



**Maribyrnong City Council**

**ORDINARY MEETING OF COUNCIL MINUTES**

**Wednesday 31 July, 2019  
6.30pm**

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

**MEMBERSHIP**

Councillor Martin Zakharov (Chair)  
Councillor Megan Bridger-Darling  
Councillor Sarah Carter  
Councillor Simon Crawford  
Councillor Gina Huynh  
Councillor Cuc Lam  
Councillor Mia McGregor

To be confirmed at the Ordinary Council Meeting  
to be held on 20 August, 2019

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

The meeting commenced at 6.31pm.

The Chair, Cr Martin Zakharov 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**

Councillor Martin Zakharov (Chair)  
Councillor Megan Bridger-Darling  
Councillor Sarah Carter  
Councillor Simon Crawford  
Councillor Cuc Lam  
Councillor Mia McGregor

### **IN ATTENDANCE**

Chief Executive Officer, Stephen Wall  
Director Community Services, Clem Gillings  
Director Corporate Services, Celia Haddock  
Director Infrastructure Services, Steve Hamilton  
Director Planning Services, Nigel Higgins  
Manager Public Affairs and Community Relations, Deidre Anderson  
Manager Governance and Commercial Services, Lisa King  
Coordinator Governance, Danny Bilaver

## **2. APOLOGIES**

An apology for this meeting was received from Cr Gina Huynh.

## **3. LEAVE OF ABSENCE**

Nil.

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

The Chief Executive Officer, Mr Stephen Wall, declared a conflict of interest as described in the Confidential Minutes.

## **5. PUBLIC QUESTION TIME**

Mr Nicholas Reich, resident of Footscray, asked the following questions:

1. Are there plans to privatise Braybrook Early Learning Centre?
2. Do the Councillors still intent to introduce paid parking meters in Footscray?

#### Response

Mr Stephen Wall, Chief Executive Officer noted that there was an agenda item relating to Braybrook Early Learning Centre. Council holds the assets for 16 Early Learning Centres and they are all leased to not-for-profit agencies.

Mr Wall continued by noting that Council has a parking management policy that is in the process of being implemented across the City. The introduction of paid parking meters will be determined in line with the implementation of the policy.

Mr Edouard Le Lesle, resident of Footscray, asked the following questions:

1. About Footscray Park Masterplan: Has the Council checked if there is any private land that would be large enough to allow the construction of the academy? If any research was made, can it be provided to the member of the public?
2. Can the Council confirm if Footscray Park has ever been leased to a private company since its construction in 1911?
3. Can the Council confirm if the Footscray Park in its entirety is on the Victorian Heritage Register?

#### Response

Mr Nigel Higgins, Director Planning Services noted that the proposal that is coming before Council is for the Footscray Park Masterplan, and does not take into account other sites. Mr Higgins noted that there would have to be further checks undertaken to confirm if there were lease arrangements with other private entities, such as the cricket club and boating club. Council had previously contemplated a private lease for a café and refreshments stand in the Park. With regards to Heritage Victoria, Mr Higgins confirmed that predominantly the southern edge of the gardens is heritage listed and approximately 25% of the grass field space.

Mr Brian Baldie, resident of Footscray, asked who on the Council decided to characterise the opponents of the Master Plan as being a personal threat to Councillors?

#### Response

Mr Stephen Wall, Chief Executive Officer confirmed that no one at Council had characterised the opponents of the Masterplan in that way.

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

A motion was moved by Cr Sarah Carter, seconded by Cr Mia McGregor, that Council extend public question time for up to 15 minutes.

**CARRIED**

Mr Alex Baldie, resident of Maidstone asked the following questions:

1. What are the Councillors opinions on choosing an alternate site for the "Masterplan" such as the soon to be unused Footscray Hospital land?
2. How can Councillors be doing more to find better spaces for this project as the very same Council mentioned in 2016 that we had very little green space in this municipality?

#### Response

Mr Stephen Wall, Chief Executive Officer noted that the item of discussion is around the proposed changes to the Footscray Park masterplan. If those changes are determined upon by Council, then there is a discussion to be had with Melbourne Victory regarding their academy training centre. Mr Wall noted that the proposal came from Melbourne Victory who expressed their desire to have the academy at Melbourne Victory, and as such no other sites had been discussed. Mr Wall confirmed that green space is in short supply within the municipality.

