

U N C O N F I R M E D M I N U T E S



Maribyrnong City Council

ORDINARY MEETING OF COUNCIL MINUTES

**Tuesday 11 December, 2018
6.30pm**

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

MEMBERSHIP

Mayor Councillor Martin Zakharov (Chair)
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 February, 2019

U N C O N F I R M E D M I N U T E S

1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.29pm.

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 Sarah Carter
Councillor Simon Crawford
Councillor Gina Huynh
Councillor Cuc Lam
Councillor Mia McGregor

IN ATTENDANCE

Chief Executive Officer, Stephen Wall
Director Corporate Services, Celia Haddock
Director Infrastructure Services, Steve Hamilton
Director Planning Services, Nigel Higgins
Acting Director Community Services, Bridget Monro-Hobbs
Manager Public Affairs and Community Relations, Deidre Anderson
Coordinator Governance, Danny Bilaver
Governance Support Officer, Adele Woolcock

2. APOLOGIES

An apology for this meeting was received from Cr Catherine Cumming.

3. LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

SUSPENSION OF STANDING ORDERS

A motion was moved by Cr Gina Huynh, seconded by Cr Simon Crawford, that Council suspend standing orders to congratulate Cr Catherine Cumming on her election to the Victorian Upper House in the Western Metropolitan Region.

CARRIED

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RESUMPTION OF STANDING ORDERS

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

CARRIED

5. PUBLIC QUESTION TIME

Question

Ms Lisel Thomas, on behalf of the Maribyrnong Truck Action Group (MTAG), asked the following questions:

1. Why were participants at a recent Kingsville / West Footscray Traffic Management Plan community workshop advised that the draft plan was not recommending any changes to Williamstown Road because it is an arterial road under the control of VicRoads, particularly when the draft plan includes a proposal to advocate to VicRoads for a right turn arrow from Sunshine Road to Roberts Street?
2. Why isn't Maribyrnong City Council using this process to identify specific recommendations for Williamstown Road so that the Council can then lobby VicRoads or other agencies to implement those changes? This could include a reduction of the speed limit on Williamstown Road to 50km/h, something that Maribyrnong City Council has already resolved to ask VicRoads to implement back in October 2017.
3. It is expected that the plan will be presented to Council for consideration in February 2019. Will Council make a commitment to the community that it will not endorse the Kingsville / West Footscray Local Area Traffic Management Plan unless it includes changes to both Williamstown Road and Somerville Road specifically aimed at reducing the conflict between heavy vehicle trucks and other road users?

Response

Mr Steve Hamilton, Director Infrastructure Services noted that Council will be including advocacy priorities along Williamstown Road in the Traffic Management Plan, and measures will be put forward. Mr Hamilton confirmed that Council will continue to advocate to VicRoads on any measures on their roads that will help in our City as well.

Question

Mr Gregg Mason, resident of Footscray asked the following questions:

1. Has Council taken any action in response to as resident signed petition tabled at September 2018 City Development Special Committee; calling for the closure of Cross Street feeding into Buckingham and Errol Streets, Footscray?
2. Can Council provide a date that residents will learn of Council's response to this issue?

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Response

Mr Steve Hamilton, Director Infrastructure Services confirmed that officers were working on a response to the petition and that a report is expected to be presented to Council in February.

Question

Mr Ken Betts, resident of Seddon asked a question regarding Council's 'Anti-Pokies Policy' withdraw support to sporting clubs or community groups with pokies.

Response

Mr Stephen Wall, Chief Executive Officer confirmed that the Council has been very loud and clear on its views that pokies are doing damage to the community and the negative impact they have on the City.

Council is not the controlling agency on pokies licences, however the Council continues to advocate strongly on limited the number of pokies licences that come into the City.

Question

Ms Megan Bridger-Darling, resident of Maribyrnong asked the following questions:

1. Is there a maximum number of terms a Councillor can be elected for?
2. Stony Creek Park at the Westgate Bridge has changed from an off-lead dog park to an on-lead park. How long will this change be in place for?

