



Maribyrnong City Council

ORDINARY MEETING OF COUNCIL MINUTES

**Tuesday 11 September, 2018
6.45pm**

**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 23 October, 2018

1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.47pm.

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 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.

SUSPENSION OF STANDING ORDERS

A motion was moved by Cr Catherine Cumming, seconded by Cr Gina Huynh, that Council suspend standing orders to formally acknowledge those involved in responding to the West Footscray/Tottenham fire.

CARRIED

RESUMPTION OF STANDING ORDERS

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

CARRIED

5. PUBLIC QUESTION TIME

Question

Ms Elenie Haralambopoulos, resident of Yarraville asked the following questions:

1. The residents of Yarraville are asking how and why are the rates rising so dramatically in such a short space of time and yearly?
2. How do you plan to assist rate payers to pay with these excessive prices. Do they pay their rates and not have enough food to eat?

Response

The Chief Executive Officer, Mr Stephen Wall advised that the basis of Councils rates and charges is the capital improved valuation of your property (which is used to calculate the net annual return). Council doesn't devise the valuation of property, that value is set by the Valuer-General. Formally, every two years a new valuation is assigned to the properties in our City but this is set to change to an annual cycle. Council has just been through a re-valuation process and there have been movements in valuations, based on the market activity and the sales of properties in our city.

Mr Wall continued by saying that the amount of revenue that Council can generate from rates is capped in Victoria. For the current financial year, the rate cap was set at 2.25%; therefore the sum of funds that Council can raise from rates could only grow by 2.25%. The re-valuation process sees the valuations moving in different proportions across the City, which leads to changes in the distribution of the rates burden. Previously, valuations have been received every two years, as of this year, valuations will be conducted annually. Mr Wall noted that residents are able to contest the valuation of their property, and if a resident felt that their valuation had increased exceptionally, they could contact Council's Rates Department who would assist in lodging a contest notice with the Valuer-General.

Mr Wall finished by noting that Council has a Hardship Policy, and that the Rates Department are happy to speak to any ratepayer who is having difficulty paying their rates.

Question

Mr George Kotsianis, resident of Yarraville, asked the following questions:

1. Why are rates increasing as wages stay the same?
2. Rates should be increasing according to the CPI. Why do they increase almost 10% per year?

3. Why hasn't any work been done around the Wembley Avenue area for the last 40 years?

Response

The Chief Executive Officer, Mr Stephen Wall advised that, as previously mentioned, the total sum of money generated is limited by the rate cap set by the Minister for Local Government. The reason why rates for a particular property may have increased by greater than CPI is because the valuation of the property has increased proportionately higher than the average. The Valuer-General uses market sales data, including actual property sales in or about the area where a property is located, to attribute a valuation to the property. This valuation can be contested.

Mr Wall noted that CPI is the major measure used by the Minister for Local Government to cap Council's rates revenue. 40% is attributed to wages and growth, and 60% is attributed to CPI.

Mr Wall noted that while he does not have details available on works in and around Wembley Avenue at the meeting, but he will take the question on notice and contact Mr Kotsianis to provide a list of works Council has completed around Wembley Avenue.

Question

Ms Maria Stogiannis, resident of Yarraville, asked the following questions:

1. Why are the rates increasing when the value of property resale is low at the moment compared to the more affluent suburbs e.g Toorak, Williamstown, who have better homes, larger blocks and are paying less rates?
2. Who determines the CIV value and Net Value to justify the rates and can it be contested and on what grounds do they justify an increase?
3. What is the plan with the parking meters in Yarraville, and any additional crossing measures at the new Frankie Apartments Development.

Response

The Chief Executive Officer, Mr Stephen Wall noted that the CIV and the Net Annual Value comes directly from the Valuer-General. This is calculated by looking at property transactions in the area and assigning a value to the land and assessing the capital improved value of buildings. The land is given a value, and the CIV is the land value plus what has been spent on any improvements or structures on that land, based on property sales that have occurred. The valuation data is given to Council and Council uses that as the basis for the calculations of rates and charges.