Mr Sam Elkin, resident of Seddon, asked the following questions:

1. What competitive tendering process has occurred prior to the proposed amendment of the Footscray Park Masterplan to allow the for-profit sports club Melbourne Victory to build a stadium and soccer fields on Footscray Park? Were other groups other than Melbourne Victory club invited to put in bids to utilize the space and if not, why not?
2. What would be the approximate cost to fix up the western lawns that have been described by council as having 'fallen into disrepair' under Council's watch? Have any informal or formal quotes have been obtained to do this at any point in the last 4 years, and if so, why has the Council chosen not to prioritise maintaining the Western lawns instead of giving away this community asset to a private company?
3. Whether any councillors or council administrative staff (including the CEO) have any direct or indirect financial or non-financial interest in the proposed development or any links to the Melbourne Victory sports club?

#### Response

Mr Nigel Higgins, Director Planning Services noted that there was not a competitive process for Melbourne Victory, as the football academy has been looked at in the context of the Footscray Park masterplan update.

Mr Higgins confirmed that there were a range of different costs associated with updating the existing playing fields, from anywhere between \$1M and \$5M depending on the quality of surface that is installed.  
it was not a competitive process

Councillor Zakharov noted that at the beginning of each meeting, a call is made for any Councillors to declare a conflict of interest. Mr Stephen Wall, Chief Executive Officer also noted that all Councillors and senior staff are required to complete an ordinary return every 6 months in which they are required to declare any conflicts

of interest. At the time of signing the MOU with Melbourne Victory, there were no conflicts declared.

Mr Thomas Foreman, resident of Footscray, asked the following questions:

1. Do any members of the Council or CEO have a direct or indirect relationship with any of the following organisations: Melbourne Victory Football Club, Women's Health East, School Sport Victoria, Vic Health, Blue Light Victoria, Sports Victoria, The Office of Women in Sport and Recreation, Victoria Police/Crimestoppers, The Labor Party or any other organisations that may influence their decision on the proposed Footscray park Masterplan update?
2. Have any of the aforementioned organisations been in contact with the Council regarding the update? Can you provide details?
3. Have any of the aforementioned organisations made donations, committed resources or proposed collaborations that would benefit the Council during the time that the Masterplan update/Melbourne Victoria Football Academy have been proposed?

#### Response

Mr Stephen Wall, Chief Executive Officer noted that there are legislative requirements for all Councillors and senior staff to declare any conflicts of interest when a matter comes before Council for consideration. In addition, Councillors and senior Council staff are required to complete ordinary returns every 6 months clearly outlining any relationships that may influence decision making.

Mr Wall continued by noting that there has been regular dialogue at an officer level with Melbourne Victory during this process.

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

A motion was moved by Cr Sarah Carter, seconded by Cr Cuc Lam, that Council extend public question time by up to 15 minutes.

**CARRIED**

Councillor Zakharov confirmed that no donations had been made.

Ms Sharon Schwab, resident of West Footscray, asked the following questions:

1. McIvor Reserve in Yarraville has been deemed a suitable site for development of soccer by Council. Has Council offered this site to Melbourne Victory? If not, why not?
2. How does changing Footscray Park's sports fields to use for 'soccer only' by orienting our sports field with hybrid turn, lights towers, closable fencing and markings enable and encourage use of other ball sports, (eg. Cricket, AFL, rugby etc) in that space and maximise community benefit?

3. What process will Council be taking from here if it passes this proposal at its meetings? Will it go to Heritage Victoria for approval? Has Council already reached out to Heritage Victoria about this? If so, what has been their response? Is there a right of appeal, and if so, what?

#### Response

Mr Nigel Higgins, Director Planning Services confirmed that the facility will be focused on soccer, but is planned to facilitate a range of other uses particularly for training purposes. When discussing the allocation of sports fields, Council takes into consideration the entire municipality. Footscray Park is not being seen in isolation.

Mr Stephen Wall, Chief Executive Officer noted that McIvor Reserve has not been entered into discussions for Melbourne Victory's training facility. Mr Wall continued by noting that Heritage Victoria would need to approve any application, but as the proposal is not a live application, Council has not contacted them.

Mr Stuart Moysey, resident of Footscray, asked the following questions:

1. Residents of the City of Maribyrnong have been told multiple times that amendments to the Footscray Park Masterplan to include the Melbourne Victory's Academy and club room was 'not a done deal' and that the 'Council hasn't signed off on this'. However, there are documents dating back to April 2018, on Sport and Recreation's website and Melbourne Victory's website along with a signed MOU from the Council that talk about the new facility going ahead. If this isn't a 'done deal', then why are there a number of sources that directly contradict the Council's stance here?
2. How can the Council allow this proposed amendment to the Masterplan go ahead when there has been no environmental, economic or community impact studies conducted?
3. As this land was purchased by the people of Footscray, for the people of Footscray, how can the Maribyrnong City Council effectively sell it off on an acorn lease?