Response

Mr Stephen Wall, Chief Executive Officer noted that term limits are set in legislation in the Local Government Act 1989. The term is four years, and there is no limit on how many times a Councillor can be elected.

Mr Nigel Higgins, Director Planning Services noted that he would take the question on notice and provide a response at a later date.

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 20 November 2018.

Council Resolution

That Council confirms the minutes of the Ordinary Council Meeting held on 20 November 2018.

Moved: Cr Gina Huynh
Seconded: Cr Cuc Lam

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CARRIED

7. REPORTS FROM COMMITTEES

7.1. Noting of 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 18 September 2018 and the Enterprise Maribyrnong Special Committee held on 9 October 2018.

Moved: Cr Mia McGregor
Seconded: Cr Sarah Carter

CARRIED

8. PETITIONS

Nil

9. OFFICER REPORTS

9.1. Bassett Reserve Landscape Plan

The purpose of this report was to seek Council endorsement of the Landscape Plan prepared for Bassett Reserve, West Footscray.

Council Resolution

That Council endorse the Bassett Reserve Landscape Plan.

Moved: Cr Cuc Lam
Seconded: Cr Mia McGregor

CARRIED

9.2. Urban Forest Strategy

The purpose of this report was to present the Urban Forest Strategy for Council consideration following community consultation.

Council Resolution

That Council endorse the Urban Forest Strategy.

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Moved: Cr Simon Crawford
Seconded: Cr Gina Huynh

CARRIED

9.3. Administrative Amendment to Remove Redundant Overlay Controls (Amendment C155)

The purpose of this report was to consider a request to the Minister for Planning to prepare and approve an administrative (fix-up) amendment to remove three redundant overlay controls

Council Resolution

That Council:

- 1. Requests the Minister for Planning to prepare and approve Amendment C155 to the Maribyrnong Planning Scheme, pursuant to s 20A of the Planning and Environment Act 1987, generally in accordance with Attachment 1.*
- 2. Delegates and authorises the Chief Executive Officer to make any necessary changes to the relevant documentation, in preparation to request the Minister for Planning to prepare and approve Amendment C155 to the Maribyrnong Planning Scheme.*

Moved: Cr Sarah Carter
Seconded: Cr Simon Crawford

CARRIED

9.4. Development Contributions Framework Update

The purpose of this report was to update Council on the Development Contributions Framework, seek approval of a Position Statement and reserve the right for the 18/19 budget and future budgets to be considered for a Municipal Developer Contributions Plan.

Council Resolution

That Council:

- 1. Note the progress made to prepare a Municipal Development Contributions Plan (Municipal DCP).*
- 2. Approve the Development Contributions Position Statement, to inform the ongoing preparation of a Municipal DCP and for a final version to be included in the final DCP.*
- 3. Reserves the right to consider the 18/19 budget and future budgets for the Municipal DCP and to implement a Development Contributions Framework.*

Moved: Cr Mia McGregor
Seconded: Cr Simon Crawford

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CARRIED

9.5. Proposed Amendment of Maribyrnong City Council Road Management Plan 2017

The purpose of this report was to commence the statutory process under the Road Management Act 2004 to amend the Maribyrnong City Council Road Management Plan 2017 Revision 1.1 on the basis, and for the reasons, set out in this report.

