



Maribyrnong City Council

ORDINARY MEETING OF COUNCIL MINUTES

**Tuesday 22 October, 2019
6.30pm**

**Council Chamber
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 19 November, 2019

1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.37pm.

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 Gina Huynh
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
Governance Support Officer, Adele Woolcock

2. APOLOGIES

Nil.

3. LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

5. PUBLIC QUESTION TIME

Verity Webb, resident of Yarraville asked the following questions:

1. The NeXT report for the community hub was part of the community consultations for the Footscray Learning Precinct. How did the project move from the State Government to Maribyrnong City Council responsibility?
2. How much did the NeXT report cost so far?
3. How much did the State Government contribute to the cost?

Ms Clem Gillings, Director Community Services confirmed that the project had evolved over 2 to 3 years, but that it had always been a Council project. The State Government through VSBA regard the development of future library and performance and cultural spaces as well aligned to the Footscray Learning precinct. Aspirations for the redevelopment of the municipal library in Footscray and incorporating cultural infrastructure to support Footscray Learning Precinct is a project that Council was working in partnership with the State Government, delivering benefits for the whole community.

Ms Gillings continued by noting that Council had contributed approximately \$410-\$420,000 in the development of the NeXT project report which has included a needs analysis, concept development, feasibility study and business case study. Ms Gillings confirmed that the State Government had not yet contributed funds to the project.

Mr Arthur Bregiannis, asked the following questions:

1. How much did it cost to prepare the Annual Report?
2. From the Annual Report financials, can the CEO explain why Council's underlying financial performance dropped from a \$10million surplus in financial year 2017 to a \$1million deficit in financial year 2019?
3. From the Annual Report, employees and contractors are the biggest cost, half our rates are spent on employees alone, what is Council doing to reduce the cost burden of staff and contractors?

Mr Stephen Wall, Chief Executive Officer confirmed that the production of the Annual Report was a legislative requirement under the Local Government. Mr Wall noted that it cost approximately \$20 per copy to print the Annual Report, and Council produced approximately 100 which are provided to the Minister for Local Government and other agencies. Council also uses the document to help explain to the public and stakeholders how Council is tracking. In terms of direct and indirect costs in the production of the report and officer time, Mr Wall confirmed that he would have to take the question on notice and respond with more detail at a later stage.

Mr Wall confirmed that the difference in financial result was due to a number of factors including issues with Fines Victoria, who are an agency that undertake debt collection on behalf of government agencies and Councils. Collection from Fines Victoria has been lacking and Council's bad and doubtful debts increased by about \$7million. Mr Wall continued by noting that Council was advocating strongly to Fines Victoria to understand what is happening with their performance. Another significant impact was that revenue from ticket parking machines in Footscray has not been received which has had a significant impact on Council's bottom line with lost

revenue. Mr Wall noted that he could provide further and more detail at a later stage.

Mr Wall noted that employees and contractors are Council's biggest expense, as Council is a service provider. Mr Wall confirmed that there had been a freeze on staff numbers in the last three years, and in the last financial year there was a reduction in staff with a change in service model for Home Care. In addition, there is an internal regular program of service reviews that looks for efficiencies.

Luisa Fusco, resident of Yarraville asked the following questions:

1. Why in 2016 were our rates cheaper than current, when the property market was booming in that year. Currently in 2019 rates are higher when the property market is in a downturn.
2. How do you come up with the sense that you multiply by your valuations? Why in a booming market do you lower the value of the property but increase the dollar and cent value that you multiply the value by?
3. What is a CIV RES fire levy, and how different is a fixed residential fire levy from the other?

Mr Stephen Wall, Chief Executive Officer noted that the rating formula is simply Council's rate in the dollar multiplied by the Capital Improved Valuation of a property. The valuations of properties come from the Valuer-General, with the valuation set as at 1 January each year. The Valuer-General provides the valuations for each assessment in the municipality. The State Government sets how much Council's total rate revenue can increase each year, which is capped for this financial year at 2.5%. The valuations of each of the properties are used to apportion the amount of rates that are paid by each individual property owner.