#### Response

Mr Stephen Wall, Chief Executive Officer noted that it was disappointing that there were publications circulating that implied that a deal had been done on Footscray Park. The MOU that was entered into was a proposal to be explored and investigated, and was subject to community engagement. Publications that were produced by other agencies were not produced with the approval of Council.

All Council reports prepared by officers for the Council must endeavour to cover the environmental, economic and community impact that the proposal would have. That report will be made available in the week prior to the 27 August 2019, when the report will be presented to Council for adoption.

Mr Wall continued by noting that Council cannot sell off Crown Land, and that Footscray Park would always remain in community ownership. Many other parts of

Crown Land within the municipality had lease hold arrangements in place. Any assets or improvements made on Crown Land must revert to the ownership of Council at the end of the lease term.

## **EXTENSION OF PUBLIC QUESTION TIME**

A motion was moved by Cr Sarah Carter, seconded by Cr Cuc Lam, that Council extend public question time by up to 15 minutes.

**CARRIED**

Mr Joel Flanagan, resident of Footscray, asked the following questions:

1. With regards to the proposed Melbourne Victory training facilities in Footscray Park when can residents expect a final vote by Councillors on this issue?
2. With regards to the proposed Melbourne Victory training facilities in Footscray Park at the conclusion of this planning process will Council release to the rate payers and residents how much this whole process from initial inception to conclusion has cost?
3. With regards to the proposed Melbourne Victory training facilities in Footscray Park in the future will the Council involve residents sooner in proposed changes to our parks?

### **Response**

Mr Stephen Wall, Chief Executive Officer confirmed that the Footscray Park masterplan amendment would be presented to Council on the 27 August 2019. Mr Wall also noted that Council could release the costs for the process, and would take on board the feedback relating to when the best time to consult and engage on a project to improve in the future.

Ms Joan Williams, resident of Maribyrnong, asked the following questions:

1. How did you undertake the consultation process?
2. How did you notify residents of what you were doing or planning to do?
3. Why have the rugby posts been taken away?

### **Response**

Mr Stephen Wall, Chief Executive Officer noted that the proposal to amend the Footscray Park masterplan came to Council in February and it was adopted for public consultation. There is a range of ways that residents were notified regarding the consultation including letter drops to 10,000 households. In addition, Council range information sessions at the Town Hall and in Footscray Park.

Mr Nigel Higgins, Director Planning Services noted that he was unsure why the rugby posts had been taken away, but he could find out and provide confirmation.

Mr Matthew Lowe, resident of Footscray, asked the following questions:

1. 10,000 people will soon move into Joseph Road precinct area. Why is the Council removing 'always available' open green space from the western area of Footscray Park under its updated Master Plan? The Council have admitted Footscray lacks open space, which is essential, particularly for apartment dwellers.
2. The Council have said Melbourne Victory will use the training grounds at the Park for 40 hours a week. How will this be monitored and when will these training hours be?

#### Response

Cr Martin Zakharov noted that if a decision is made by the Council to go ahead with the proposal by Melbourne Victory, the exact details will be determined on when and how the facility will be used.

Mr Stephen Wall, Chief Executive Officer noted that a turf soccer pitch was able to be used for 20 hours a week, and a hybrid pitch can be used for 40 hours a week. As part of the lease arrangement, there would be negotiations on the availability for community use for structured games. In addition, when no one is using the pitches they are available for members of the public to walk across and play on.

#### EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Cr Sarah Carter, seconded by Cr Cuc Lam, that Council extend public question time by up to 15 minutes.

**CARRIED**

Ms Bernadette Gould, resident of Kensington, asked the following questions:

1. It has been shown in previous studies that stadium floodlights favour some species at the expense of others. What would be the impact of the proposed floodlights on the local biodiversity?
2. The City of Maribyrnong website states under the FAQs about the Footscray Park Masterplan that there will be "no negative impact to wildlife". How was this conclusion made?
3. If a member of the public or if Melbourne Victory complained to the Council about bird droppings on the soccer fields, what would be the strategy of the Council to manage this issue?

#### Response

Mr Stephen Wall confirmed that a full environmental impact assessment had been commissioned and would be released with the report on the proposal. Mr Wall noted that it may have been premature to release that there would be no negative impact to wildlife, as the full impacts of the proposal are being assessed by an independent company and would be featured in the final report.



