

COUNCIL MEETING

**Tuesday 18 July, 2023
6.30pm**

**Community Hall
Braybrook Community Hub
107–139 Churchill Avenue
Braybrook**

AGENDA

Item	Title	Page
1.	Commencement of Meeting and Welcome	
2.	Apologies	
3.	Leave of Absence	
4.	Disclosures of Conflicts of Interest	
5.	Public Question Time	
6.	Confirmation of Minutes of Previous Meeting	3
7.	Reports from Committees	
7.1	Noting the Confirmed Minutes of the Audit and Risk Committee - 11 April 2023	26
8.	Petitions	
9.	Officer Reports	
9.1	2023-2026 Triennial Arts Partner Funding Recommendations	37
9.2	Library Plan 2023-25	59
9.3	Geographic Naming Policy	91
9.4	Lease and Licence Policy	104
9.5	Property Sale, Transfer and Acquisition Policy	123
9.6	Henry Turner South Pavilion Construction - Approval of Contract Variations	139
9.7	Audit and Risk Committee Bi-Annual Report - June 2023	144
9.8	Governance Report - June 2023	154
10.	Notices of Motion	
11.	Councillor Question Time	
12.	Urgent Business	

13. Confidential Business

14. Meeting Closure

Agenda Item 6

CONFIRMATION OF THE MINUTES OF THE PREVIOUS COUNCIL MEETING - 20 JUNE 2023

Director: Lisa King
Director Corporate Services

Author: Phil McQue
Manager Governance and Commercial Services

PURPOSE

To present for confirmation the minutes of the Council Meeting held on 20 June 2023.

ISSUES SUMMARY

- The Maribyrnong City Council Governance Rules requires Council to keep minutes of each meeting of the Council and Delegated Committees, and for minutes to be submitted to the next appropriate meeting for confirmation.

ATTACHMENTS

1. Unconfirmed Minutes of the Council Meeting held on Tuesday 20 June, 2023

OFFICER RECOMMENDATION

That Council confirms the minutes of the Council Meeting held on 20 June 2023.

Agenda Item 6**BACKGROUND**

The minutes of meetings remain unconfirmed until the next appropriate meeting of Council.

DISCUSSION/KEY ISSUES**1. Key Issues**

Council's Governance Rules requires Council to confirm its minutes at the next appropriate meeting.

2. Council Policy/Legislation**Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Ethical leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration to support economic growth during the ongoing challenges of the pandemic and beyond.

Legislation

Local Government Act 2020

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

Nil.

4. Resources

Nil.

5. Environment

Nil..

CONCLUSION

The unconfirmed minutes of the Council Meeting held on 20 June 2023 are presented for confirmation.

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



Maribyrnong City Council

COUNCIL MEETING MINUTES

**Tuesday 20 June, 2023
6.30pm**

**Community Hall
Braybrook Community Hub
107–139 Churchill Avenue
Braybrook**

MEMBERSHIP

Councillor Sarah Carter (Chair)
Councillor Michael Clarke
Councillor Simon Crawford
Councillor Jorge Jorquera
Councillor Cuc Lam
Councillor Bernadette Thomas
Councillor Anthony Tran

To be confirmed at the Ordinary Council Meeting
to be held on 18 July, 2023

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

TABLE OF CONTENTS

1. Commencement of Meeting and Welcome	3
2. Apologies	3
3. Leave of Absence	3
4. Disclosures of Conflicts of Interest	3
5. Public Question Time.....	4
6. Confirmation of Minutes of Previous Meeting	4
6. Confirmation of the Minutes of the Previous Council Meeting - 16 May 2023.	4
7. Reports from Committees	4
8. Petitions	4
9. Officer Reports	4
9.1. Adoption of the 2023/2024 Annual Budget	4
9.2. West Footscray Inter-war and Post-war Heritage Precinct Study - Planning Scheme Amendment C172.....	6
9.3. Intercultural Maribyrnong Strategy	7
9.4. Medicinal Cannabis Feasibility Report	7
9.5. Saltriver Place Carpark, Footscray	8
9.6. Bike Sports Infrastructure and Development Plan - Community Feedback on Draft and Recommendations for Implementation.....	8
9.7. Proposed Lease for Randall Street Kindergarten, Maribyrnong.....	9
9.8. Governance Report - May 2023.....	10
9.9. Chief Executive Officer - Interim Performance Review	11
10. Notices of Motion	11
10.1. Notice Of Motion: 2023/05: Mental Health in the City of Maribyrnong	11
11. Councillor Question Time.....	13
12. Urgent Business.....	13
13. Confidential Business.....	13
13.1 Chief Executive Officer - Interim Performance Review	
14. Meeting Closure	13

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 6.39pm.

The Chair, Cr Sarah Carter made the following acknowledgement statement:

“We acknowledge that we are on the 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”.

Councillor Tran arrived at 6.41pm.

PRESENT

Councillor Sarah Carter (Chair)
Councillor Michael Clarke
Councillor Simon Crawford
Councillor Jorge Jorquera
Councillor Cuc Lam
Councillor Bernadette Thomas
Councillor Anthony Tran

IN ATTENDANCE

Chief Executive Officer, Celia Haddock
Director Community Services, Lucas Gosling
Director Infrastructure Services, Patrick Jess
Director Corporate Services, Lisa King
Director Planning and Environment, Laura Jo Mellan
Manager Governance and Commercial Services, Phil McQue
Manager Assets and Capital, Steve Tierney
Manager City Places, Ashley Minniti
Acting Manager Community Development Positive Ageing and Inclusion,
Craig Rogers
Manager Finance, Mark Connor
Governance Officer, Jessica Abela

2. APOLOGIES

Nil.

3. LEAVE OF ABSENCE

Nil.

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

4. DISCLOSURES OF CONFLICTS OF INTEREST

Cr Jorquera disclosed a General Conflict of Interest in Item 9.1 Adoption of 2023/2024 Budget, due to a family member being associated with the 2023/2024 budget submission process.

Cr Crawford disclosed a Material Conflict of Interest in Item 9.2 West Footscray Inter-War and Post-war Heritage Precinct Study - Planning Scheme Amendment C172, due to owning a property within this precinct.

5. PUBLIC QUESTION TIME

Public Question Time commenced at 6.42pm and Council received 15 questions.

Bernie O'Connor

1. My home in West Footscray is set to be affected by the proposed heritage overlay. But the reality is that my house does not reflect any long-standing heritage. The house has updated cladding, no chimney, and new glass features. It feels like my home is being swallowed up by a large overlay without any consideration of whether it is actually significant.

With examples like my home, how can Council say that this overlay is being applied carefully, and isn't just making it unfairly expensive for people to keep control of their own homes?

Response

Council engaged professional expert heritage consultants to review each property individually during 2021. The expert and independent Planning Panel heard from submitters and Council as part of the public hearing process and found that the Amendment was strategically justified.

Han Thai

1. I have sent a video of 13 residents objecting the Heritage Overlay C172 to Cr Carter, Cr Lam, Cr Tran, Cr Clarke, Cr Jorquera & Cr Thomas. Did all the Councillors watch the short video to understand the concerns from the residents? If yes, which concerns raised by the residents in this video is the most memorable and why? If no, why did the Councillor not listen to the concerns of the people they are representing before the deciding vote today?
2. Is Council aware that this Heritage Overlay is likely in breach of the Planning & Environment Act 1987? This Act states that any amendments need to be "fair, orderly, economic and sustainable". There is definitely nothing fair, economic or sustainable in this Amendment C172. This Act also states "to balance the present and future interests of all Victorians" – where is the balance?
 - Nothing was done to understand the "present interests" of the community.
 - No real evidence to prove this Heritage Overlay is in the best interest of the future. No Evidence. Just personal opinions from 2 consultants.

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

3. Are Council and Councillors aware that the affected homeowners in this Heritage Overlay have been suffering mentally, emotionally and financially in the past 18 months since the Interim Heritage Overlay was introduced? So why didn't the Council abandon this Heritage Overlay C172 in April 2022 after receiving a strong 75% Objections and only 16% supports? Why is Council so determined to force this Heritage Overlay on the 923 families?

Response

The Heritage Overlay is one of many overlays which can be applied to properties in Victoria as part of the Victoria Planning Provisions. It is a lawful tool which both State and Local Governments can apply to individual properties or precincts. Through the Amendment process Council received submissions from residents both for and against the Amendment. Council as Planning Authority has a statutory obligation under s4(d) of the Planning and Environment Act 1987 "to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest."

As mentioned previously, Council has a statutory obligations to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest. The role of Council is to balance the present and future needs of its community to ensure net community benefit.

Council acknowledges that Amendment C172 has had an impact on the community, with those for and against the Amendment spending their own time in putting their positions forward. Council thanks the community for their input.

Brian Sanderson

1. There has been quite a lot of commentary from those claiming to represent the community regarding Amendment C172. I and my neighbours support C172 as it will retain the character and charm of the area which we love. If C172 fails, what will Council do to preserve the area?
2. Given most of the negative commentary about C172 is from select precincts only, will Councillors consider only removing certain precincts?
3. Given Councils professional planning officers and a Planning Panel of experts have largely given the green light to C172, how can Councillors who do not have any professional qualifications in Town Planning even consider voting against C172?

Response

Council will shortly be reviewing its Housing Strategy with a view to ensure it is based on contemporary data, state and local policy and fit for purpose. Part of this review will include a review of Neighbourhood Character Strategy, as well as planning zones and overlays.

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

As this matter will be considered by Councillor tonight this question is not able to be answered as it may pre-empt an outcome.

Council Officers and the independent Planning Panel appointed by the Minister for Planning consider the merits of the amendment and provide a recommendation to Councillors. It is the role of Council pursuant to s28 and s29 of the Planning and Environment Act 1987 to consider this advice and resolve whether to adopt, adopt with changes or abandon the amendment.

Con Constantinou

1. How much has Council spent in Total, to date, on the West Footscray Inter-war and Post-war Heritage - Planning Scheme Amendment C172? Can we please have a dollar value on Total Cost to Date (including Heritage Consultancy Costs for Heritage Reports and amendments to reports, Heritage Consultant and Legal Costs for Representation at Panel Hearing as well as any internal labour costs from Strategic Planning employees etc.) If unable to calculate internal costs please provide the value of third party costs for Heritage Consultancy and Legal Representation.
2. In relation to Amendment C172. Are Councillors aware that West Footscray only has 2,708 standalone houses (In accordance with the ABS 2021 Census) and that Heritage Listing around 900 of these means almost 34% of freestanding homes in West Footscray are proposed to be Heritage Listed?

Response

The overall cost (excluding GST) of Amendment C172 legal and specialist heritage consultant fees is \$127,097 with a further \$81,528 paid to the State Government Planning Panels Victoria for conducting the hearing. Council officer time is separate to this and is not included in these figures.

Amendment C172 relates to land within West Footscray, as well as Footscray and Maidstone. As noted in a response to a previous question, C172 does not prohibit any type of development. The implementation of the Heritage Overlay allows Council to consider the impact a development may have on the streetscape and precinct.

Couples, families with children and lone person households are forecast to remain the dominant household type required for our growing population. It is important to ensure that the future needs of the community are met and no one cohort of the community is excluded from an area.

Newer development, such as townhouses and apartments are generally more compact and on smaller lots with 1-3 bedrooms. Preserving single family homes that can be upgraded and extended will assist in ensuring a range of housing types and densities are provided within our municipality.

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

Aman Gaur

1. This question focuses on one key section of the Heritage Design Guidelines, which applies across precincts: “Residential rooftop solar energy facilities should not be located on the façade or roofs that are street facing.” Also, solar panels not on street-facing elements of the building will require an additional permit, creating another expensive barrier for the community to implement more sustainable energy.

The Council has described this new Heritage Overlay as “strategically justified”. How does the Council justify discouraging meaningful environmental action by its citizens during a climate crisis, for the sake of conserving aesthetics?

2. Heritage Alliance, the consultancy behind the proposed overlay, has a single priority: heritage. It is in their financial and ideological interest that this overlay be implemented. However, it is Council’s responsibility to consider all effects this overlay will have. By turning more than 800 homes into a government-sanctioned museum exhibit, C172 will have ongoing effects on the ability for families to grow, and for people to move into the area for decades to come. This will reduce housing supply and push families out of Maribyrnong. During a housing crisis, how can Council justify implementing this overlay?
3. As Council is footing the bill for this whole process, you are already aware that heritage costs money. But those costs are not limited to just this process. If implemented, this new overlay will create administrative overhead as you are forced to consider additional permit applications, and will also place a financial burden on your constituents who want to make even minor alterations to their properties. What strategic justification does Council have for making it more expensive for their constituents to exercise agency over their own homes?

Response

Council supports the installation and use of solar power to reduce reliance on the grid for electricity. If your solar panels are not be visible from the street or Public Park you do not need a planning permit, even if your property is located in a Heritage Overlay.