Council Resolution

That Council:

- 1. Notes this report and the recent review of the Road Management Plan*
- 2. Notes the attached marked-up version of the existing Maribyrnong City Council Road Management Plan 2017 Rev 1.1, commences the statutory process under the Road Management Act 2004 and the Regulations under that Act (Act) for the proposed amendments to the Road Management Plan.*
- 3. Give public notice of Council's intention to amend the Road Management Plan in accordance with the provisions of the Act (including the Road Management (General) Regulations 2016) by publishing statutory public notices in the Victoria Government Gazette, a daily newspaper generally circulating in the municipality and on Council's Internet website.*
- 4. Notes a report of the amended Road Management Plan, incorporating the results of any external public feedback, will be presented to Council for consideration and formal endorsement at the next ordinary meeting of Council to be held in February 2019.*

Moved: Cr Cuc Lam
Seconded: Cr Simon Crawford

CARRIED

9.6. 2018 Annual Community Survey

The purpose of this report was to brief Councillors on the key findings from the Maribyrnong City Council 2018 Annual Community Survey.

Council Resolution

That Council note the key findings of the Maribyrnong City Council 2018 Annual Community Survey.

Moved: Cr Mia McGregor
Seconded: Cr Sarah Carter

CARRIED

9.7. Community Grants Funding Recommendations 2018-19

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The purpose of this report was to present to Council the 2018-19 Community Grants Funding Recommendations.

Council Resolution

That Council endorses the 2018-19 Community Grant report and its funding recommendations.

Moved: Cr Mia McGregor
Seconded: Cr Sarah Carter

CARRIED

9.8. Maribyrnong Indoor Sports Stadium Strategy

The purpose of this report was to endorse the Indoor Stadium Strategy and seek approval to commence the next stage of site investigation and design process for preferred Indoor Stadium developments.

Council Resolution

That Council:

- 1. Endorse the Maribyrnong Indoor Sports Stadium Strategy.*
- 2. Investigate site options and design concepts as outlined in the Strategy.*
- 3. Request a further report be presented for consideration during 2019.*

Moved: Cr Cuc Lam
Seconded: Cr Gina Huynh

CARRIED

9.9. Proposed Sale of Council Property at 1 Pilgrim Street, Seddon

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 sale of a discontinued road, the discontinuance and sale of a road and sale of Council land forming part of 1 Pilgrim Street, Seddon (Council property).

Council Resolution

That Council:

- 1. Notes that an offer to purchase the Council property forming part of 1 Pilgrim Street, Seddon has been received from the Victorian School Building Authority, Department of Education and Training.*
- 2. Resolves that the road forming part of Memorial No 577 Book 11 (shown in red in attachment 1), the discontinued road forming part of Memorial No 577 Book 11 and Memorial No 508 Book 12 (shown in blue in attachment 1) and land contained in Lots 1 and 2 TP 966550L (shown in green in attachment 1) all forming part of the Council property at 1 Pilgrim Street, Seddon are no longer reasonably required for public use, for the following reasons set out*

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below:

- a. *All abutting properties that have previously used the Council property for vehicular access (which include 3, 5, 7 and 9 Pilgrim Street, Seddon) are currently vacant;*
 - b. *The Council property is not reasonably required for vehicular access by abutting properties currently or in the foreseeable future;*
 - c. *The Council property is considered to be sub-optimal provision of open space due to its irregular shape, size, location and accessibility, with opportunities for more appropriate provision of open space within the precinct currently being explored; and*
 - d. *The Victorian School Building Authority has plans to purchase all properties abutting the Council property and future plans for the site indicate that it is to be used for Education purposes.*
3. *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 forming part of Memorial No 577 Book 11 (shown in red in attachment 1), to consider selling the discontinued road forming part of Memorial No 577 Book 11 and Memorial No 508 Book 12 (shown in blue in attachment 1) and to consider selling the land contained in Lots 1 and 2 TP 966550L (shown in green in attachment 1);*
 - b. *Directs that public notice of the proposed discontinuance and sale of the road (shown in red in attachment 1) and proposed sale of the discontinued road and land (shown in blue and green in attachment 1) 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 Minister administering the Education and Training Reform Act 2006 (Schools) for the price determined by the Valuer-General Victoria;*
 - d. *Authorises the Chief Executive Officer 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 a date set by the Chief Executive Officer, if required.*
4. *Notes that once all section 223 submissions have been considered, a further report will be presented to Council:*
- a. *Providing a summary of submissions received pursuant to section 223 of the Act;*
 - b. *Providing details of the reviewed Valuer-General Victoria valuation;*
 - c. *Providing an Officer Recommendation as to whether or not Council should proceed with the proposed discontinuance and sale.*

Moved: Cr Gina Huynh
Seconded: Cr Simon Crawford

CARRIED

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9.10. Proposed Lease 47 Church Street West Footscray

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 47 Church Street, West Footscray to Early Childhood Management Services (ECMS).