Mr Wall continued by noting that it is clear that property values are increasing in the western suburbs. The Valuer-General uses a range of contractors and an adopted methodology to determine the valuations of properties. The Valuer-General or their contractor physically inspects a proportion of properties within an area and extrapolates the trend data to derive valuations for the remaining properties. Mr Wall confirmed that if a rate-payer believes the valuation is incorrect, they have the ability to contest the valuation.

Mr Wall noted that Council recently adopted a Parking Policy. Council has a clear-cut process which is articulated in the policy which measures occupancy rates, changes to controls and consultation with community. At the moment, Council is focusing on Footscray, and Yarraville will be the next suburb assessed.

EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Cr Catherine Cumming, seconded by Cr Sarah Carter, that Council extend Public Question Time for 15 minutes.

CARRIED

The Director Planning Services, Nigel Higgins confirmed that Council would be in contact with Ms Stogiannis to discuss the concerns raised with regards to the traffic and parking issues.

Question

Mr Craig Mercer, resident of Footscray, asked the following questions:

1. When will Council change the method of calculating rates. Some property values have increased by 30% in 30 months. Some individual rates have increased by 28 – 50% in one year. Wages and income have not gone up by more than 2%. This is unsustainable and unfair.
2. Why should land holders of average incomes be forced to subsidise unsustainable population growth costs?

Response

The Chief Executive Officer, Mr Stephen Wall noted that the rates system is dictated by two pieces of legislation – the Valuation of Land Act and Local Government Act 1989. Council has advocated to the State Government regarding the method of rate calculation and have made submissions to the review of Local Government Act around this issue.

Mr Wall continued by noting that further subdivisions and apartment developments, create new rate assessments, which shares the rate burden over a greater number of property owners. Council's rates are based on the valuation that is provided by the Valuer-General. Mr Wall encouraged rate-payers to speak to Council's Rates Department if they need assistance in lodging a contest notice.

Question

Mrs Sotiria Panidis, resident of Yarraville, asked the following questions:

1. What is the method used to determine valuation after objection? How can we be assured our house is not incorrectly valued?
2. How can the Council justify an un-renovated 30 year old home increases in rates since 2016?

Response

The Chief Executive Officer, Mr Stephen Wall confirmed that the Valuer-General sets the valuations. Mr Wall advised that CIV is based on land value plus what is built on the property. Valuations are determined by growth and development within a council area, and that property prices in the area are increasing. Mr Wall noted that Council can assist in contacting the Valuer-General for assistance.

EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Cr Catherine Cumming, seconded by Cr Mia McGregor, that Council extend Public Question Time for 15 minutes.

CARRIED

Question

Ms Samantha Vickers, resident of Altona North, asked whether the timing of the expiring ASU Enterprise Agreement in June 2019 has any bearing on the timing of the tendering?

Response

The Chief Executive Officer, Mr Stephen Wall advised that Council entered into a tender process seeking interest in sub-contracting Council's Home Care Service. The answer is unequivocally no, there is no relationship between the Enterprise Agreement and the timing of the tender process.

Question

Alex Young, resident of West Melton, asked the following question:

1. The ASU have sought a reasonable timeframe for workers who are also community members to consider future employment offers with the contractor. Maribyrnong Council has insisted only a 7 day period be made available. Do you think this is a fair timeframe?

Response

The Director Community Services, Ms Clem Gillings noted that both Maribyrnong City Council and Hobsons Bay Council, who entered into the tender process, had the view that 7 days is a normal and reasonable timeframe to think a decision could be made on an employment offer. Council would make sure that all employees understood the offer fully at the time of making the decision.

Question

Ms Susan Bratby asked the following question:

1. We know that over two thirds of Councils have made it public that they are going to remain the provider of aged care. Why has Council decided to outsource this Councils aged care in advance of further clarity around Home support funding?