Where a planning permit is required for the installation of solar panels Council officers will work with property owners to find an appropriate location which balances heritage and environmentally sustainable design outcomes.

Council has published a list of frequently asked questions regarding Amendment C172 on its website which shows the efficiency of solar panels at various orientations and angles. Solar panels will have similar outputs at north, northeast, northwest and west, providing a range of options for installation.

C172 does not prohibit any type of development. The implementation of the Heritage Overlay allows Council to consider the impact a development may have on the streetscape and precinct. Many areas of the municipality, including parts

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

of Footscray, Yarraville, Kingsville and Seddon, have Heritage Overlays and are able to be upgraded to meet the needs of occupants without unduly restricting improvements.

Council has a duty to implement the Planning and Environment Act 1987, which governs how all land in Victoria can be used and developed for the benefit of current and future communities. The Act specifies that council has a duty to protect and conserve heritage.

Couples, families with children and lone person households are forecast to remain the dominant household type required for our growing population. It is important to ensure that the future needs of the community are met and no one cohort of the community is excluded from an area.

Newer development, such as townhouses and apartments are generally more compact and on smaller lots with 1-3 bedrooms. Preserving single homes that can be upgraded and extended will assist in ensuring a range of housing types and densities are provided within our municipality.

The Planning and Environment Act 1987 is the primary piece of legislation in Victoria which guides land use and development. The purpose of the Act is to establish a framework for planning the use, development and protection of land in Victoria in the present and long-term interests of all Victorians.

The role of Council is to balance the present and future needs of its community to ensure net community benefit

EXTENSION OF PUBLIC QUESTION TIME

That Council extend Public Question Time for a further 15 minutes.

Moved: Cr Anthony Tran
Seconded: Cr Michael Clarke

CARRIED

Public Question Time was extended at 6.57pm.

Vas Banschikov

1. Why would Council not support removing all of the Summerhill Rd precinct? Money better spent on fixing this road. Drivers along the road a focusing on avoiding the abundance of road defects, traffic and pedestrians, rather than viewing the houses with perceived heritage value.
2. Why would Council not support the removal of Laughton's Post-war Residential Precinct, given the modern developments in the vicinity and the houses recommended to be listed as heritage, lack the chimney and other detail, as well as not being part of the original foundry subdivision?

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

3. Why does Council support retaining the heritage of shopfronts on Sunshine Road Tottenham, given they are opposite the brutalist - style train station, which fragments the road scape and does not keep the consistency the perceived heritage?

Response

Council officers support the Panel recommendation to retain the heritage overlay on the eastern side of Summerhill Road and Coral Avenue as they are relatively intact, good examples of inter-war housing. The panel recommended that the properties on the western side of Summerhill Road should be removed as the precinct appears to have limited intactness and fragmented. Council officers support the Panel's recommendation.

The upgrading and maintenance of Summerhill Road is a separate matter and will be considered as part of Council's renewal works.

Submitters in this precinct had the opportunity to raise concerns during the Amendment process and could present if they chose to the independent planning panel.

The Panel found that the precinct meets the threshold of local significant and that all the housing to be intact.

The group of shops make a key contribution to the overall significance of the Tottenham Precinct and depict an important part of the City's cultural history. The shops and public open space areas represent important elements of the urban design and settlement pattern of the original masterplan for the precinct.

The shops present an intact example of a period of community development close to workplaces in the western suburbs of Melbourne.

Public Question Time closed at 7.02pm.

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

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6. Confirmation of the Minutes of the Previous Council Meeting - 16 May 2023

The purpose of this report was to present for confirmation, the minutes of the Council Meeting held on 16 May 2023.

Council Resolution

That Council confirms the minutes of the Council Meeting held on 16 May 2023.

Moved: Cr Anthony Tran
Seconded: Cr Cuc Lam

CARRIED

7. REPORTS FROM COMMITTEES

Nil

8. PETITIONS

Nil.

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

9. OFFICER REPORTS

9.1. Adoption of the 2023/2024 Annual Budget

The purpose of this report was to Council to adopt the 2023/2024 Annual Budget and Striking of the Rate.

Council Resolution

That Council:

1. a) Note the submissions received in response to the Proposed Budget 2023/2024 and resolve to include the following in the 2023/2024 Budget;
 - \$6,000 for West Footscray Neighbourhood House – once of single year additional funding, to support the works of Maribyrnong Toy Library; and
 - \$30,000 for Australian Multicultural Community Services (AMCS) – once of funding for the delivery of the Community Wellbeing Ambassadors Hub, in recognition of the proposed program offering a significant increase to the service offering in Maribyrnong, currently not being offered.
- b) Thank and notify submitters in writing of the outcomes of the Proposed Budget 2023/2024 submission process.

Moved: Cr Michael Clarke
Seconded: Cr Bernadette Thomas

CARRIED

Councillor Jorquera returned to the meeting at 7.08pm.

Council Resolution

That Council:

Adopts the Annual Budget 2023/2024 and the subsequent three years, including adjustments, as set out in Attachment 1 in accordance with Sections 94 and 96 of the *Local Government Act 2020* and as defined by the Local Government (Finance and Reporting) Regulations 2020;

3. In accordance with Section 158 and 161 of the *Local Government Act 1989* declares:
 - a. \$110,459,396 as the amount which Council intends to raise by general rates and charges.
 - b. The general rate be raised by the application of differential

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

rates.

- c. The following differential rates for the rating period commencing 1 July 2023 and ending 30 June 2024:
 1. General rate for rateable residential properties (100%) – 0.00251733 cents in the dollar of Capital Improved Value (CIV).
 2. General rate for rateable commercial properties (135%) – 0.00339800 cents in the dollar of Capital Improved Value (CIV).
 3. General rate for rateable industrial properties (160%) – 0.00402800 cents in the dollar of Capital Improved Value (CIV).
 4. General rate for rateable vacant land – residential (200%) – 0.00503500 cents in the dollar of Capital Improved Value (CIV).
 5. General rate for rateable vacant land - commercial (300%) – 0.00755200 cents in the dollar of Capital Improved Value (CIV).
 6. General rate for rateable vacant land - industrial (300%) – 0.00755200 cents in the dollar of Capital Improved Value (CIV).
 7. General rate for rateable cultural and recreational properties (60%) – 0.00151000 cents in the dollar of Capital Improved Value (CIV).
4. In accordance with Section 159 of the *Local Government Act 1989* declare a Municipal Charge of \$20.00 for each rateable property for the rating period commencing 1 July 2023 and ending 30 June 2024.
5. In accordance with Section 162 of the *Local Government Act 1989* declare a waste management service charge for waste collection and disposal on each rateable property and non-rateable properties, where the service is provided for the period commencing 1 July 2023 to 30 June 2024.
 - a. Waste Management charge 1 – 2 services \$292.30
 - b. Waste Management charge 2 – 3 services \$352.30
6. Grants a rebate in relation to rates to all City of Maribyrnong residents eligible to receive a concession through the State Government Municipal Rates Concession Scheme, with \$211 being the maximum.
7. In accordance with Section 169 of the *Local Government Act 1989* grants a rebate of 50% on the vacant residential land rate, upon application, on condition that the Certificate of Occupancy Permit is issued within 18 months of the completed building demolition and allow a further six month extension to pandemic related delays.
8. In accordance with Section 169 of the *Local Government Act 1989*, grants a rebate of 50% on the vacant residential land rate, upon

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

application, for a development impacted by a construction company being placed into administration on condition that the Certificate of Occupancy Permit is issued within 48 months of the completed building demolition.

9. In accordance with Section 169 of the *Local Government Act 1989*;
 - a. grants a rebate of 50% on the first and second quarter Rates and Municipal Charges (excluding the State Government Fire Service Levy), upon application, for identified flood affected properties; and
 - b. grants a rebate of 50% on the vacant residential land rate, upon application, for identified flood affected properties, on condition the Certificate of Occupancy Permit is issued within 24 months of the completed building demolition.
10. Notes that interest on unpaid rates will be charged in accordance with section 172 of the *Local Government Act 1989* (currently 10%).

Moved: Cr Michael Clarke
Seconded: Cr Anthony Tran

CARRIED

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

Cr Crawford left the meeting at 7:24 pm.

9.2. West Footscray Inter-war and Post-war Heritage Precinct Study - Planning Scheme Amendment C172

The purpose of this report was to present the West Footscray and Surrounds Heritage Precincts Planning Panel Report (Amendment C172), and to recommend Amendment C172 to the Maribyrnong Planning Scheme be adopted with changes and submitted to the Minister for Planning for approval.

Council Resolution

That Council:

- 1. Consider the Amendment C172 Panel Report (as detailed in Attachment 1) and resolves to abandon Amendment C172 pursuant to Section 27 of the *Planning and Environment Act 1987* for the following reasons:**
 - **Financial impacts on property owners outweigh the benefits associated with heritage protection in this instance.**
- 2. Notify the Minister for Planning in writing of Council's decision and reasons for abandoning Amendment C172 pursuant to Section 28(1) of the *Planning and Environment Act 1987*.**
- 3. Request the Minister for Planning prepare and approve an amendment to the Maribyrnong Planning Scheme under Section 20(4) of the *Planning and Environment Act 1987* to remove the interim Heritage Overlay that was applied to precincts via Amendment C173**

Moved: Cr Cuc Lam
Seconded: Cr Jorge Jorquera

CARRIED

Cr Crawford returned to the meeting at 07:46 pm.

Cr Thomas left the meeting at 07:46 pm.

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

9.3. Intercultural Maribyrnong Strategy

The purpose of this report was to present the draft Intercultural Maribyrnong Strategy to Council for consideration and seek approval to release the document for public consultation.

Council Resolution

That Council:

- 1. Note the progress to date on the development of the draft Intercultural Maribyrnong Strategy;**
- 2. Approve the release of the draft Intercultural Maribyrnong Strategy for public consultation; and**
- 3. Note that officers intend to present the final version of the document to Council for adoption by October 2023.**

Moved: Cr Cuc Lam
Seconded: Cr Jorge Jorquera

CARRIED

9.4. Medicinal Cannabis Feasibility Report

The purpose of this report was to report on the findings of the Medicinal Cannabis potential project feasibility, inclusive of commercial and legal due diligence and a preliminary assessment of Council's risk exposure, as per the Notice of Motion resolved at the 14 September 2021 Council Meeting and subsequent report resolved at the 15 March 2022 Council Meeting.

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

Council Resolution

That Council:

- 1. Note the findings of the Medicinal Cannabis Feasibility and Risk Assessment research;**
- 2. Resolve to not proceed with the establishment of an enterprise with the objective of cultivating, producing and manufacturing medicinal cannabis, or any other involvement in the medicinal cannabis industry; and**
- 3. Note that the 14 September 2021 Notice of Motion ‘Alternative Revenue Generation Proposal’ has now been investigated and closed.**

Moved: Cr Michael Clarke

Seconded: Cr Anthony Tran

CARRIED

9.5. Saltriver Place Carpark, Footscray

The purpose of this report was to update Council of findings and community feedback received during the recent engagement on the proposal to convert the existing unsealed carpark in Saltriver Place to grassed open space.

Council Resolution

That Council:

- 1. Note the feedback received from the community on the option to transform the existing unsealed carpark into open space; and**
- 2. Endorse the transformation of the unsealed public carpark next to 2 Saltriver Place, Footscray to grassed open space**

Moved: Cr Simon Crawford

Seconded: Cr Anthony Tran

CARRIED

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

9.6. Bike Sports Infrastructure and Development Plan - Community Feedback on Draft and Recommendations for Implementation

The purpose of this report was to Council to consider adoption of the draft Bike Sports Infrastructure Development Plan following community feedback on the draft plan.

Council Resolution

That Council:

- 1. Note the community feedback received on the draft Bike Sports Infrastructure Development Plan;**
- 2. Endorse the Bike Sports Infrastructure Development Plan; and**
- 3. Refer the actions in the Bike Sports Infrastructure Development Plan for future budget consideration and due diligence consideration.**

Moved: Cr Michael Clarke
Seconded: Cr Anthony Tran

CARRIED

9.7. Proposed Lease for Randall Street Kindergarten, Maribyrnong

The purpose of this report was to seek Council's approval to commence the statutory procedures under the *Local Government Act 2020* (Act) for the proposed lease of Randall Street Kindergarten, Maribyrnong Community Centre, 9 Randall Street, Maribyrnong to Try Australia Children's Services (trading as Sparkways Early Learning).