Mr Wall finished by noting that he would have to take the final question on notice, as there was no strategy currently in place to deal with bird droppings on the facilities.

Cr Crawford left the meeting at 7.43pm

Cr Crawford returned to the meeting at 7.46pm.

Mr Adam Schwab, resident of West Footscray, asked the following questions:

1. Can Footscray Park be retained for multi-sports (cricket, AFL, soccer, rugby)?
2. If Council can't afford to upgrade the playing surface to a multi-sport facility, why can't Council use the \$10M State Government grant and keep the park for local cricket, soccer, AFL and Rugby teams (not privatised for Soccer only)?

#### Response

The Chief Executive Officer, Mr Stephen Wall, confirmed that Council applies for grants from Sport and Recreation Victoria; and receives funding from the State Government. Council cannot ask for a pre-allocated grant to be reallocated specifically to Council for another project. Council can however advocate to the State Government around funding for Footscray Park.

Mr Wall continued by noting that the amendment to the Footscray Park Masterplan would set the tone for the investment for the park into the future by Council.

Ms Gemma Cafarella, resident of Seddon, asked the following questions:

1. Council has made it a requirement of attending meetings that people show photo ID. You have also banned placards. Please make clear which section of any Act, regulation or bylaw permits you to put these requirements in place. As you are aware, all Council actions and decisions must be compatible with constituents' rights under the Victorian Charter of rights. In our view, the measures limit our rights to privacy (s 13), and expression (s 15), and to take part in public life (s 18). Given its targeted nature, it also limits our right not to be discriminated against on the basis of political opinion (s 8). You say you are confident these rules are Charter compliant. What do you base this on and why do you say you are compliant?
2. You say that if we don't want it, it won't happen. What would you need to see to decide not to change the Masterplan and vote no?
3. How many submissions have you received, and what percentage of them are opposed to the development?

#### Response

The Chief Executive Officer, Mr Stephen Wall confirmed that Council had received independent legal advice that if there were legitimate reasons for security

measures to be introduced, and actions were taken to ensure the safety of the public, Councillors and Council staff, then there would be no breach of the Charter. In addition, Council's Meeting Procedure Local Law allows for the banning of placards and banners from the meeting.

Mr Wall continued by noting that the community sentiment will feature in Councils decision making. To date, 485 written submissions had been received on the amendment to the Footscray Park Masterplan, and of those 425 were against the proposal. In addition, Council had surveyed over 500 households as a separate exercise. As those results come in they will be provided in the final report to Council.

## **ADJOURNMENT**

A motion was moved by Cr Megan Bridger-Darling, seconded by Cr Mia McGregor, that Council adjourn the meeting for a period of 10 minutes.

**CARRIED**

## **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 11 June 2019 and the Special Council Meeting held on 25 June 2019.

### **Council Resolution**

*That Council confirms the minutes of the Ordinary Council Meeting held on 11 June 2019 and the Special Council Meeting held on 25 June 2019.*

Moved: Cr Sarah Carter  
Seconded: Cr Simon Crawford

**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 City Development Special Committee Meeting held on 28 May 2019.*

Moved: Cr Simon Crawford  
Seconded: Cr Mia McGregor

**CARRIED**

## **7.2. Noting of Confirmed Audit and Risk Committee Meeting Minutes of 30 April 2019**

The purpose of this report was to present the confirmed Audit and Risk Committee Meeting Minutes of 30 April 2019.

### **Council Resolution**

*That Council note the confirmed Audit and Risk Committee Meeting Minutes of 30 April 2019.*

Moved: Cr Cuc Lam  
Seconded: Cr Megan Bridger-Darling

**CARRIED**

## **8. PETITIONS**

### **8.1. Petition: Paid Parking Meters**

The purpose of this report was to table a petition received in relation to a request to not switch the paid parking meters back on, leave the current parking hours as is and remove the Keep Clear Zone on Hopkins Street.

### **Council Resolution**

*That Council:*

- 1. Receives and notes the petition in relation to Paid Parking Meters.*
- 2. Requests the Chief Executive Officer to consider the petition and determine the appropriate response.*

Moved: Cr Megan Bridger-Darling  
Seconded: Cr Mia McGregor

**CARRIED**

## **9. OFFICER REPORTS**

### **9.1. Waste Management Policy and Toward Zero Waste Strategy**

The purpose of this report was to present the updated Waste Management Policy and Levels of Services as applied to eligible residential and commercial rate payers for endorsement and to present the Towards Zero Waste Strategy and Action Plan to be endorsed for community consultation and feedback.