Response

The Director Community Services, Ms Clem Gillings advised that both Maribyrnong City Council and Hobsons Bay Council put out the tender to test the market to see if there is a valuable sub-contracting arrangement to consider. If there is not a high value and high quality provider identified through the process, then Council would not proceed to outsource the services. Council is within its rights to test what best value options there are in the home support services market. Ms Gillings further noted that Council will continue to be involved in community based support to its older community.

Question

Ms Jennifer Kromek asked the following questions:

1. If the tender is decided in December the Council has taken the ASU to the Federal Court to clarify the issue of redundancies to Home Support Officers. If the Home Support Officers sign off to a new provider before the Federal Court has made a decision, will Home Support Officers be offered redundancies after signing across?

Response

The Chief Executive Officer, Mr Stephen Wall noted that there are a few parts of the process that are unknown. Mr Wall advised that Council doesn't know what the outcome of the tender process is, nor the advice that will be received from the Federal Court on the current terms and conditions within the Enterprise Agreement. This interpretation from the Federal Court is due to be received in December, and runs in parallel to the tender process. Mr Wall advised that they cannot speculate on what the outcomes of these processes will be. Once this information comes in, Council will need to consider the information and make a decision on the next stage. Mr Wall confirmed that individual employment terms and conditions are to be discussed with the individuals involved.

Question

Ms Vesna Kurkioski asked whether the residents have been consulted regarding the outsourcing of Aged Care services?

Response

The Director Community Services, Ms Clem Gillings confirmed that residents have been provided with the opportunity to provide input on the proposed process, as have the Home Support workers who have been consulted consistently over the last 18 months along with the broader community.

Question

Ms Liane Simko, resident of Melton, asked the following questions:

1. Can Council tell us how much it has cost Council for the review – including internal consultant fees and the judicial court opinion?
2. The ASU has written to Council to ask if employees long service leave can be paid out if there is a transmission of business and the impact of contracting an employee's superannuation. Council has failed to respond to these matters.

What guarantee can Council provide regarding the security of transferred employees entitlements if the new contractor fails?

Response

The Chief Executive Officer, Mr Stephen Wall advised that Council has been involved in this conversation for almost three years. A lot of time and effort and some costs. He advised that he didn't have the costs available here so will be able to respond at this time.

EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Cr Catherine Cumming, seconded by Cr Sarah Carter, that Council extend Public Question Time for 15 minutes.

CARRIED

Mr Wall advised that employees that are entitled to Long Service Leave and Council must honour all employee entitlements.

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 21 August 2018.

Council Resolution

That Council confirms the minutes of the Ordinary Council Meeting held on 21 August 2018.

Moved: Cr Mia McGregor
Seconded: Cr Martin Zakharov

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 Enterprise Maribyrnong Special Committee held on 8 May 2018 and the City Development Special Committee held on 29 May 2018.

Moved: Cr Mia McGregor
Seconded: Cr Gina Huynh

CARRIED

7.2. Noting of Confirmed Audit and Risk Committee Meeting Minutes - 24 April 2018

The purpose of this report was to present for noting the confirmed minutes of the Council's Audit and Risk Committee established under section 139 of the *Local Government Act 1989*.

Council Resolution

That Council notes the adopted minutes of Audit and Risk Committee Minutes – 24 April, 2018.

Moved: Cr Sarah Carter
Seconded: Cr Martin Zakharov

CARRIED

8. PETITIONS

Nil.

9. OFFICER REPORTS

9.1. In-Principle Approval of the Draft 2017/2018 Financial Statements and Performance Statement

The purpose of this report was to seek in-principle approval for the draft 2017/2018 Financial Statements and Performance Statement (the Statements), and for Council to appoint two Councillors to certify these statements after completion of the review by the Auditor-General.

Council Resolution

That Council:

- 1. Approves, in-principle, Maribyrnong City Council's 2017/2018 Financial Statements and Performance Statement.*
- 2. Appoints Councillors Carter and Crawford to certify the Financial Statements and Performance Statement in their final form, following any changes recommended, or agreed to, by the Auditor-General.*

Moved: Cr Catherine Cumming
Seconded: Cr Mia McGregor

CARRIED

9.2. Maribyrnong 2040 Community Plan

The purpose of this report was to present the Maribyrnong 2040 Community Plan for endorsement.