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

Council Resolution

- 1. That Council, under section 115 of the Local Government Act 2020 (Act):**
 - a. authorises the Chief Executive Officer or their delegate to commence the required statutory procedures to consider entering into the lease;**
 - b. authorise the community engagement process in accordance with Council's Community Engagement Policy, pursuant to section 115 of the Act, involve public notice of the proposed lease in a local newspaper, on Council's website and sent to surrounding properties;**
 - c. notes that the public notice will state the following proposed lease terms:**
 - (i) Tenant: Try Australia Children's Services (trading as Sparkways Early Learning)**
 - (ii) Premises: Randall Street Kindergarten, Maribyrnong Community Centre, 9 Randall Street, Maribyrnong**
 - (iii) Term: 5 years**
 - (i) Rental: \$199 per year**
 - (ii) Rental Increases: 3% increase per annum.**
 - (iii) Permitted Use: Three (3) and Four (4) year old Kindergarten and any other early years' service or community activities approved in writing by Council and in accordance with the Service Agreement and any applicable town planning permit.**
 - 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 115 of the Act in relation to this matter; and**
 - e. notes that the public notice is for a minimum period of 28 days and provides the option for any submitters to request as part of their written submission to be heard by a Committee consisting of the whole of Council on Tuesday 29 of August, 2023 at 6:30pm, if required.**
- 2. Notes that once all submissions forming part of the community engagement process pursuant to section 115 of the Act 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

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

9.8. Governance Report - May 2023

The purpose of this report was to receive and note the record of informal meetings of Councillors and Councillor delegates' for May 2023, as well as other statutory compliance and governance matters.

Council Resolution

That Council notes the May 2023 Governance Report containing the record of informal meetings of Councillors and Councillor Delegates' Reports, to be made available on Council's website for the term of the current Council.

Moved: Cr Bernadette Thomas
Seconded: Cr Anthony Tran

CARRIED

10. NOTICES OF MOTION

10.1. Notice Of Motion: 2023/05: Mental Health in the City of Maribyrnong

That Council:

- 1. Acknowledges the current and emerging mental health crisis, particularly amongst younger and vulnerable Victorians;**
- 2. Notes that the impacts of COVID-19, along with cost of living impacts has added significant psychological distress to some members of the community;**
- 3. Recognises the current and planned investments in mental health support and services by the Victorian Government that have resulted from the Royal Commission into mental health, but nonetheless;**
- 4. Calls on the Victorian Government to conduct an enquiry into the psycho-social impacts of COVID-19, and in particular, the effects that necessary lockdown measures undertaken have impacted on community; and**
- 5. Asks the Victorian Government to consider additional measures and funding to invest in community resilience, psychological and material support to mitigate identified impacts.**

Council Resolution

Moved: Cr Michael Clarke
Seconded: Cr Anthony Tran

CARRIED

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

11. COUNCILLOR QUESTION TIME

Councillor Question Time opened at 8.38pm

Cr Bernadette Thomas requested the Mayor to provide an overview of Council's meeting with Assistant Minister for Health and Aged Care, Hon Ged Kearney MP.

The Mayor advised that the Chief Executive Officer, Director Planning and Environment met with the Assistant Minister to provide a briefing on air quality in Maribyrnong, and particularly respiratory diseases and rates of asthma that are 117% above the national average for young people.

The Mayor advised that Minister Kearney referred Maribyrnong City Council to a climate piece of work as to what we can be doing to achieve better industry standards and reduce submissions through different types of fuel. This fits in very closely with what we are doing with the health emergency in Maribyrnong and trying to reduce those presentations at hospital and the respiratory rates.

Minister Kearney also advised that there was potential to work with the Hon Michael McCormack MP, Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development in the future to look at industry standards and potential trial given the intersection of climate and health.

Councillor Question Time closed at 8.43pm.

12. URGENT BUSINESS

Nil.

13. CONFIDENTIAL BUSINESS

13.1 Chief Executive Officer – Interim Performance Review

Council Resolution

That Council resolve to close the meeting to the public pursuant to Section 66 of the Local Government Act 2020 to discuss Item 13.1 Chief Executive Officer Interim Performance Review.

Moved: Cr Anthony Tran

Seconded: Cr Bernadette Thomas

CARRIED

The meeting was closed to the public at 8.45pm.

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

Council Resolution

That Council re-open the meeting to the public.

Moved: Cr Simon Crawford
Seconded: Cr Anthony Tran

CARRIED

The meeting was re-opened to the public at 8.49pm.

14. MEETING CLOSURE

The Chair, Cr Sarah Carter, declared the meeting closed at 8.50pm.

To be confirmed at the Ordinary Council Meeting
to be held on 18 July, 2023.

Chair, Cr Sarah Carter

Agenda Item 7.1

NOTING THE CONFIRMED MINUTES OF THE AUDIT AND RISK COMMITTEE - 11 APRIL 2023

Director: Lisa King
Director Corporate Services

Author: Phil McQue
Manager Governance and Commercial Services


PURPOSE

To present for noting the confirmed minutes of the Audit and Risk Committee meeting, held 11 April 2023.

ISSUES SUMMARY

- The Audit and Risk Committee Charter requires Council to note the confirmed minutes at the next appropriate meeting.

ATTACHMENTS

1. Confirmed Minutes of the Audit and Risk Committee - 11 April 2023 [↓](#) 

OFFICER RECOMMENDATION

That Council notes the confirmed minutes of the Audit and Risk Committee held on 11 April 2023.

Agenda Item 7.1**BACKGROUND**

In accordance with section 53 of the *Local Government Act 2020*, Council has established an Audit and Risk Committee.

DISCUSSION/KEY ISSUES**1 Key Issues**

The Audit and Risk Committee Charter and Council's Governance Rules requires Council to confirm its minutes at the next appropriate meeting

2 Council Policy/Legislation**Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Ethical leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration to support economic growth during the ongoing challenges of the pandemic and beyond.

Legislation

Local Government Act 2020

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

Nil.

4. Resources

Nil

5. Environment

Nil

CONCLUSION

The confirmed minutes of the Audit and Risk Committee held on 11 April 2023 are presented to Council for noting.

Agenda Item 7.1 - Attachment 1



MEETING OF AUDIT AND RISK COMMITTEE

**Tuesday 11 April, 2023
4:30pm**

**Meeting Room
Braybrook Community Hub
107–139 Churchill Avenue, Braybrook**

MEMBERSHIP

Independent Member Marilyn Kearney (Chair)
Independent Member Lisa Tripodi
Independent Member Jeff Rigby
Councillor Michael Clarke
Councillor Cuc Lam
Councillor Sarah Carter (Mayor ex-officio)

To be confirmed at the Audit and Risk Committee Meeting
to be held on 27 June 2023

Agenda Item 7.1 - Attachment 1

1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 4:37pm. The Chair made the following statement:

"We acknowledge that we are on the 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

Independent Member Marilyn Kearney (Chair)
Independent Member Lisa Tripodi
Independent Member Jeff Rigby
Councillor Michael Clarke
Councillor Cuc Lam
Councillor Sarah Carter (Mayor ex-officio)

IN ATTENDANCE

Chief Executive Officer, Celia Haddock
Director Corporate Services, Lisa King
Director Community Services, Lucas Gosling
Director Planning and Environment Services, Laura-Jo Mellan
Acting Director Infrastructure Services, Paul Jane
Manager Governance and Commercial Services, Phil McQue
Manager Finance, Mark Connor
Manager Information Technology Services, Matt Cooper
Coordinator Governance, Chris Southavong
NTT Internal Auditor – Pat Scanlon

2. APOLOGIES

Nil.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

4. AUDIT AND RISK COMMITTEE CHAIR QUESTIONS

4.1 The Chairperson asked the Chief Executive Officer and Internal Auditor if there are "any matters such as breaches of legislation or practices that need to be brought to the attention of the Committee?"

The Chief Executive Officer and Internal Auditor advised of no such matters.

4.2 The Chairperson asked the Internal Auditors if the work of the Internal Auditor had been obstructed in anyway?

The Internal Auditor advised of no such obstructions.

Agenda Item 7.1 - Attachment 1

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

5. Confirmation of the Minutes of the Previous Audit and Risk Committee Meeting - 14 February 2023

The purpose of this report was to present for confirmation the minutes of the Audit and Risk Committee Meeting held on 14 February 2023.

Committee Resolution

That the Audit and Risk Committee confirms the minutes of the Audit and Risk Committee Meeting held on 14 February 2023.

Moved: Independent Member Jeff Rigby
Seconded: Cr Cuc Lam

CARRIED

6. BUSINESS ARISING FROM PREVIOUS MEETING

6.1. Actions from Previous Audit and Risk Committee Meeting

The purpose of this report was to consider all actions arising from previous Audit and Risk Committee meetings.

Committee Resolution

That the Audit and Risk Committee note the Actions from the Previous Audit and Risk Committee Meeting Report.

Moved: Independent Member Lisa Tripodi
Seconded: Cr Michael Clarke

CARRIED

Agenda Item 7.1 - Attachment 1

6.2. Actions from Previous Internal Audits - March 2023

The purpose of this report was to provide a summary to the Audit and Risk Committee on the status of Internal Audit Actions.

Committee Resolution

That the Audit and Risk Committee note the Actions Arising from Previous Internal Audits, March 2023.

Moved: Independent Member Lisa Tripodi
Seconded: Cr Michael Clarke

CARRIED

6.3. Review of Footscray Park Play Space Incidents Report

The purpose of this report was to present the Audit and Risk Committee with an update on the review of Footscray Park Play Space Incidents.

Committee Resolution

That the Audit and Risk Committee note the Review of the Footscray Park Play Space Incidents Report and the Progress Update, as of March 2023.

Moved: Independent Member Lisa Tripodi
Seconded: Cr Michael Clarke

CARRIED

6.4. Asset Management Processes and Procedures

The purpose of this report was to provide an update on the Strategic Asset Management direction and strategies in supporting the delivery of the Council Plan 2021-2025 Strategic Objectives and Targets.

Committee Resolution

That the Audit and Risk Committee note the Asset Management Progress Achieved and Improvement Actions Proposed.

Moved: Independent Member Lisa Tripodi
Seconded: Cr Michael Clarke

CARRIED

Agenda Item 7.1 - Attachment 1

7. AUDIT REPORTS

7.1. Internal Audit Update - March 2023

The purpose of this report was to provide the Audit and Risk Committee with a summary of completed audit activities since the February 2023 Audit and Risk Committee meeting, an update on Findings from Integrity Agencies, and an update on the implementation of the 2022/23 Strategic Internal Audit Plan.

Committee Resolution

That the Audit and Risk Committee note the Internal Audit Update, March 2023.

Moved: Independent Member Lisa Tripodi
Seconded: Cr Cuc Lam

CARRIED

7.2. Internal Audit - Contract Management

The purpose of this report was to provide the Committee with the Contract Management Internal Audit for consideration.

Committee Resolution

That the Audit and Risk Committee note the Contract Management Internal Audit, March 2023.

Moved: Independent Member Lisa Tripodi
Seconded: Cr Cuc Lam

CARRIED

7.3. Internal Audit - Data Security Review

The purpose of this report was to provide the Committee with the Data Security Review Internal Audit for consideration.

Committee Resolution

That the Audit and Risk Committee note the Data Security Review Internal Audit, March 2023.

Moved: Independent Member Lisa Tripodi
Seconded: Cr Cuc Lam

CARRIED

Agenda Item 7.1 - Attachment 1

7.4. Annual Internal and External Auditors 2022 Performance Report

The purpose of this report was to present to the Audit and Risk Committee the performance report for Council's Internal and External Auditors, for the year ending 31 December 2022.

Committee Resolution

That the Audit and Risk Committee note and endorse the Annual Internal and External Auditors Performance Report, year ending 31 December 2022.

Moved: Independent Member Lisa Tripodi
Seconded: Cr Cuc Lam

CARRIED

8. GOVERNANCE, COMPLIANCE AND FINANCE REPORTS

8.1. Chief Executive Officer Report - March 2023

The purpose of this report was to present the Audit and Risk Committee with an update on matters of corporate and governance significance, relevant to the Committee's Charter.

Committee Resolution

That the Audit and Risk Committee note the Chief Executive Officer Report, March 2023.

Moved: Independent Member Jeff Rigby
Seconded: Cr Cuc Lam

CARRIED

Agenda Item 7.1 - Attachment 1

8.2. Review of the Audit and Risk Committee Annual Work Plan 2023

The purpose of this report was to consider the Audit and Risk Committee's Annual Work Plan for 2023.

Committee Resolution

That the Audit and Risk Committee note and endorse the Audit and Risk Committee Annual Work Plan 2023.

Moved: Independent Member Jeff Rigby
Seconded: Cr Cuc Lam

CARRIED

8.3. Draft Fraud and Corruption Framework

The purpose of this report was to consider the draft Fraud and Corruption Framework, and seek feedback from the Audit and Risk Committee, prior to submission to Council for consideration.

Committee Resolution

That the Audit and Risk Committee note and endorse the draft Fraud and Corruption Framework, and recommend it to Council for consideration in May 2023.

Moved: Independent Member Jeff Rigby
Seconded: Cr Cuc Lam

CARRIED

8.4. Civic Precinct & Community Hub Project

The purpose of this report was to provide a project update to the Audit and Risk Committee on the Civic Precinct and Community Hub Project.