## **Council Resolution**

*That Council endorse the Waste Management Policy (2019) and Toward Zero Waste Strategy (2019-2030) for community consultation.*

Moved: Cr Mia McGregor  
Seconded: Cr Simon Crawford

**CARRIED**

## **9.2. Solar Access Program**

The purpose of this report was to inform on the options for the provision of a Solar Access Program to the eligible pensioners and low income families in our Community; to seek Council approval for participation in the externally managed Solar Savers Program; to identify the financial and resourcing implications of Council's participation and involvement in the Project; and, to support Council's efforts in continuing to reduce CO<sub>2</sub> emissions, improve the quality of life and health of our residents and reduce environmental impact in order to mitigate impact of climate change.

## **Council Resolution**

*That Council:*

- 1. Endorse the participation in the Solar Savers Program.*
- 2. Authorise the Chief Executive Officer to execute the necessary agreements for the program.*
- 3. Receive a six monthly update report on the program.*

Moved: Cr Cuc Lam  
Seconded: Cr Mia McGregor

**CARRIED**

## **9.3. Climate Emergency Action Plan Development Update**

The purpose of this report was to respond to the resolution (in part) from the Ordinary Council meeting on 19 February 2019 which, in summary, acknowledges that we are in a state of climate emergency and calls for a briefing and report on how Council can best act on the climate emergency; to update Council on the status of the Council's Climate Emergency Action Plan (the Plan) development; to note the next steps, which is a Community Engagement Process regarding the further development of the plan; and, to provide Council with an outline of current Climate Emergency Plan initiatives that already exist and what additional initiatives may be expected as result of the Engagement Process.

## **Council Resolution**

*That Council note the forthcoming engagement processes in which Council seeks input from the community, and encourages community participation in this*

*process leading to the development of the climate emergency plan.*

Moved: Cr Mia McGregor  
Seconded: Cr Sarah Carter

**CARRIED**

#### **9.4. Williamstown Road Advocacy**

The purpose of this report was to advocate to the State Government for the introduction of curfews and a truck ban on Williamstown Road, consistent with other roads in Maribyrnong, and to commence work on alternate north-south freight connections.

#### **Council Resolution**

*That Council:*

1. *Writes to the Minister for Transport and the Minister for Roads to:*
  - a. *Acknowledge the recent announcement confirming the reduction in traffic speed zones on Williamstown Road to 50km/hr.*
  - b. *Request the immediate introduction of truck curfews on Williamstown Road, north of the West Gate Freeway to Geelong Road, which are consistent with curfews on other Primary State Arterial Roads within Maribyrnong City Council.*
  - c. *Include Williamstown Road in the package of State Arterial Roads with 24/7 truck bans to be in place following the opening of the West Gate Tunnel in 2022.*
  - d. *Request the inclusion of a viable north-south freight connection outside of residential areas into the next state budget for design and development. This should consider the pre-planned Paramount Road extension (southern part) as an option, and/or other appropriately located routes away from residential areas, so future impacts on our community and amenity can be avoided.*
  - e. *Undertake a study to determine the optimal land use location for container storage within Maribyrnong, which should include nearer the Ports to alleviate future truck and traffic congestion in Maribyrnong as the city grows.*
  - f. *Extend the timelines on the current Williamstown / Millers Road Study to allow the requested changes herein to be duly considered as part of the Study.*
2. *Establishes an intergovernmental roundtable meeting with relevant stakeholders to discuss the issue of trucks in Maribyrnong, and makes recommendations for State Government consideration.*
3. *Receives an update report in November 2019.*

Moved: Cr Simon Crawford  
Seconded: Cr Mia McGregor

**CARRIED**

### **9.5. Joseph Road Development Contributions Plan (Amendment C145)**

The purpose of this report was to present the Joseph Road Development Contributions Plan Panel Report (Amendment C145), and recommend the amendment be adopted with changes and submitted to the Minister for Planning for approval.

#### **Council Resolution**

*That Council:*

1. *Considers the Amendment C145 Panel report, as detailed in Attachment 1, and support all changes as recommended by the Panel, pursuant to Section 27 of the Planning and Environment Act 1987.*
2. *Adopts Amendment C145 and incorporated document (Joseph Road Precinct Development Contributions Plan), as recommended by the Panel subject to one administrative error to correct the quantity of bluestone required for Road Project 09 (RD09) as detailed in Attachment 2 and 3 pursuant to Section 29 of the Planning and Environment Act 1987.*
3. *Submits Amendment C145 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 amendment documents following approval of the Amendment by the Minister for Planning to ensure consistency with the approved planning provisions.*
5. *In accordance with approved budget allocations, the approved Joseph Road Precinct DCP and any S173 Agreements, Council can contribute to the reimbursement of civil infrastructure works identified in the DCP to ensure the Public Realm Plan is fully delivered.*
6. *Confirms the delegation of the Chief Executive Officer to enter into any agreement under Section 173 of the Planning and Environment Act 1987 with any land owner to ensure the projects identified in the Joseph Road Precinct Development Contributions Plan and Joseph Road Public Realm Plan are delivered.*