Mr Wall confirmed that the fire levy is a State Government charge that Council levies on behalf of the State Government. Residents pay the fire levy to Council, and Council passes on the funds to the State Government. Council keeps a very small administrative cost from this. Mr Wall continued by noting that each rate notice should have a municipal charge, a waste charge and the fire services levy. If there is a discrepancy with this, Mr Wall noted that the conversation could be taken offline and individual cases could be discussed at a later stage.

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 10 September 2019.

Council Resolution

That Council confirms the minutes of the Ordinary Council Meeting held on 10 September 2019.

Moved: Cr Mia McGregor
Seconded: Cr Cuc Lam

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 held on 27 August 2019.

Moved: Cr Gina Huynh
Seconded: Cr Sarah Carter

CARRIED

7.2. Noting of Confirmed Audit and Risk Committee Meeting Minutes of 25 June 2019 and 20 August 2019 (Special)

The purpose of this report was to present the confirmed Audit and Risk Committee Meeting Minutes of 25 June 2019 and 20 August 2019 (Special).

Council Resolution

That Council note the confirmed Audit and Risk Committee Meeting Minutes of 25 June 2019 and 20 August 2019 (Special).

Moved: Cr Cuc Lam
Seconded: Cr Mia McGregor

CARRIED

8. PETITIONS

Nil

9. OFFICER REPORTS

9.1. Consideration of the Maribyrnong City Council Annual Report 2018/2019

The purpose of this report was to Council to receive and note the Maribyrnong City Council Annual Report 2018/2019, including a report of operations, and audited Performance and Financial Statements.

Council Resolution

That Council:

1. *Receives and notes the Maribyrnong City Council Annual Report 2018/2019.*
2. *Pursuant to S133 (2) of the Local Government Act 1989, gives public notice that the Maribyrnong City Council Annual Report 2018/2019 has been prepared and can be inspected at Council Offices and on Council's website.*

Moved: Cr Cuc Lam
Seconded: Cr Simon Crawford

CARRIED

9.2. NeXT Project Endorsement of Feasibility Report for Community Consultation

The purpose of this report was to update Councillors on the NeXT project (Stage2), and seek endorsement of the Feasibility Report to commence the next stage of community and stakeholder consultation and high level advocacy with the State and Federal governments.

Council Resolution

That Council:

1. *Approve the completion of the NeXT Feasibility Report concluding the work of Stage 1 and 2 of this project.*
2. *Commence a community and stakeholder engagement process from late October to mid December 2019 on the 4 concept design options to test community and stakeholder preferences in regard to each option.*
3. *Commence high level advocacy with the State and Federal governments, and other potential co-investors to seek advice on potential capital contributions and provide input into the pre-budget planning processes at a State Government level.*
4. *Note that a report will be provided to Council on the outcomes from the community engagement process on the 4 concept design options.*

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

CARRIED

Cr McGregor left the meeting at 7.26pm.

Cr McGregor returned to the meeting at 7.28pm.

9.3. Lease Braybrook Early Learning Centre Located at the Braybrook Hub

The purpose of this report was to inform Council of the outcomes of the public notice pursuant to section 223 of the *Local Government Act 1989* (Act) and seek

Council's approval to lease the premises of Early Learning Centre within the Braybrook Community Hub, 107-109 Churchill Avenue, Braybrook to One Tree Community Services Inc.