Committee Resolution

That the Audit and Risk Committee note the progress of the Civic Precinct and Community Hub Project, March 2023.

Moved: Independent Member Jeff Rigby
Seconded: Cr Cuc Lam

CARRIED

Agenda Item 7.1 - Attachment 1

8.5. Quarterly Performance and Financial Report - Period ending 31 December 2022

The purpose of this report was to present the Quarterly Performance and Financial Report for the period ending 31 December 2022 to the Audit and Risk Committee.

Committee Resolution

That the Audit and Risk Committee notes the Quarterly Performance and Financial Report for the period ending 31 December 2022.

Moved: Independent Member Jeff Rigby
Seconded: Cr Cuc Lam

CARRIED

8.6. IT Strategy and Cyber Security Update

The purpose of this report was to provide the Audit and Risk Committee with an update to the implementation of the IT Strategy and IT Cyber Security approach.

Committee Resolution

That the Audit and Risk Committee note the IT Strategy and Cyber Security Update, as of March 2023.

Moved: Independent Member Jeff Rigby
Seconded: Cr Cuc Lam

CARRIED

8.7. Councillor Support and Expenses October 2022 to December 2022

The purpose of this report was to present the Councillor Support and Expenses for the period October 2022 to December 2022 to the Audit and Risk Committee.

Committee Resolution

That the Audit and Risk Committee notes the Councillor Support and Expenses Report, for the period October 2022 to December 2022.

Moved: Independent Member Jeff Rigby
Seconded: Cr Cuc Lam

CARRIED

Agenda Item 7.1 - Attachment 1

9. GENERAL BUSINESS

Nil.

8. MEETING CLOSURE

The Chair declared the meeting closed at 6.15pm.

To be confirmed at the Audit and Risk Committee Meeting
to be held on 27 June, 2023.

Chair and Independent Member
Marilyn Kearney

Agenda Item 9.1**2023-2026 TRIENNIAL ARTS PARTNER FUNDING RECOMMENDATIONS**

Director: Lucas Gosling
Director Community Services

Author: Kate Shearer
Coordinator Arts and Culture

PURPOSE

To present the recommendations of the Triennial Arts Partner independent peer assessment panel on funding for not-for-profit arts organisations from 1 July 2023 – June 2026.

ISSUES SUMMARY

- Council's Triennial Arts Partner program currently contributes multi-year operational funding to not-for-profit local arts, cultural or heritage organisations in the City of Maribyrnong. The Triennial Arts Partner funding program enables long-term planning to foster the growth of the City's creative people, culture and communities.
- The program is designed to assist with the day-to-day running costs and delivery of programmes that support local artists, builds new audiences and increases participation in the arts by the community. Our local arts, cultural and heritage organisations are significant partners in achieving the creative vibrancy Maribyrnong is renowned for.
- A clear and open funding system is of benefit to Maribyrnong City Council, as it requires all arts organisations to meet selection criteria (in line with our Council Plan and Arts and Culture Strategy) and to evaluate key performance indicators (KPIs) in their annual reporting as part of a transparent funding agreement and acquittal process with Council.
- Evidence from the acquittals of the previous three years' funding indicates that the Triennial Arts Partner Program played a critical role in supporting the local arts sector during the multiple Covid-19 lockdowns and recent recovery phase.
- Annual Reports submitted reveal the program has been very successful in increasing the community's participation in arts and culture with 259,200 people participating in arts and culture activities in Maribyrnong in 2021-2022, despite the COVID-19 lockdowns. In addition to this 273,500 people participated in digital arts and culture activities.
- Applications for the 2023-2026 Triennial Arts Partner program opened on 6 March 2023 and closed 2 June 2023. Applicants were requested to submit a Three Year Strategic Plan or proposed Programme for arts, heritage or cultural activities with the community.
- On 19 June 2023, the Triennial Arts Partner independent peer panel comprising four representatives from the arts industry (across music, multi-artform, visual and performing arts) assessed 15 applications, making recommendations to support 14 local arts, heritage and cultural organisations (as listed below) based on the Selection Criteria in the Guidelines.

Agenda Item 9.1

ATTACHMENTS

1. 2023-2026 Maribyrnong Triennial Arts Partners Funding Guidelines [↓](#) 

OFFICER RECOMMENDATION

That Council endorse the recommendations of the Peer Assessment Panel for Triennial Arts Partner funding from 1 July 2023 – June 2026.

Agenda Item 9.1**BACKGROUND**

Maribyrnong City Council's local arts, cultural and heritage organisations are significant partners in achieving the creative vibrancy Maribyrnong is renowned for.

Through the Triennial Arts Partner program Council generates economic, cultural and social value to our city and delivers on its Council Plan including Action 3.4:

To build capacity for our diverse communities to thrive economically and culturally Council's investment in its local creative sector enables forward planning, reduced administrative processes and builds organisational capacity.

As part of the endorsed Arts and Culture Strategy 2018 – 2023 Council committed to a number of Actions focused on increasing investment and stability of the local arts and cultural sector, ensuring funding is distributed more evenly in a transparent and fair process including Action 4.5:

Investigate best-practice funding models and consider the introduction of three-year funding agreements to optimise performance and enhance sector stability.

In accordance with this, the Arts and Culture Unit undertook a funding research project in 2019 surveying and consulting with the local sector (across organisations who currently receive support, those who do not and independents); bench-marked investment levels and funding methods of other Local Government's; and researched best practice in the funding landscape within the Australian arts industry more broadly. The report recommended changes to historic funding arrangements with a small handful of local arts organisations to a formal, transparent and fair funding process.

The introduction of Council's first Triennial Arts Partner funding for not-for-profit arts organisations in 2020 with a budget of \$581,500, increased Council's support to the arts with 13 local organisations funded through the program. Each organisation has received 2%CPI across each of the three years of their 2020-2023 funding with the current annual cost of \$605,512.80. The timing of the 2020-2023 funding was particularly significant with local creative sector losing significant income through closure of their programs due to Covid-19 lockdowns. Many of the funded companies have indicated in their acquittals that without triennial support they would have struggled to survive during this period.

The Guidelines for the 2023-2026 Triennial Arts Partner Program offered up to \$45,000 for professionally-staffed organisations and up to \$20,000 for volunteer-run organisations. In 2020 it was \$40,000 for professionally staffed organisations and \$15,000 for volunteer run organisations. The proposed increase of \$5,000 was in recognition of increased cost of living (such as electricity) and other financial pressures across the sector.

In addition, the funding guidelines allows for organisations that have a strong and significant record of contributing to the arts and cultural life in Maribyrnong, to be invited to apply for funds over the \$45,000 cap. In this round, two organisations were invited to apply, including Footscray Community Arts and Women's Circus.

Agenda Item 9.1

Independent peer assessment is considered best practice, a fair and arms-length method for government to make granting decision. It involves a panel of industry peers reflecting on the work of their peers against selection criteria outlined in the Guidelines and using their expertise in the field to provide constructive feedback and advice to Council.

Of the 15 applications received, 14 were recommended for support by the peer assessment panel. One new applicant was recommended for support in addition to the 13 organisations already supported by Council through this program.

With the available funds, the panel were not able to support two local arts organisations who requested consideration as professionally-staffed organisations (having previously been funded as volunteer-run, and hence be eligible for a higher threshold for this round). One applicant who requested consideration as a professionally staffed organisation was partially supported though not to the level of support of other professionally-staffed organisations.

DISCUSSION/KEY ISSUES**1. Key Issues**

The independent peer assessment panel made the following recommendations for 2023-2026 Triennial Arts Partners grants, based on the available funds:

Arts Organisations	Recommended Funding (per year)
<p>Footscray Community Arts</p> <p>Established in 1974, Footscray Community Arts is both: a community engaged and contemporary arts organisation and a cultural precinct; producing and presenting culturally relevant programs, opportunities and creative works that are representative of social, cultural and political commentary in contemporary Australia. With a legacy spanning nearly 50 years and a national reputation, they actively prioritize collaboration with First Nations, culturally and linguistically diverse, LGBTIQ+ and d/Deaf and Disabled artists and communities. They are also the largest arts employer in Melbourne's western suburbs with 11 full-time, 18 part-time staff, 39 casuals and the engagement of over 560 artists per year.</p>	\$230,000

Agenda Item 9.1

<p>Women's Circus</p> <p>Since 1991, Women's Circus has partnered on over 300 community projects, employed hundreds of artists and trained thousands as they work to empower people of marginalised genders to support a vibrant and more inclusive community and culture through circus. Women's Circus is considered a pioneer of social circus both nationally and internationally, using training programs that focus on the physical and imaginative potential of the human body, self-awareness and self-esteem. Their small team of core staff work alongside experienced circus trainers to train and create performances with over 200 current members aged from 18 to 70+, including d/Deaf and Disabled projects and supporting First People's circus.</p>	\$55,000
<p>Western Edge Youth Arts</p> <p>Since 2005, Western Edge has been providing free performance-based workshops and create dynamic theatre with structurally disadvantaged and under-represented young people in Melbourne's West. Each year WEYA partner with multiple local councils, high schools, community service organisations, local businesses and venues, to deliver approximately 170 workshops, creative projects, and performances for over 2000 audience members. Fuelled by the underrepresentation of diverse voices and lived experiences on Australian stages, screens and leadership roles in the arts industry, 82% of their core staff, artists and board are culturally diverse. 100% of their Lead Artists are culturally diverse and under the age of 30.</p>	\$40,000
<p>Pidgeon Projects (trading as 100 Story Building)</p> <p>100 Story Building (formed in 2009) is a centre for young writers based in Melbourne's west whose literacy programs have reached more than 45,000 participants. They focus on literacy, confidence and sense of belonging through storytelling and creative literacy programs that engage children and young people in their own learning. They provide opportunities for the most marginalised children and young people in our community to build the literacy skills, confidence and a sense of belonging that are fundamental to increasing wellbeing in 6-18 year olds.</p>	\$40,000

Agenda Item 9.1

<p>Living Museum of the West</p> <p>Operating as an eco-museum since 1984, the Living Museum actively engages the communities of Melbourne's west in projects that research, document, preserve and interpret its rich social, industrial and environmental history. This work includes regular public exhibitions, performances, festivals, publications, videos and public artworks which contribute to expanding their unique Collections. Their work focuses on bringing both responsibility and opportunity to address ecological and social issues in Melbourne's west. Participation can take the form of in the Museum's research and oral history programs, through one of the many artist residencies or partnership programs with the university sector each year.</p>	\$40,000
<p>Snuff Puppets</p> <p>Since 1992, Snuff Puppets has been unleashing their giant puppet spectacles on millions of people, all from their home at the Footscray Drill Hall. Their work is a multi-disciplinary collision of visual art, sculpture, design, engineering, music, movement, performance and physical theatre. At the heart of it is the giant puppets – sometimes gorgeous; sometimes grotesque – and the unpredictable ways they are brought to life. With 30 years of performance history, and clocking over 100 million YouTube views per year, Snuff Puppets are a much-loved company with a devoted global following who are proud ambassadors of the west.</p>	\$40,000
<p>L2R Dance</p> <p>Over its 10 years, L2R has grown from a single dance class at the Western English Language School to one of Australia's most dynamic youth arts organisations with an energised Board, seven staff, a stable of 20 professional casual artists and over 150 weekly youth participants. L2R Dance is dedicated to providing free dance programs, arts leadership opportunities and employment pathways for young people experiencing disadvantage in Melbourne's West by using Hip Hop dance and culture to empower and critique social issues affecting young people.</p>	\$40,000

Agenda Item 9.1

<p>Trocadero Arts Projects</p> <p>In 2023, Trocadero celebrates its 18 year anniversary, marking the delivery of over 750 exhibitions by 950 artists, a range of public programs, events, and collaborative projects within the City of Maribyrnong. An entirely non-profit ARI, Trocadero is run by a collective of artists, writers, industry professionals and western local community members focussed on the production and exploration of new arts practice as well as the development of social and creative networks that benefit artists and local communities. They provide exhibition and other opportunities for artists working across multiple mediums including painting, sculpture, sound art, video, photography, and performance. They are committed to diversity and experimentation providing the much needed support for artists and audiences to confidently engage with art in the western suburbs.</p>	<p>\$30,000 (requested consideration as Professionally supported organisation – which was partially supported)</p>
<p>Cinespace</p> <p>Cinespace fosters the creation, appreciation, and accurate, meaningful representation of the Culturally and Racially Marginalised communities on Australian screens. They collaborate with artists, community and partners to work towards greater cultural diversity in the Australian film & television industry, both in front and behind the camera. Cinespace run workshops, provide mentorships, production support, networking- all low or no financial cost to participants- to ensure optimum access to the communities they serve. With the support of industry and community partners, Cinespace established its flagship Production-In-Residence studio in central Footscray in 2022 to assist diverse screen artists realise their work.</p>	<p>\$20,000 (Supported as a Volunteer Organisation – not able to fund as professionally staffed organisation)</p>
<p>Wit Inc.</p> <p>Wit Incorporated is a vibrant and inclusive professional theatre company based in Melbourne's west. Wit presents professional theatre that explore the intersections of gender, culture and identity, striving for diverse representation on stage and access for all. Wit Inc also run Community Programs such as the popular Wit Kids drama classes, school holiday programs and Sector Development programs with local performing artists to build creative skills through Sundays with Wit training, venue management and technical provision and national sector meetings.</p>	<p>\$20,000 (Supported as a Volunteer Organisation – not able to fund as professionally staffed organisation)</p>