Council Resolution

That Council endorse the Maribyrnong 2040 Community Plan.

Moved: Cr Mia McGregor
Seconded: Cr Catherine Cumming

CARRIED

9.3. Proposed Discontinuance and Sale of part of Right of Way Abutting 2 York Street, Yarraville

The purpose of this report was to seek Council's approval to:

- remove that part of the land contained in certificate of title volume 11837 folio 884 and shown outlined in red on the plan contained in Attachment 1 of this Report (**Road**) from Council's register of public roads (**Register**) pursuant to section 17(4) of the *Road Management Act 2004* (Vic) (**RMA**); and
- commence the statutory procedures under the *Local Government Act 1989* (Vic) (**Act**) to consider discontinuing and selling the Road.

Council Resolution

That Council:

1. *Acting under section 17(4) of the Road Management Act 2004 (Vic) resolves that part of the land contained in certificate of title volume 11837 folio 884 and known to title as Road R1 on Plan of Subdivision 003424, shown outlined red 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 set out below:*
 - a. *The Road is currently fenced into the property at 2 York Street, Yarraville, and accordingly, has not been accessible to the public for over 4 years; and*
 - b. *The Road is not currently used or required for use by other abutting properties for access to their properties.*
2. *Acting under section 189(4) 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 the Road;*
 - b. *directs that public notice of the proposed discontinuance 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 Road is discontinued, Council proposes to sell the Road to the owners of 2 York Street,*

- Yarraville for market value;*
- 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 and considered at a future Council meeting or a committee appointed by Council; and*
 - 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 discontinuance and sale of the Road.*

Moved: Cr Martin Zakharov
Seconded: Cr Simon Crawford

CARRIED

9.4. Review of Fraud and Corruption Control Policy and Protected Disclosure Procedures

The purpose of this report was to present the Fraud and Corruption Control Policy (the Policy) and the Protected Disclosure Procedure (the Procedure) for consideration.

Council Resolution

That Council:

- 1. Adopts the Fraud and Corruption Control Policy and Protected Disclosure Procedure.*
- 2. Notes the Fraud and Corruption Control Procedure as an operational procedure that will be made publicly available.*

Moved: Cr Catherine Cumming
Seconded: Cr Mia McGregor

CARRIED

9.5. 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:

- 1. 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, Maribyrnong City Council resolves that:*

- 1.1. *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.*
- 1.2. *The instrument comes into force immediately the Common Seal of Council is affixed to the S6 Instrument of Delegation.*
- 1.3. *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.*
- 1.4. *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 Gina Huynh
 Seconded: Cr Catherine Cumming

CARRIED

9.6. Councillor Support and Expenses May 2018 to August 2018

The purpose of this report was to present the Councillor support and expenses for the period May 2018 to July 2018.

Council Resolution

That Council notes the Councillor Support and Expenses Report for May 2018 to July 2018 which will be made available via Council's website for the term of the current Council.

Moved: Cr Simon Crawford
 Seconded: Cr Martin Zakharov

CARRIED

9.7. Assembly of Councillors - August 2018

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

Council Resolution

That Council notes the record of Assemblies of Councillors for August 2018.

Moved: Cr Sarah Carter
 Seconded: Cr Catherine Cumming

CARRIED

9.8. Delegates Reports - August 2018

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

Council Resolution

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

Moved: Cr Simon Crawford
Seconded: Cr Mia McGregor

CARRIED

10. NOTICES OF MOTION

Nil.

11. URGENT BUSINESS

Nil.

12. CONFIDENTIAL BUSINESS

Nil.

13. MEETING CLOSURE

The Chair, Mayor Cr Cuc Lam, declared the meeting closed at 8.07pm.



To be confirmed at the Ordinary Council Meeting
to be held on 23 October, 2018.

Chair, Mayor Cr Cuc Lam