Council Resolution

That Council:

1. *Notes that no submissions were received in response to the public notice published pursuant to sections 190 and 223 of the Local Government Act 1989 (Act).*
2. *Authorises the Chief Executive Officer to enter into a Lease Agreement with One Tree Community Services for the Early Learning Centre at the Braybrook Hub 107 – 109 Churchill Avenue Braybrook with the following key terms:*

*Tenant: One Tree Community Services Inc.
Premises: Early Learning Centre within the Braybrook Community Hub, 107-109 Churchill Avenue, Braybrook.
Term: 5 years.
Rental: whichever is greater, \$5,000 per annum plus GST or 5% of Net Profit (excluding a 24% management fee).
Rental Increases: fixed 3% increase per annum.
Permitted Use: Four (4) year old Kindergarten and any other early years' service or community activities approved in writing by Council.*

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

CARRIED

9.4. Rating System Review Submission

The purpose of this report was to seek endorsement of the Rating Review Submission.

Council Resolution

That Council endorse the submission to the State Government in response to the rating system review, as at Attachment 1 to this report.

Moved: Cr Mia McGregor
Seconded: Cr Gina Huynh

CARRIED

9.5. Proposed Sale of part of Council Land at 51A Skyline Drive, Maribyrnong

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's approval to finalise the sale of part of the Council Land at 51A Skyline Drive, Maribyrnong (Council Land).

Council Resolution

That Council:

1. *Note that no submissions were received in response to the public notice published pursuant to section 223 of the Local Government Act 1989 (Vic) (Act).*
2. *Authorise the Chief Executive Officer to:*
 - a. *Sell that part of the Council Land measuring approximately 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 (Council Land) to 31 Edgewater Pty Ltd as the entity in ownership of the abutting property at 31 Edgewater Boulevard, Maribyrnong for the price of no less than \$180,000 plus GST.*
 - b. *Negotiate and execute a contract of sale and sign all necessary documentation relating to this matter.*
3. *Note that in accordance with section 20 of the Subdivision Act 1988, the proceeds of the sale must be used for the purchase and/or improvement of other public open space.*

Moved: Cr Gina Huynh
Seconded: Cr Megan Bridger-Darling

CARRIED

9.6. Review of Audit and Risk Committee Charter

The purpose of this report was to provide Council with an updated Audit and Risk Committee Charter for its consideration and to commence February 2020.

Council Resolution

That Council adopt the updated Audit and Risk Committee Charter and become operational for the February 2020 Audit and Risk Committee meeting.

Moved: Cr Mia McGregor
Seconded: Cr Simon Crawford

CARRIED

9.7. Review of Council Delegations

The purpose of this report was to present the outcomes of a review of Council's Instruments of Delegation in accordance with the *Local Government Act 1989* (the Act).

Council Resolution

That Council, in the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached S6 Instrument of Delegation from Council to Members of Council Staff, resolves that:

- 1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached S6 Instrument of Delegation to members of Council staff, the powers, duties and functions set out in the S6 Instrument of Delegation, subject to the conditions and limitations specified in the S6 Instrument of Delegation.*
- 2. The instrument comes into force immediately the Common Seal of Council is affixed to the S6 Instrument of Delegation.*
- 3. On the coming into force of this S6 Instrument of Delegation all previous S6 Instruments of Delegations to members of Council staff (other than the Chief Executive Officer) are revoked.*
- 4. The duties and functions set out in the S6 Instrument of Delegation must be performed, and the powers set out in the S6 Instrument of Delegation must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

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

CARRIED

9.8. Governance Report - September 2019

The purpose of this report was to receive and note the record of Assemblies of Councillors and Councillor delegates' for the period September 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 September 2019 which will be made available on Council's website for the term of the current Council.

Moved: Cr Gina Huynh
Seconded: Cr Simon Crawford

CARRIED

10. NOTICES OF MOTION

Nil.

11. URGENT BUSINESS

Nil.

12. CONFIDENTIAL BUSINESS

Nil.

13. MEETING CLOSURE

The Chair, Cr Martin Zakharov, declared the meeting closed at 7.44pm.



To be confirmed at the Ordinary Council Meeting
to be held on 19 November, 2019.

Chair, Cr Martin Zakharov