Agenda Item 9.1

<p>Fat Fruit</p> <p>Fat Fruit, led by award-winning Sarah Ward and Bec Matthews, create intersectional performance work that include live music, multi-media, theatre, circus, dance and performance art. Working collaboratively with d/Deaf and disabled artists, young people and LGBTIQ artists creating art with community for community they work across multiple styles from adult to family works, from rock theatre to variety shows, spoken word nights and cabaret. While created in Footscray, over the past ten years they have performed all around the world including The Sydney Opera House, London SOHO and The Edinburgh Fringe, Rising Festival, World Pride Festival, Arts Centre Melbourne, The Sydney Festival, FIMA Buenos Aires, The Adelaide Cabaret Festival, 10 Days On The Island to name a few. They have accumulated 14 Green Room Awards, a Helpmann Award, Sydney Theatre Award and more. With triennial support they will increase workshops, performances and creative exchanges in Maribyrnong, where they live and create.</p>	<p>\$20,000 (new to operational support from Council)</p>
<p>Footscray-Yarraville City Band</p> <p>Footscray-Yarraville City Band is a premier music ensemble that maintains a regular schedule of competitions in the highest 'A' grading, where they have achieved numerous State and National placings and titles in their long history. In addition to a regular competition schedule, they maintain a strong commitment to performance opportunities in the local community such as Yarraville Festival, Christmas carols and the Western Bulldogs football club. Footscray-Yarraville City Band are a community group of diverse musicians with three ensembles under our organisational umbrella, catering for a wide range of musical skills and abilities from semi-professional to developmental. They offer the Percussion Academy, which is training ground for young percussionists and Western Brass, a smaller performance ensemble.</p>	<p>\$15,000</p>
<p>Hyde Street Youth Band</p> <p>Formed in 1928 as the band of the (then) Hyde St. Primary School in Footscray, HSYB has supporting the tuition of young people in brass instruments and music participation for young people in Maribyrnong for 95 years. Many professional and well-known musicians have made their start with the HSYB, and they continue a strong tradition by assisting members to develop their musical skills in a professional and supportive low-cost environment. In April of this year, Hyde Street won the JUNIOR B division of the National Brass Band Competition in Newcastle. There was no Junior A competition, making Hyde Street officially the best competing youth brass band in the country. Their Musical Director, Philippa Edwards, was also awarded an Order of Australia medal in the recent King's Birthday honours for services to music participation.</p>	<p>\$15,000</p>

Agenda Item 9.1

<p>Footscray Historical Society</p> <p>Since 1968, the Footscray Historical Society is a charity intent on advancing culture in the west by: recording and cataloguing the history of the Footscray district; collecting, preserving, and exhibiting items of historical significance to the Footscray district for the benefit of the community; advocating for the conservation, restoration and maintenance of buildings and sites of historical significance to the Footscray district for the benefit of the community; and fostering public awareness of, and interest in, the history of the Footscray. The Society opens at regular hours in its historic building Ercildoune.</p>	\$15,000
<p>Westgate Concert Band</p> <p>For over 40 years the Westgate Concert Band has called Braybrook home, holding weekly rehearsals at Braybrook College in the Roy Hamilton Music Centre. They deliver two types of performances to the community: 'playouts' and formal concerts. The playouts typically involve a series of popular charts, including movie themes, golden oldies and Disney classics, which they perform at community locations including Bunnings, Scienceworks, the Yarraville Festival, retirement homes, and at the former Chasing Sound Music School. In addition to these core programs, the application was primarily to support an original work to be created for their 45th Anniversary celebrations.</p>	<p>The peer panel did not recommend support through the triennial program. This organisation is encouraged to apply to Council's Community Grants program.</p>

2. Council Policy/Legislation**Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025, and the wellbeing outcomes contained in the Municipal Public Health and Wellbeing Plan by considering:

- Strategic Objectives
 - Council will provide well-planned neighbourhoods and a strong local economy, delivering services that are inclusive and accessible to the whole community, and that support wellbeing, healthy and safe living, connection to the community, and cultural interaction.
- Wellbeing Outcome
 - Fair and inclusive - Improving mental wellbeing

Legislation

- *Local Government Act 1989*

Agenda Item 9.1**Conflicts of Interest**

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

The Arts and Culture unit has undertaken a range of engagements with the local arts community and more broadly as part of the Triennial Arts Partner funding. We have provided the following capacity building workshops to support the local sector:

- How to apply for Triennial Arts Partners Funding on 5 April 2023
- Developing a Strategic Plan Workshop (with Tahlia Azaria) on 26 April 2023

The sector was given three months to prepare their Three Year Strategic Plans or programmes and could meet with Coordinator Arts and Culture to discuss their business plans.

4. Resources

The current budget for Council's Triennial Arts Partner Program is \$620,000 and the recommendation is to fully allocate this budget

5. Environment

Nil.

CONCLUSION

Maribyrnong's creative-industries sector comprises of more than 1,500 jobs, which amounts to 3.8 percent of the City's total workforce. The sector's contribution to the Gross Regional Product (GRP) is \$297.9 million (5.4 percent), which is Maribyrnong's seventh largest by GRP (Economic and Social Value of the Arts and Creative Sector in the City of Maribyrnong, Geografia Pty Ltd, 2017). Council's investment in its local arts, culture and heritage organisations builds stronger, more cohesive communities, increases well-being, life-long learning and creativity. Evidence now suggests that the core skill of creativity extends well beyond the arts, affecting almost every discipline and industry.

The Triennial Arts Partner grant program has played a vital role in the recovery of our much loved local arts sector as the City re-emerges from the pandemic. Triennial support demonstrates that Maribyrnong's creative community are worth celebrating, capacity building and profiling to generate economic, cultural and social value to our city.



1 July 2023 – 30 June 2026 Triennial Arts Partners Funding Guidelines

Agenda Item 9.1 - Attachment 1

Contents

Contents	2
Introduction to Maribyrnong's Triennial Arts Partners Funding	3
Key Dates	4
Local Sector Capacity Building Workshops	4
Eligibility:	5
Triennial Arts Partner Selection Criteria	5
How to apply (Smartygrants)	6
Application Assessment Process	6
HOW TO APPLY (Professionally staffed organisations):	7
HOW TO APPLY (Volunteer-run organisations):	8
Funding Agreement	9
Grants as taxable income and GST (Goods & Services Tax)	9
Other legal requirements	9
Legal and insurance standards	9
Government legislation	9
Paying Artist Fairly	10
Permits and Local Laws	10
Handy tips for your Funding Application	11
Using the online application form	11

Introduction to Maribyrnong's Triennial Arts Partner Funding Agenda Item 9.1 - Attachment 1

At the City of Maribyrnong, our vision is to help our communities flourish. We want to create a lively, enriched society that takes advantage of our greatest asset – our authentically diverse culture and dynamic arts sector.

In 2018 Maribyrnong Council endorsed its *Arts and Culture Strategy 2018-2023* which:

- Support our rich arts ecology of artists, arts organisation and the positive activities already occurring;
- Ensure that the stories and perspectives of First Nation artists are being told;
- Encourage participation of the diverse cultures of Maribyrnong in the arts;
- Develop facilities that ensure ready access to the arts by the whole community in this rapidly expanding municipality;
- Ensure that our creative industries thrive; and
- Ensure that Council takes a holistic and cross-Council approach in creating a vibrant arts and creative-industries sector.

www.maribyrnong.vic.gov.au/arts-and-culture/About/Arts-and-Culture-Strategy-2018-2023

In 2019 Maribyrnong Council also endorsed its *Public Art Strategy 2019-2029* to shape our city and significantly invest in a wide range of public art from major to ephemeral to works integrated with urban design.

www.maribyrnong.vic.gov.au/arts-and-culture/About/Public-Art-Strategy-2019-2029

In order to future proof the cultural vibrancy of the inner West, Council cannot deliver the outcomes of these Strategies alone. We therefore seek to partner with key arts organisations based in Maribyrnong that make significant contributions to the arts, culture and/or heritage of our community and have the capacity to deliver a Three Year program that enhances the cultural, community and economic development of Maribyrnong.

Triennial Arts Partner Funding is designed to:

- Provide multi-year organisational funding to significant arts, cultural or heritage organisations in the City of Maribyrnong.
- Assist with their capacity to deliver programmes that support local artists, build new audiences and increase participation in the arts by the community.
- Increase partnership opportunities for key arts organisations to leverage and strengthen their financial viability
- Enable forward planning for arts organisations with multi-year funding, reducing administrative processes and building organisational capacity
- Increase creative outcomes in Maribyrnong that extend our marketing reach as a creative and welcoming city
- Ensure that the outcomes of the *Arts and Culture Strategy 2018-2023* are realised

Agenda Item 9.1 - Attachment 1

Key arts organisations that are either based in Maribyrnong, or with a significant history of delivery in Maribyrnong, and a strong track record of producing high quality work that engages the community in a significant way may apply for amounts as follows:

Professionally staffed arts organisations:

- Apply for up to **\$45,000 per year** for three years from 1 July 2023 – 30 June 2026. (Applications for greater than \$45,000 is by written invitation from Council only).

Volunteer-run arts, cultural or heritage organisations:

- Apply for up to **\$20,000 per year** for three years from 1 July 2023 – 30 June 2026. (Applications for greater than \$20,000 is by written invitation from Council only).

Key Dates

Applications OPEN	6 March 2023
Workshop on Applying for Triennial Arts Partner Funding	3pm Wednesday 5 April 2023
Workshop on Strategic Plan Writing	3pm Wednesday 26 April 2023
CLOSE	Midday 12pm 2 June 2023
Assessment	3-30 June 2023
Decisions to Council	13 July 2023
Three Year Programme to be delivered within the City of Maribyrnong	1 July 2023 – 30 June 2026

Local Sector Capacity Building Workshops

Workshop 1: Applying for Triennial Arts Partners Funding

3pm – 4:30pm Wednesday 5 April 2023

Workshop 2: Developing a Strategic Plan

3pm – 5pm Wednesday 26 April 2023

Eligibility:

Agenda Item 9.1 - Attachment 1

Organisations must fulfil all of the following criteria:

- Not-for-profit arts, cultural or heritage organisations based in or with a significant history of delivery in the City of Maribyrnong;
- Have a formal governance structure, annual audited or independently verified financials;
- A legal constituted entity for at least two years;
- Have a strong track record of producing quality work and engaging the community in a significant way
- Have public liability insurance to the value of no less than \$20million, working with children checks (if the project involves young people) and all other legal requirements (such as licencing, workcover, superannuation).

Exclusions

The following are excluded from applying:

- Non-arts-related businesses or for-profit organisations
- Academic institutions and schools;
- Projects which require retrospective funding, such as projects which have commenced or are completed
- Building, capital works* or facility maintenance
- Competitions, prizes, award exhibitions or fundraising events
- Recipients who have not fully met previous funding or acquittal obligations.

** Capital works are defined as projects undertaken to create a new permanent asset or space, or to permanently change the use, function or layout of an existing asset or space.*

Triennial Arts Partner Selection Criteria

The Selection Panel will prioritise organisations that rate highly across the following selection criteria:

CAPACITY

- Excellence in artistic and/or cultural development practice;
- Proficient in administration, project and/or production management;
- A commitment to rigorous processes and evaluation;
- Organisational structure, staffing and resources required to successfully undertake the proposed three year programme of activities; and
- A complete, balanced, and realistic three year operating budget.

RELEVANCE AND ARTISTIC IMPACT

- The organisation is located in Maribyrnong, or has a significant history of delivery in Maribyrnong and the proposed three year programme of activities is undertaken primarily in Maribyrnong.
- A significant number of the creative teams or project participants in the proposed three year programme of activities live, work, study or have deep connections to Maribyrnong;

Agenda Item 9.1 - Attachment 1

- The three year programme engages widely with members of the community to offer engaging, high calibre artistic, cultural or heritage outcomes;
- The three year programme of activities contributes to and reflects local culture, identity and diversity;
- The three year programme increases the City's profile as a vibrant and diverse destination;
- The three year programme demonstrates a commitment to the Actions of either *Arts and Culture Strategy 2018-2023* or *Public Art Strategy 2019-2029*;

CAPACITY BUILDING

Three year funding will also make a significant difference to one or more of the following:

- Economic, tourism, creative and cultural impact and growth;
- Local skills and knowledge development;
- Community social cohesion and well-being;
- Organisational and/or program development, promotion and sustainability;
- Initiatives that address sustainable practices;

How to apply (Smartygrants)

Funding applications are submitted using the Smartygrants online application system. Interested applicants are strongly advised to attend the Triennial Arts Partner Funding Workshop to find out more about the application process.