Moved: Cr Megan Bridger-Darling  
Seconded: Cr Cuc Lam

**CARRIED**

### **9.6. Proposed amendment of Maribyrnong City Council Road Management Plan 2017**

The purpose of this report was to seek Council's endorsement of the Maribyrnong City Council Road Management Plan Revision 1.1 (2019).

#### **Council Resolution**

*That Council endorses the Maribyrnong City Council Road Management Plan Revision 2019.*

Moved: Cr Sarah Carter  
Seconded: Cr Megan Bridger-Darling

**CARRIED**

### **9.7. Local Government Power Purchasing Agreement**

The purpose of this report was to provide Council with an update on the status of the Local Government Power Purchasing Agreement Project (LG PPA); to outline the next steps of the Project, and seek Council's approval for ongoing formal participation in the Project; and to seek authority for the Chief Executive Officer to finalise and execute the retail supply agreement contracts(s), on behalf of Maribyrnong City Council, subject to the final offers being within the agreed financial limits.

#### **Council Resolution**

*That Council:*

- 1. Approves the participation in the Renewable Energy Power Purchasing Project, and participates in the tender process for the Victorian Local Government indirect supply-linked PPA for 100% of its electricity load.*
- 2. Authorises the Chief Executive Officer to finalise and execute the retail supply agreement contracts, on behalf of Maribyrnong City Council, subject to the final offers being within the agreed financial limits.*

Moved: Cr Simon Crawford  
Seconded: Cr Mia McGregor

**CARRIED**

### **9.8. Finalising the Reconciliation Action Plan 2019 - 2021**

The purpose of this report was to seek endorsement for:

- The draft Reconciliation Action Plan 2019 – 2021 and release for public consultation prior to final sign off by Reconciliation Australia.
- The establishment of a high level internal working group to be chaired by the Director Community Services to ensure the RAP is implemented successfully.
- The organisational adoption of a protocol for recognising and consulting with the Traditional Owners in the City of Maribyrnong.

#### **Council Resolution**

*That Council endorse the draft Reconciliation Action Plan 2019 – 2021 and release for public consultation.*

Moved: Cr Cuc Lam  
Seconded: Cr Mia McGregor

**CARRIED**

### **9.9. Disability Access and Inclusion Policy Statement and Action Plan**

The purpose of this report was to seek Council endorsement for the proposed Disability Access and Inclusion Policy Statement and Action Plan.

#### **Council Resolution**

*That Council adopts the Disability Access and Inclusion Policy Statement and Action Plan.*

Moved: Cr Megan Bridger-Darling  
Seconded: Cr Simon Crawford

**CARRIED**

### **9.10. Councillor Appointment to the Western Melbourne Tourism Board**

The purpose of this report was to appoint a Councillor representative to the Western Melbourne Tourism (WMT) Board.

#### **Council Resolution**

*That Council approves the appointment of Councillor Martin Zakharov as representative to the Western Melbourne Tourism Board until an annual appointment is approved in November 2019.*

Moved: Cr Sarah Carter  
Seconded: Cr Cuc Lam

**CARRIED**

### **9.11. Arts Ambassadors Committee - Member Selection Endorsement**

The purpose of this report was to propose appointments to the Maribyrnong Arts Ambassadors Committee for endorsement by Council.

#### **Council Resolution**

*That Council endorse the appointments to the Maribyrnong Arts Ambassadors Committee listed in Table 1 of this report.*

Moved: Cr Cuc Lam  
Seconded: Cr Megan Bridger-Darling

**CARRIED**

### **9.12. Local Government Bill 2019 Submission**

The purpose of this report was to seek endorsement of a submission to the State



Government regarding the Local Government Bill 2019.

### **Council Resolution**

*That Council endorse the submission to the State Government in response to the Local Government Bill 2019, as at Attachment 1 to this report.*

Moved: Cr Megan Bridger-Darling  
Seconded: Cr Simon Crawford

**CARRIED**

### **9.13. Proposed Lease of Braybrook Early Learning Centre**

The purpose of this report was to seek Council's approval to commence the statutory procedures under the *Local Government Act 1989* (Act) for the proposed lease of the Early Learning Centre within the Braybrook Community Hub, 107-109 Churchill Avenue, Braybrook to One Tree Community Services Inc.