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: Early Childhood Management Services;*
 - (ii) *Premises: 47 Church Street, West Footscray (contained in volume 8575 folio 865);*
 - (iii) *Term: 5 years;*
 - (iv) *Rental: \$160,000 excluding GST;*
 - (v) *Rental Increases: fixed 3% increase per annum;*
 - (vi) *Permitted Use: Long Day Care (child care) and/or four year old kindergarten, and any other early years services 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 Mia McGregor

CARRIED

9.11. Early Years Infrastructure Plan 2018 - 2038

The purpose of this report was to provide Council with the draft *Maribyrnong Early Years Infrastructure Plan 2018-2038* and outline the proposed priorities for implementation.

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Council Resolution

That Council:

1. *Note and endorse the strategic directions and priority actions outlined in the Early Years Infrastructure Plan 2018 – 2038.*
2. *Endorse the Early Years Infrastructure Plan 2018 – 2038 for targeted consultation with stakeholders.*
3. *Approves the public release of Council's resolution and relevant information in relation to targeted consultation without stakeholders, as per 2 above, as determined appropriate by the Chief Executive Officer.*

Moved: Cr Sarah Carter

Seconded: Cr Cuc Lam

CARRIED

9.12. Social Impact Assessment Policy and Guidelines 2018

The purpose of this report was to brief Council on the Social Impact Assessment Policy and Guidelines 2018.

Council Resolution

That Council endorse the Social Impact Assessment Policy and Guidelines 2018 replacing the existing 2002 guidelines.

Moved: Cr Mia McGregor

Seconded: Cr Gina Huynh

CARRIED

9.13. 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.

Council Resolution

That Council adopt the updated Audit and Risk Committee Charter.

Moved: Cr Simon Crawford

Seconded: Cr Mia McGregor

CARRIED

9.14. Delegates Report - November 2018

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

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Council Resolution

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

Moved: Cr Gina Huynh
Seconded: Cr Cuc Lam

CARRIED

9.15. Assembly of Councillors - November 2018

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

Council Resolution

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

Moved: Cr Mia McGregor
Seconded: Cr Simon Crawford

CARRIED

10. NOTICES OF MOTION

Nil

11. URGENT BUSINESS

Nil.

12. CONFIDENTIAL BUSINESS

Council Resolution

That Council, in accordance with section 89(2) (d) and (h) of the Local Government Act 1989, close the meeting to members of the public at "enter time" to consider Confidential agenda item 12.1, Proposed Property Acquisition, as it contains information in relation to contractual matters and any matter which Council considers prejudicial to Council or any person.

Moved: Cr Sarah Carter
Seconded: Cr Gina Huynh

CARRIED

CLOSURE OF PUBLIC MEETING

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The Chair, Cr Martin Zakharov, declared the meeting closed to members of the public at 7.45pm for consideration of confidential agenda item 12.1.

REOPENING OF PUBLIC MEETING

The meeting was reopened to the public at 7.48pm.

The Chair, Cr Martin Zakharov, advised that in accordance with the confidential resolution(s) there were no items for release to the public.

13. MEETING CLOSURE

The Chair, Cr Martin Zakharov, declared the meeting closed at 7.48pm.

To be confirmed at the Ordinary Council Meeting
to be held on 25 December, 2018.

Chair, Cr Martin Zakharov