The link to the online application will be accessible from **Monday 6 March 2023** and will automatically close at **Midday 12pm 2 June 2023**.

For help accessing the online application or if there are any issues with uploading your support documents, please contact the Coordinator Arts and Culture on 03 96880200 Monday to Friday 9am-5:30pm.

Unfortunately no hard copies or late applications will be accepted.

Application Assessment Process

Applications are assessed by a panel of arts sector specialists and staff from Arts and Culture Maribyrnong who will support and promote the initiative. The success of applications is determined by the application's merits against the funding criteria and program objectives, and in competition with other applications.

Should any industry panel member be part of, or associated with, an application, they will exclude themselves from assessment and discussion of that proposal.

All funding recommendations are referred to a meeting of Council for approval.

Please note: Triennial Arts Partner Funding will be highly competitive and Maribyrnong City Council cannot fund all the applications it receives. Funding provided for three years does not ensure that funding will be available in future years.

Agenda Item 9.1 - Attachment 1

HOW TO APPLY (Professionally staffed organisations):

Professionally staffed arts organisations will be required to address the following:

- Organisation information (contact details, ABN)
- Description of your organisation covering:
 - Brief statement of the role and work of the organisation including any significant achievements over the last few years
 - Artform, activity locations and demographic focus
 - Brief details of Board and key staff (including EFT)
- About Your Programme
 - Outline a three year Strategic or Business Plan of high quality arts activity in Maribyrnong (with one year of your Artistic Plan detailed in full)
 - Demonstrate how your organisation fosters development of the City's creative people and culture
 - Articulate in a detailed 1 Year Artistic Plan your strategies for professional practice, community participation and engagement
 - Indicate any partnerships in place or levels of financial leverage that will be targeted for specific projects
 - Ensure your Strategic plan has a marketing plan or outline your strategies for audience development and promotion
 - Demonstrate how your three year programme responds to Actions in Maribyrnong City Council's *Arts and Culture Strategy 2018-2023*
- Request for funding from Maribyrnong City Council
 - Amount requested and purpose
 - Impact – what would this funding mean for your organisation?
 - Future funding commitments or partnerships secured for this three-year period
 - Budget 2023-2026 (a budget template is provided)
- Support Material relevant to building a case for partnership
 - Confirmation of commitment from supporting venue (s) if relevant
 - Most recent annual report and audited financials
 - Letters of support from organisations or partners
 - Proof of public liability cover to the value of \$20million
 - Creative Team biographies (1-2 paragraphs maximum each) in the detailed year of the 1 Year Artistic Plan
 - Up to 6 examples of previous work including: Photographs, reviews, media, links to vimeo, etc for music, film or performance examples (maximum 5-6mins duration)

Agenda Item 9.1 - Attachment 1

HOW TO APPLY (Volunteer-run organisations):

Volunteer-run arts, cultural or heritage organisations will be required to address the following:

- Organisation information (contact details, ABN)
- Description of your organisation covering:
 - Brief statement of the role and work of the organisation including any significant achievements over the last few years
 - Artform, activity locations and demographic focus
 - Biographies (1-2 paragraphs maximum each) of your Management Committee
- About Your Programme
 - Outline a three year programme of community engaged arts activity in Maribyrnong
 - Demonstrate how the organisation fosters development of the City's community;
 - Outline your marketing strategies for audience development and promotion
 - Demonstrate how your three year programme responds to Actions in Maribyrnong City Council's *Arts and Culture Strategy 2018-2023*
- Request for funding from Maribyrnong City Council
 - Amount requested and purpose
 - Impact – what would this funding mean for your organisation?
 - Outline any other sources of support secured for this three-year period
 - Budget 2021, 2022, 2023 (a budget template is provided)
- Support Material relevant to building a case for partnership
 - Most recent audited financials
 - Letters of support from organisations or partners
 - Proof of public liability cover to the value of \$20million
 - Up to 3 examples of previous work including: Photographs, reviews, media, links to vimeo, etc for music, film or performance examples (maximum 5-6mins duration)

Funding Agreement

Agenda Item 9.1 - Attachment 1

Successful applicants will be required to enter into a formal agreement with the Maribyrnong City Council before receiving support.

The Funding Agreement will outline:

- Schedule of payments and deliverables
- Key Performance Indicators that will reflect the objectives of the program and measurements of impact
- Accountability and reporting schedule
- Review timeline

Each year of funding in the three year funding period will be reviewed.

Please note: a three year funding agreement with Maribyrnong City Council precludes you from making any Budget Bids during the funded period.

Grants as taxable income and GST (Goods & Services Tax)

Any monies received by a grant recipient will be considered as taxable income unless the Australian Taxation Office has declared the organisation a tax-exempt body. For more information visit the [Australian Tax Office](https://www.ato.gov.au) website.

Other legal requirements

Legal and insurance standards

All applicants must ensure that they comply with all legal and insurance standards. Successful applicants will be asked to produce proof of public liability insurance (certificate of currency). For any legal queries please check this website: www.artslaw.com.au.

Government legislation

Successful applicants must ensure they act with fairness and equity in all matters concerning staff recruitment and management, for both paid and volunteer staff. Funded applicants are required to comply with relevant Acts such as:

- Fair Work Act 2009
- Equal Opportunity Act 2010
- Charter of Human Rights and Responsibilities Act 2006
- Victorian Privacy and Data Protection Act 2014
- Disability Discrimination Act 1992
- Occupational Health and Safety Acts, Regulations and Codes of Practices
- Worksafe Victoria
- Child Safe Standards Victoria

Paying Artist Fairly

Agenda Item 9.1 - Attachment 1

Arts and Culture Maribyrnong support the fair payment of professional artists. We encourage you to budget your fees and wages in alignment with NAVA recommended rates or MEAA weekly award wages.

Permits and Local Laws

Events in Council open spaces such as parks or along the river will need permits or other permissions. Applicants proposing projects which include the installation of artworks or the building of temporary structures, or performances or events in public and open space, may need advice regarding the permit or permissions process prior to application submission. Please contact the Coordinator Arts and Culture on 03 9688 0200 to discuss your project idea prior to contacting other Council departments.

Handy tips for your Funding Application

Agenda Item 9.1 - Attachment 1

Planning your project

- Check that your timeline gives you plenty of time to contact and engage with potential project partners, other supporters or funders.
- Find out if there are other grants that you could potentially apply for to support your programme. Additional support will be looked on favourably.
- If your project is in public space, find out what Council permits may be required.
- Find out if there are organisations or businesses that might be interested in giving in-kind support to your project.

The guidelines and application form

- Read the Guidelines and criteria thoroughly.
- Preview the application form thoroughly before you begin writing. There are hints in the application form to help you provide important information.

Describing your project

- Be clear and succinct, articulating what the outcomes will be.
- Tell the story of your organisation: who you are, what your Three Year Programme is about, what people will see and experience, why you want to do it, who will be involved, where and when it will be.
- Clearly describe how your organisation will meet the eligibility criteria.
- Ask someone else to read your application and give you feedback.
- If you intend to work with diverse groups in the community, explain how you will reach them.
- Have a plan for supporting artists or community members with a disability/language barrier who might be participating in your programmes.
- Find out about key community or other arts organisations that would make strong partners.
- Demonstrate that you understand any legal requirements that may be needed in working with volunteers or community participants.

Using the online application form

- Preview the online form. It contains hints about what you need to consider for each section of the application.
- Write an initial draft of your project description and Timeline in a WORD document and edit inside this to meet the word limits.
- Then cut and paste text from your draft word document to the appropriate question field in the electronic document.
- Prepare a budget in Excel first to make sure it balances and then add it to the online budget page. The budget page has automatic addition capacity.
- Save a pdf copy of electronic version of your completed application prior to final submission
- Most of questions in the online form are compulsory fields, noted with an asterisk. The application cannot be submitted unless all compulsory fields

are completed. A dialogue box will appear on the final page if there are any empty fields.

- Remember to click on SAVE at the end of each page.

Find out what you need to support your application

- Make sure that the support material you submit directly relates to your programme. If it doesn't enhance your case for funding, don't submit it.

The budget

- Be realistic about your three year projections costs
- Make sure your staffing included on-costs for superannuation, work-cover and other entitlements
- Check that your income total and expenditure totals match.

Contact Us:

Applicants are strongly encouraged to contact Arts and Culture Maribyrnong on 03 9688 0200 to discuss their Triennial Arts Partner proposal with the Coordinator Arts and Culture before submitting an application.

Agenda Item 9.2**LIBRARY PLAN 2023-25**

Director: Lucas Gosling
Director Community Services

Author: Alix Massina
Manager Libraries Arts and Culture

PURPOSE

To inform Council on the key findings from the second phase of community engagement undertaken to seek endorsement of the final Maribyrnong City Council Library Plan 2023 – 2025 (Attachment 1) for adoption.


ISSUES SUMMARY

- At the Council meeting on the 18 April 2023, Council resolved to release the Draft Maribyrnong City Council Library Plan 2023 – 2025 for community and stakeholder engagement via Your City Your Voice. This process built on previous consultation and engagement undertaken in 2022.
- The Maribyrnong City Council Library Plan 2023-25 (Attachment 1) sets out the aspirations and key activities for library services over the next two years.
- The Plan has been developed to support Council to achieve its vision to be 'an inclusive, flourishing, progressive city that cares for both its residents and its environment'. It directly contributes to Council Plan strategic objectives:
 - Liveable neighbourhoods;
 - A place for all, and
 - Future focussed.
- Engagement via Your City, Your Voice took place between 18 April and 10 May 2023
- The Draft Plan was downloaded 121 times confirming strong community interest, however feedback was lower than first round engagement with only 36 contributions.
- Contributions were largely positive with enthusiasm for the 'Library of Things' concept as well as supporting the development of library staff capability. Many recognised the valuable role and contribution library staff make to the community.
- Some suggestions related to services that the Library Service already delivers providing an opportunity for quick wins in how Maribyrnong Libraries markets itself to the community.

Agenda Item 9.2

- Minor changes have been made to the draft to respond to feedback including:
 - Making it clearer that the Library Plan is supported by an Annual Action Plan; and
 - Committing to a pilot Library of Things rather than an investigation.
- Committing to wellbeing initiatives in addition to professional development for staff.

ATTACHMENTS

1. Maribyrnong Libraries - Library Plan 2023-25 [↓](#) 

OFFICER RECOMMENDATION

That Council:

1. **Notes the feedback from community on the Draft Maribyrnong City Council Library Plan (2023-25); and**
 2. **Endorse the Maribyrnong City Council Library Plan (2023-25).**
-

Agenda Item 9.2**BACKGROUND**

Libraries provide safe and welcoming spaces for all people and build community capacity by helping individuals improve their knowledge and skills, and access information. For many who live, work and study in Maribyrnong, libraries are an integral and highly valued part of their life and their community.

Libraries provide an inclusive entry point for community members whether they are seeking information, education, connection or entertainment. As a result libraries are well placed to support Council's vision for the community, delivering services directly or connecting community with resources and services provided by Council and others. The fact that you can visit a library regardless of age, ethnicity or education for the purpose of leisure, learning or conversation means that libraries are often more accessible.

Our community values our library services. In 2022 our community rated satisfaction with library services higher than any other service and their importance ninth of 39 services. In the 2022 Public Library census 95% of respondents using Maribyrnong Libraries 'feel safe at the library' and 93% believe that the library 'welcomes people from all walks of life'.

Despite this, we know that we can do better. Currently approximately 20% of residents are members of Maribyrnong Libraries. Over 2021-22 Maribyrnong Libraries hosted 229,554 visitors, 66% lower than in 2018-19.

The size of our branches is below the benchmark for the populations that they serve and many include ageing infrastructure making it difficult to deliver contemporary programming and engage new audiences.

The Draft Maribyrnong City Council Library Plan 2023-2025 does not specifically address these longer term infrastructure issues. The Plan has been developed to make immediate improvements to the service as well as integrate planning for longer term service development and infrastructure within the Library Service. Building this capability to respond to changing external factors will mean that the Library Service is better placed to deliver a sustainable and contemporary offer valued by our community.

DISCUSSION/KEY ISSUES**1. Key Issues**

Following Council's decision at the April meeting to release the draft Plan for further consultation, additional community engagement via Your City, Your Voice took place between 18 April and 10 May 2023.

Contributions were largely positive with enthusiasm for the 'Library of Things' concept as well as supporting the development of library staff capability. Many recognised the valuable role and contribution library staff make to the community.