### **Council Resolution**

*That Council:*

1. *Acting under section 190 of the Local Government Act 1989 (Act):*
  - a. *Resolves that the required statutory procedures be commenced to consider entering into the lease;*
  - b. *Directs that public notice of the proposed lease be given in a local newspaper and on Council's website in accordance with section 223 of the Act;*
  - c. *Resolves that the public notice required to be given in accordance with section 223 of the Act should state the following proposed lease terms:*
    - (i) *Tenant: One Tree Community Services Inc.*
    - (ii) *Premises: Early Learning Centre within the Braybrook Community Hub, 107-109 Churchill Avenue, Braybrook.*
    - (iii) *Term: 5 years.*
    - (iv) *Rental: whichever is greater, \$5,000 per annum plus GST or 5% of Net Profit (excluding a 24% management fee).*
    - (v) *Rental Increases: fixed 3% increase per annum.*
    - (vi) *Permitted Use: Four (4) year old Kindergarten and any other early years' service or community activities approved in writing by Council.*
  - d. *Authorises the Chief Executive Officer or their delegate to undertake the administrative procedures necessary to enable Council to carry out its functions required under section 223 of the Act in relation to this matter; and*
  - e. *Resolves that any submissions received pursuant to section 223 of the Act be heard by a committee consisting of the whole of Council on a date set by the Chief Executive Officer, if required.*
2. *Notes that once all section 223 submissions have been considered, a further report will be presented to Council to decide whether or not to enter into the proposed lease.*

Moved: Cr Cuc Lam  
Seconded: Cr Simon Crawford

**CARRIED**

#### **9.14. Proposed Discontinuance and Sale of David Street, Footscray**

The purpose of this report was to seek Council's approval to commence the statutory procedures under the *Local Government Act 1989* (Act) to consider the discontinuance and sale of David Street, Footscray, shown outlined in red and blue in attachment 1 (Road).

#### **Council Resolution**

*That Council:*

1. *Acting under section 17(4) of the Road Management Act 2004 (Vic) resolves that the road contained in Certificate of Title Volume 1463 Folio 410 and R1 on TP859361M, shown outlined in red in attachment 1 and the road contained in Certificate of Title Volume 12097 Folio 294 and Lot 2 on TP893007N, shown outlined in blue in attachment 1 (Road), be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for public use for the following reasons:*
  - a. *The Victorian Health and Human Services Building Authority (VHHSBA) is in the process of acquiring all properties abutting the Road for the development of the New Footscray Hospital (NFH);*
  - b. *By the VHHSBA acquiring all existing abutting properties, the Road will no longer be required for access to any existing properties; and*
  - c. *Concept plans of the NFH indicate and the VHHSBA has confirmed that the Road will no longer be required as a public road in the future.*
2. *Acting under section 189 and clause 3 of schedule 10 of the Local Government Act 1989 (Act):*
  - a. *Resolves that the required statutory procedures be commenced to consider discontinuing and selling the Road;*
  - b. *Directs that public notice of the proposed discontinuance and sale of the Road be given in a local newspaper in accordance with sections 207A and 223 of the Act and on Council's website;*
  - c. *Resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the proposed discontinuance and sale was to proceed, it would be to the Secretary to the Department of Health and Human Services for the development of the NFH for the commercial value determined by an independent certified valuer;*
  - d. *Authorises the Chief Executive Officer or their delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter; and*
  - e. *Resolves that any submissions received pursuant to section 223 of the Act be heard by a committee consisting of the whole of Council on Tuesday 8 of October, 2019 at 6:30pm at the Maribyrnong Council Offices, corner of Napier and Hyde Streets, Footscray, if required.*

3. *Notes that once all section 223 submissions have been considered, a further report will be presented to Council:*
  - a. *Providing a summary of any submissions received pursuant to section 223 of the Act;*
  - b. *Providing details of the commercial value determined by an independent certified valuer;*
  - c. *Providing an Officer Recommendation as to whether or not Council should proceed with the proposed discontinuance and sale.*

Moved: Cr Mia McGregor  
Seconded: Cr Sarah Carter

**CARRIED**

#### **9.15. Proposed Sale of Part of Discontinued Road adjoining 13 Maddock Street, Footscray**

The purpose of this report was to inform Council of the outcome of the public notice completed pursuant to section 223 of the *Local Government Act 1989* (Vic) (Act) and to seek Council approval to finalise the sale of part of the discontinued road adjoining 13 Maddock Street, Footscray.

