under a subcontracting agreement until 2020.
- b) Note that following consideration of tenders, budget impacts arising from traditional arrangements will be the subject of future report to Council.
- c) Note that an accessible city framework will be developed to inform the nature of Councils support to people with a disability into the future
- d) In accordance with s77(2) of the Local Government Act 1989, designates this report and its contents to remain confidential information, on the grounds of s89(2)(d), as the report contains contractual matters.

## 13. MEETING CLOSURE

The Chair, Mayor Cr Cuc Lam, declared the meeting closed at 8.21pm.



To be confirmed at the Ordinary Council Meeting  
to be held on 21 August, 2018.

Chair, Mayor Cr Cuc Lam