Some suggestions related to services that the Library Service already delivers providing an opportunity for quick wins in how Maribyrnong Libraries markets itself to the community.

Agenda Item 9.2

Following the community consultation, minor changes have been made to the draft to respond to feedback including:

- Making it clearer that the Library plan is supported by an annual action plan
- Committing to a pilot Library of Things rather than an investigation.
- Committing to wellbeing initiatives in addition to professional development for staff.

A draft one-year action plan has been developed for internal use to support implementation of the Plan. This document sets out the internal governance for implementation mapping detailed actions into 23 projects for delivery over the period. Twelve of these will commence in 2023-24. Each project will be supported by a project charter. A project lead will be assigned for each project with opportunities for broader staff engagement through participation in project working groups, ideation workshops and research. A framework to monitor progress will be established with formal reporting to Council annually.

A final version of the Plan can be found in attachment 1.

2. Council Policy/Legislation**Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Strategic Objectives
 - Council will provide well-planned neighbourhoods and a strong local economy, delivering services that are inclusive and accessible to the whole community, and that support wellbeing, healthy and safe living, connection to the community, and cultural interaction.

Legislation

Nil.

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the *Victorian Charter of Human Rights and Responsibilities Act 2006*.

Agenda Item 9.2**Gender Equity**

Council aspires for all people in the City of Maribyrnong have the right to flourish and live free from violence and discrimination and have equal status, rights, opportunities, representation and respect, regardless of their gender. As the level of government closest to the community, Victorian Councils have a mandate to create healthy, safe and inclusive. A Gender Impact Assessment (GIA), a requirement for Councils under the Victorian *Local Government Act 2020*, was undertaken for the development of the Library Plan to consider the impact of gender, equity and inclusion. Council is committed to ensure that libraries as providers of community spaces, services, information and programs seek to improve gender equity outcomes for our community.

3. Engagement

In 2022, the Library Service conducted extensive consultation with both internal and external stakeholders, including detailed research and analysis in the local context and broader benchmarking in library service delivery.

A community survey generated more than 4,000 comments from more than 1,300 people in October 2022 available through our library branches, online and at a number of pop-up survey sites around the City.

Around one fifth of respondents identified as living outside Maribyrnong but still enjoying our libraries. Respondents generally expressed their appreciation of libraries and provided pragmatic and thoughtful ideas for future enhancements.

Libraries are still strongly perceived and valued as places to borrow books (this is the most used service by current customers with 79% of respondents saying that they borrow). Despite this many of our users aren't members and are visiting for safe space, connection and to participate in programming.

Since the release of the draft Plan, further consultation was conducted through the Your City, Your Voice site to ensure that the plan was well supported and to seek additional feedback for inclusion. The Draft Plan was downloaded 121 times confirming strong community interest, however feedback was lower than first round engagement with only 36 contributions. A number of minor changes have been included in the final plan to reflect the feedback that has been received.

4. Resources

The Maribyrnong Library Plan 2023-2025 will support the direction of the library service throughout that period. Actions against strategic themes will generally be implemented through existing resourcing and the plan will focus on ensuring that services deliver maximum impact for the community. Should new service offers require additional resources, proposals will be submitted through Council's annual budget process.

5. Environment

This Strategic Plan aims to deliver on actions which support Council's sustainable environment objectives and targets and to ensure that Maribyrnong Libraries play a role in ensuring our community has access to trusted information about climate emergency challenges.

Agenda Item 9.2

CONCLUSION

The Maribyrnong City Council Library Plan 2023-25 is informed by community consultation, staff experience and broader public library trends.

The Plan is a foundation for longer term thinking about library infrastructure and services to meet the future needs of the City and to ensure that ongoing value is delivered to the Maribyrnong community.



Maribyrnong
CITY COUNCIL

LIBRARY PLAN

2023 - 25



Acknowledgement of Country

Council is proud to represent a municipality with such an important Indigenous history and active community. Council acknowledges the traditional owners of this land, the Kulin nation, and appreciates the rich culture and contributions Indigenous Australians have made and continue to make to this City.



Maribyrnong Libraries

56 Paisley Street
Footscray VIC 3011
Phone: (03) 9688 0290

Fax: 9687 7793
Email: library@maribyrnong.vic.gov.au
www.maribyrnong.vic.gov.au/library

 TIS 131 450

If you are deaf, hearing-impaired, or speech-impaired,
please use the National Relay Service TTY 13 36 77
Speak and listen 1300 555 727

Connect with us:

 [/maribyrnonglibraries](https://www.facebook.com/maribyrnonglibraries)

 [maribyrnonglibraries](https://www.instagram.com/maribyrnonglibraries)

CONTENTS

01. Introduction 05

02. Our plan on a page 07

03. Serving our community 10

04. Strategic context 17

05. Planning framework 20

Photos by **Gianna Rizzo**
Quotes from library customers are anonymous
and not from the people featured in images.

"The library is the heart and soul of the community, connecting people from all ages and backgrounds and providing essential services."



Agenda Item 9.2 - Attachment 1

INTRODUCTION

Maribyrnong Libraries are valued and much loved by the Maribyrnong community as places to borrow and read books, and as inviting spaces to learn and connect.

Libraries provide safe and welcoming spaces for all people and build community capacity by helping individuals improve their knowledge and skills, and access information. For many who live, work and study in Maribyrnong, libraries are an integral and highly valued part of their life and their community.

Libraries are increasingly identified as Council resources that directly support vulnerable members of the community. They are places to go during extreme weather events and a refuge for some on low and fixed incomes, struggling with the cost of heating and cooling their homes.

Over two million Victorians¹ are public library members – more than any other membership-based community institution. Libraries provide members free access to large collections of books, magazines, audio-visual materials, newspapers and online resources, and libraries help people to read, learn, discover, relax and connect every day.

For every dollar invested in Victorian public libraries, \$4.30 of benefits are generated for the local community².

Library services have been disrupted by lockdowns and pandemic restrictions, driving use of digital and online offerings. Residents from approximately 500 properties in the suburb of Maribyrnong were also impacted by extended isolation and the damage and displacement caused by the October 2022 flood event. Council is mindful of the sustained impact these events have had on those library users, staff and more broadly, the municipality. The pandemic specifically reinforced the vital role libraries play in community connection, but has also changed the way in which our community engages with our libraries.

This Plan has been developed with input from the community and staff, recognising industry best-practice, to support our response to current and emerging issues and opportunities. This two year Plan focuses on the immediate development of our staff and the way in which we engage with our community to provide the programs, collections and services they need now, as well as providing a foundation for longer term thinking about library infrastructure and services to meet the future needs of the City.

1. Public Libraries Victoria 2020-21 PLV annual statistical survey summary report

2. Libraries Work! The socio-economic value of public libraries to Victorians. State Library of Victoria, 2018

"It's one of my favourite places. I have lots of spare time and like to come and study, read, spend time for leisure, for my mind and for research. It's a very beneficial place, for social connections and peaceful contemplation."



Agenda Item 9.2 - Attachment 1

OUR PLAN ON A PAGE



Council vision

An inclusive, flourishing, progressive city that cares for both its residents and its environment.



Library vision

Welcoming, progressive libraries which inspire connection, learning and creativity.



Council values

- Respect
- Courage
- Integrity



Strategic themes

- Safe and welcoming spaces
- Learning and engagement
- Discovery and creativity
- Future-ready workplace



Principles that guide our work



Accessible and welcoming

Our customers are at the heart of everything we do. We seek to understand the diverse needs of our library community to ensure our libraries are safe places for all.



Collaborative and constructive

We work to understand the needs of our customers, colleagues and partners and believe that collective effort delivers strong outcomes.



Flexible and adaptable

We listen to our community and proactively adjust our approach to respond to emerging needs.



Curious and willing to learn

We constantly seek to learn more about our community, our profession and the way in which we can contribute to city life. We are not afraid to try new things, we learn from our mistakes and constantly seek better ways to serve our community.



Environmentally responsible and sustainable

We work to minimise our environmental impact and support our community to respond to climate emergency challenges.

"We have been coming to Baby Rhyme Time since bub was 6 weeks old. Invaluable for establishing connections with other parents during the really tough start to being a new parent."





SERVING OUR COMMUNITY

Our service

Maribyrnong Libraries provide programs and services for residents, workers and visitors to the municipality from five branches as well as online and in the community.

Figure 1 – Library branches in the City of Maribyrnong



Visit maribyrnong.vic.gov.au/library/branches for opening hours and branch locations

Our community

Our City's demographic characteristics are varied and changing with a large proportion of residents born overseas and speaking languages other than English at home. The population of 91,479 in 2022 is forecast to grow to approximately 155,056 by 2051, a 69% increase on the current population. The number of residents over the age of 60 is forecast to increase by 103%³. With significant population growth there is likely to be an increased demand for libraries and other community services over the medium term to long term.

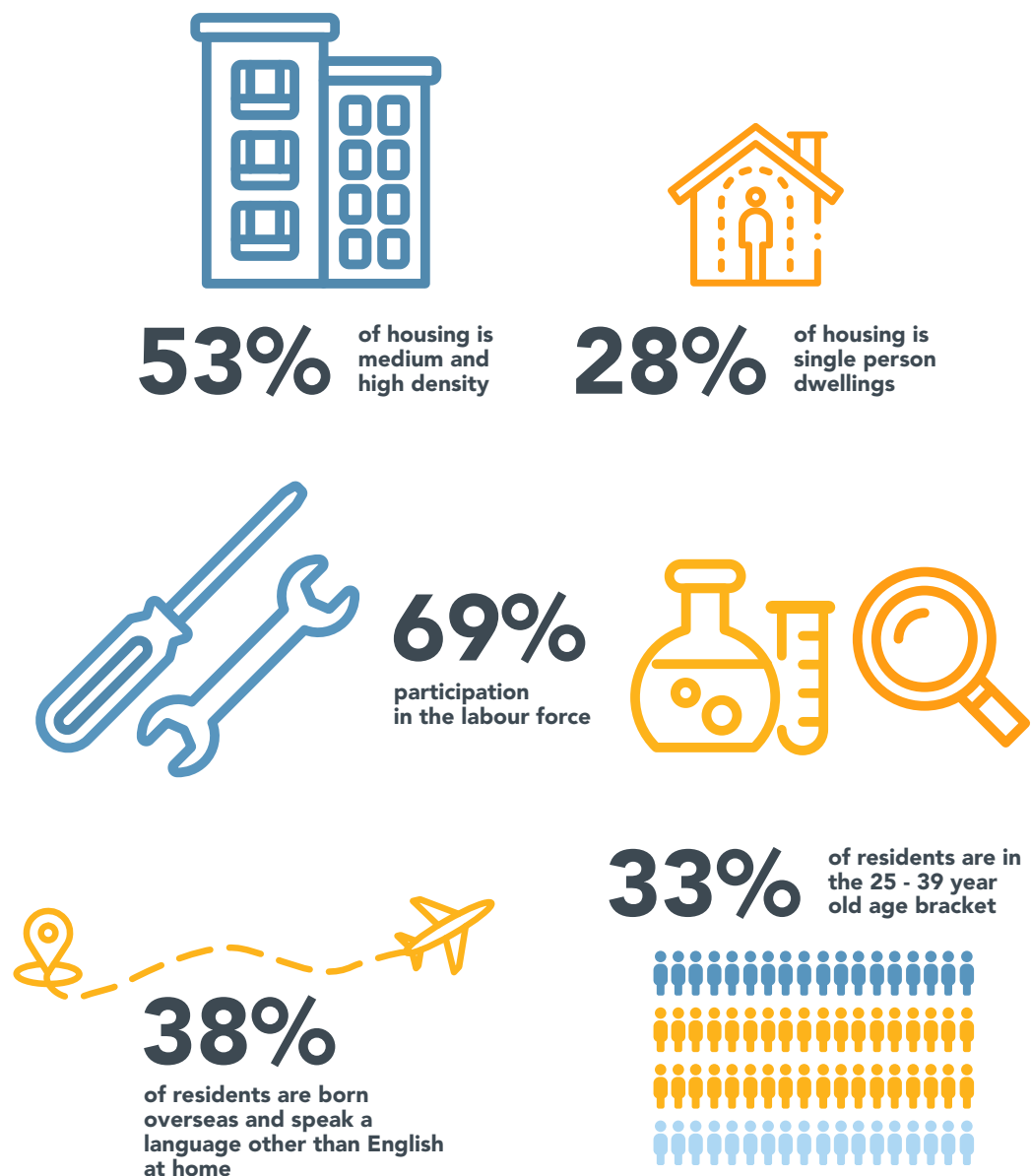
Currently more than half of the municipality live in medium and high density housing with more than a quarter of the municipality living in single person dwellings.