#### **Council Resolution**

*That Council:*

1. *Notes that no submissions were received in response to the public notice given under sections 207A and 223 of the Local Government Act 1989 (Vic).*
2. *Authorises the Chief Executive Officer to undertake all the statutory procedures pursuant to its powers under clause 3 of Schedule 10 of the Act to:*
  - a. *Sell part of the Discontinued Road adjoining 13 Maddock Street, Footscray being part of the land contained in Certificate of Title Volume 605 Folio 910 (shown outlined in red in Attachment 1) to the owners of 13 Maddock Street, Footscray for the price of no less than \$10,000 plus GST.*
  - b. *Execute all necessary documentation relating to this matter.*

Moved: Cr Sarah Carter  
Seconded: Cr Megan Bridger-Darling

**CARRIED**

#### **9.16. Proposed Sale of part of Council Land at 51A Skyline Drive, Maribyrnong**

The purpose of this report was to seek Council's approval to commence the statutory procedures under the *Local Government Act 1989* (Act) for the proposed sale of part of the Council Land at 51A Skyline Drive, Maribyrnong.

#### **Council Resolution**

*That Council:*

1. *Resolves that part of the Council Land measuring 181 square metres in area, outlined in red in Attachment 1, contained in Certificate of Title Volume 10767 Folio 277 and known as part of 51A Skyline Drive, Maribyrnong (Property) is no longer required for public use for the following reasons set out below:*
  - a. *The area proposed to be subdivided and sold is not considered to be detrimental to the intended future use of the Council Land as there is adequate area remaining to allow for landscaping to improve public amenity.*
  - b. *Incorporating part of the Council Land into the abutting development is likely to add to the outdoor play area available for the proposed ground level childcare centre.*
2. *Acting under section 189 of the Local Government Act 1989 (Act):*
  - a. *Resolves that the required statutory procedures be commenced to consider selling the Property.*
  - b. *Directs that public notice of the proposed sale be given in a local newspaper in accordance with section 223 of the Act and on Council's website.*
  - c. *Resolves that the public notice required to be given under section 223 of the Act should state that Council proposes to sell the Property to the abutting owners of 31 Edgewater Boulevard, Maribyrnong for no less than the current market valuation of \$180,000 plus GST.*
  - d. *Authorises the Chief Executive Officer or their delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.*
  - e. *Resolves that any submissions received pursuant to section 223 of the Act be heard by a committee consisting of the whole of Council on Tuesday 8 of October, 2019 at 6:30pm at the Maribyrnong Council Offices, corner of Napier and Hyde Streets, Footscray, if required.*
  - f. *Notes that once all section 223 submissions have been considered, a further report will be presented to Council to decide whether or not to proceed with the proposed sale.*

Moved: Cr Simon Crawford

Seconded: Cr Sarah Carter

**CARRIED**

### **9.17. Governance Report - June 2019**

The purpose of this report was to receive and note the record of Assemblies of Councillors and Councillor delegates' for the period June 2019 as well as other statutory compliance and governance matters as they arise.

#### **Council Resolution**

*That Council notes the Governance Report containing the record of Assemblies of Councillors and Councillor Delegates' Reports for June 2019 which will be*

*made available on Council's website for the term of the current Council.*

Moved: Cr Cuc Lam  
Seconded: Cr Mia McGregor

**CARRIED**

## **10. NOTICES OF MOTION**

Nil.

## **11. URGENT BUSINESS**

Nil.

## **12. CONFIDENTIAL BUSINESS**

### **Council Resolution**

*That Council, in accordance with section 89(2) (a), (d) and (h) of the Local Government Act 1989, close the meeting to members of the public to consider confidential agenda items 12.1, Hyde Street Early Years Centre Redevelopment and 12.2, Contractual Matter.*

Moved: Cr Simon Crawford  
Seconded: Cr Megan Bridger-Darling

**CARRIED**

## **CLOSURE OF PUBLIC MEETING**

The Chair, Cr Martin Zakharov, declared the meeting closed to members of the public at 9.35pm for consideration of confidential agenda item 12.1 and 12.2.

## **REOPENING OF PUBLIC MEETING**

The meeting was reopened to the public at 9.54pm.

## **13. MEETING CLOSURE**

The Chair, Cr Martin Zakharov, declared the meeting closed at 9.54pm.



To be confirmed at the Ordinary Council Meeting  
to be held on 20 August, 2019.

Chair, Cr Martin Zakharov