Demand for programs aimed at culturally and linguistically diverse audiences, welcoming spaces, and initiatives that connect individuals and combat isolation will continue to be important over the period of the Plan, during which the population is expected to grow by 3.8%.

3. i.d.community. City of Maribyrnong. Population Forecasts

Agenda Item 9.2 - Attachment 1

Figure 2 – Our community



Agenda Item 9.2 - Attachment 1

Library use

Our libraries are dynamic and changing. The services provided reflect our community profile responding to social, economic and cultural needs and usage is in line with trends across the State. People are borrowing more digital resources and fewer physical items. Our libraries are being used in different ways and there are fewer members, but more visitors. There are more programs, but attendances are still lower than before the COVID-19 pandemic. Bookings of public access computers are declining as more people use their own devices in our libraries, however free access to the internet and computers remains important for students, workers, people with no computer or internet access at home, and those experiencing homelessness.

Maribyrnong Libraries are committed to deepening our understanding of our membership base and broader community. The principle of inclusion is already embedded in our practice but by better understanding the intersectionality of our library community, we can continue to improve the services we deliver and our impact for these communities.

Figure 3 – Current library usage



Agenda Item 9.2 - Attachment 1

Engagement

Community feedback is at the heart of the 2023-25 Library Plan. Almost 4,000 comments were received from more than 1,300 people during October and November 2022. Community members were able to engage through our library branches, online and at a number of pop-up information sessions around the City.

Our community appreciates libraries. Despite changes in the way libraries are used, our community sees them primarily, as places to borrow books. Respondents also value access to a range of resources, the welcoming environment, and the ability to relax in spaces that are inclusive, calming and foster a sense of community.

Over 90% of responses were from existing users of Maribyrnong Libraries who expressed gratitude for current services, particularly the return of library services in the aftermath of COVID-19 lockdowns and restrictions. Many lamented their inability to attend libraries during this time, however, they also celebrated the home delivery book service and appreciated the quick pivot to online services.

While each branch has its own identity and unique offerings, many services are valued by all library users including borrowing items, reading books and bringing children to the library primarily during the late morning and afternoon.



1,304

survey responses



5

community pop ups



3

school holiday workshops



3

staff workshops

Figure 5 – What our community thinks about Maribyrnong Libraries

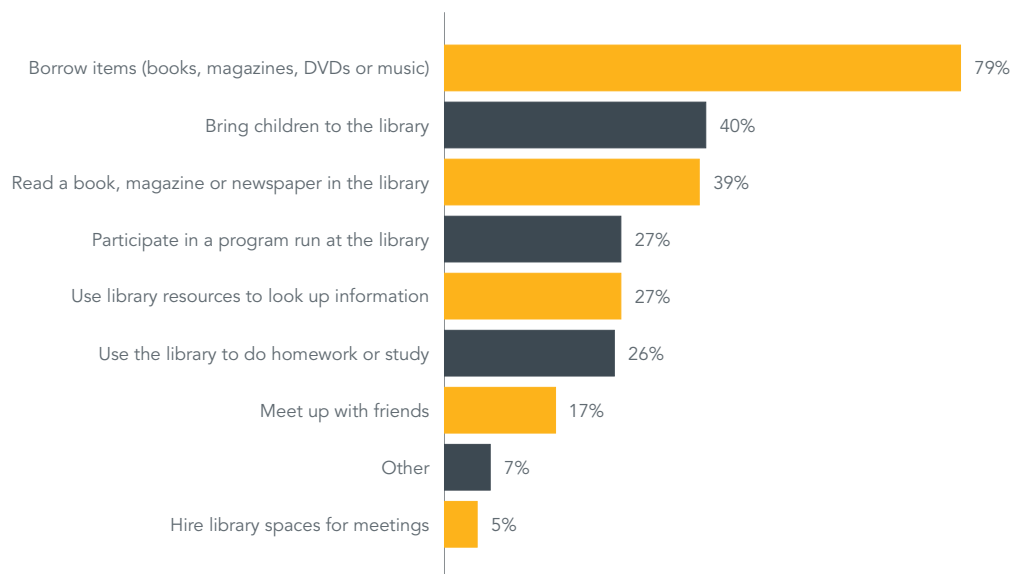


Agenda Item 9.2 - Attachment 1

The majority of respondents exclusively visit Maribyrnong Libraries. Some use neighbouring libraries due to their proximity to home or broader array of available resources. Non-library users (less than 10% of respondents) listed access to collections and resources and welcoming library staff as things that would entice them to visit.

When thinking about the future, survey respondents envisioned a physical upgrade to some libraries that were looking 'tired', including Footscray Library. Suggestions included access to refreshments, more quiet spaces, and after-hours access particularly during peak periods such as exam time for students. Library users are interested in a broader array of programs including more author talks and seminars. Opportunities to provide 'maker spaces' or places where people can create, not just consume content, were also suggested as positive additions to the library offering.

Figure 6 – Library services valued by our community (%)





"The library is a life saver...especially during the lockdown when they offered delivery, collect services and book bundles. Our librarians are heroes without capes."

Agenda Item 9.2 - Attachment 1

Our team and sector

Maribyrnong Libraries are staffed by a skilled workforce of 56 information professionals committed to serving our community.

In developing the Plan, staff identified opportunities to enhance the current service, and provided an understanding of day-to-day occurrences in our libraries and opportunities for improvement. Staff identified four key trends and themes:

- Ongoing impact of COVID-19
- Demand for fit-for-purpose, welcoming library spaces
- Critical need to support digital literacy
- Continued investment in staff skills and capabilities to support emerging community needs.

Impacts of COVID-19

The pandemic saw a rapid shift to online platforms and communications and hastened existing trends in service delivery, home-based working, online education and health support. The COVID-19 pandemic is still impacting libraries and is forcing institutions and individuals to rethink priorities in relation to the maintenance of good physical and mental health, social connections and the proximity of services in local communities.

Library spaces

There has been increased demand on adaptable spaces that offer the community flexibility, quiet spaces to study and work, informal seating and gathering spaces and program areas. These spaces must be supported by fresh and relevant library collections.

Awareness raising and partnerships

More than 20% of the City's population are library members, which is low compared with other municipalities. There is an opportunity to improve awareness of Maribyrnong Libraries through outreach and partnership development.

Digital literacy and digital inequality

Staff regularly support people with either low digital literacy and/or no computer or internet, to access and comply with online government services, fill in forms, and complete job applications. Helping bridge the digital divide is a priority for libraries, which provide access to fast speed Internet and Wi-Fi, computers and tablets, and digital literacy programs.

Leadership and Workforce Development

Changing community needs and rapid advances in technology continue to evolve the way in which we deliver our services. The need for continued investment in technology and a skilled, competent workforce with contemporary skills to adapt and innovate has never been more important.

Figure 7 – What our team envision for Maribyrnong Libraries



STRATEGIC CONTEXT

The Library Plan 2023-25 directly responds to the Council Plan 2021-25. It is informed by international, state and local plans and policies, with all activities of Maribyrnong Libraries considered within this context.

Figure 8 – Strategic planning framework







"The library is a place that is constant, reliable and community focussed and it fills my cup every time I am in it."

PLANNING FRAMEWORK

The Library Plan 2023-25 is designed to achieve our vision to be welcoming, progressive libraries that inspire connection and learning while supporting Council's vision to be an inclusive, flourishing, progressive city that cares for both its residents and its environment.

To deliver on this commitment, the Plan is guided by four strategic themes:

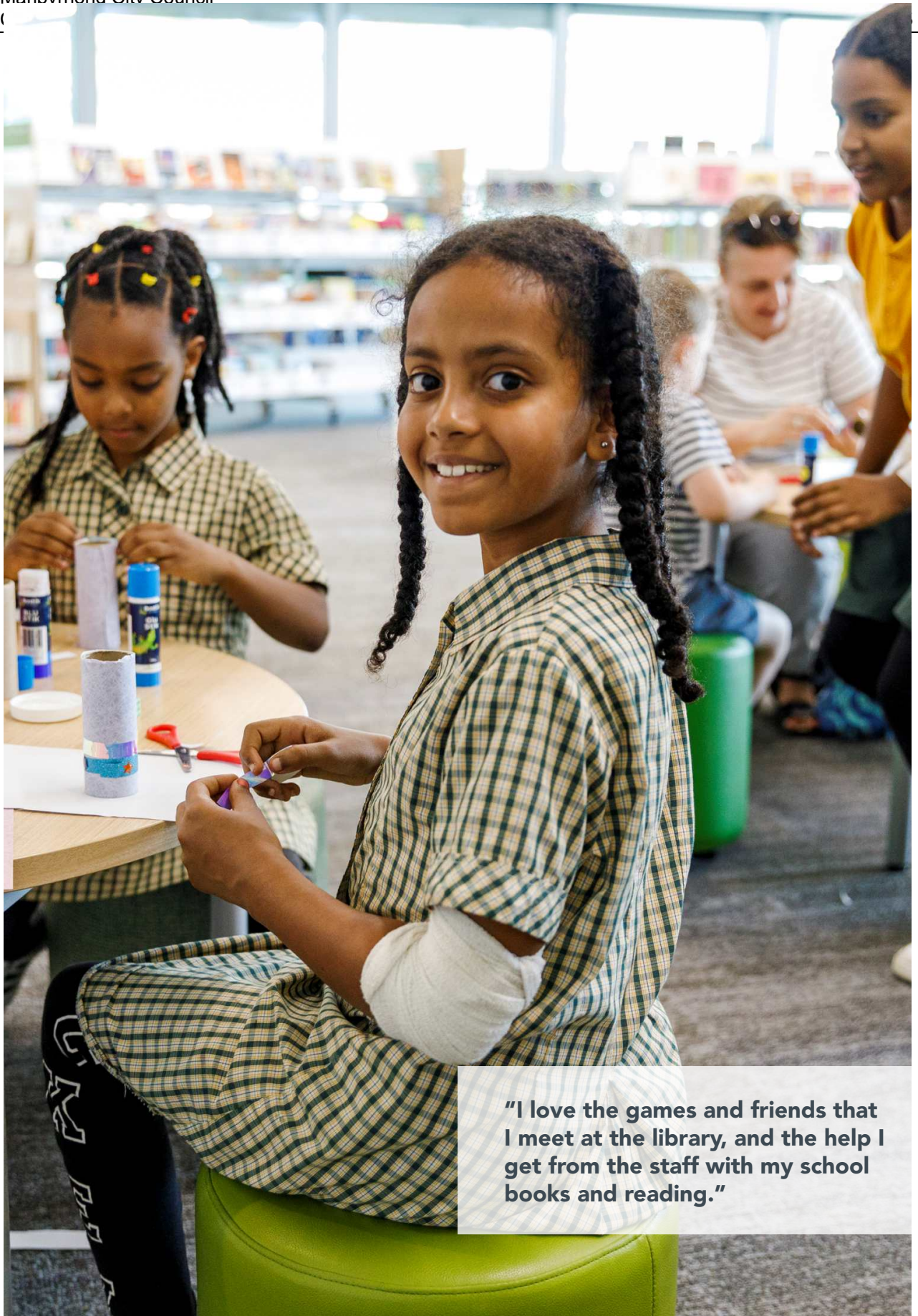
- Safe and welcoming spaces
- Learning and engagement
- Discovery and creativity
- Future-ready workplace.

The Library Plan provides the framework for a robust reporting and evaluation. Performance against the four strategic outcome targets will set a framework for this evaluation:

- We will demonstrate the value of our library service to our community by increasing our membership by 50% by 2025.
- 80% of program participants feel that they have gained knowledge or skills, developed confidence or feel more connected to their community by participating in our programs.
- We will demonstrate the value of the collection to our community through increasing the use of the collection to align with the average for Victorian public libraries.
- The skills and expertise of our workforce will be reflected through maintaining our high customer satisfaction rating.

In addition to these four overarching outcomes we also report against the Maribyrnong City Council Plan, the Local Government Performance Reporting Framework and other Council policies and strategies as required.

Each year we set out a one year action plan that sets out the priority projects and resourcing to deliver on the Library Plan's outcomes. This action plan also sets performance measures at a functional, branch or individual level based on inputs or drivers to achieve our outcomes. These performance measures are reported regularly to the Library Management Team and shared with Council's Executive and Senior Leadership Teams as required.



"I love the games and friends that I meet at the library, and the help I get from the staff with my school books and reading."

Agenda Item 9.2 - Attachment 1

Safe and welcoming spaces

Outcome:

Our libraries are welcoming, uplifting and promote access and inclusion. Our spaces are havens for our diverse communities and encourage connection, learning and recreation.

Outcome measure:

We will demonstrate the value of our library service to our community by increasing our membership base by 50% by 2025.

By 2025 we will:

- Ensure our libraries are easy to access
- Increasingly take our libraries beyond branch walls
- Ensure our branches are safe for all and reflect the intersectional needs of our diverse communities, including LGBTIQ+, people living with a disability, First Nations, and more

Key actions include:

- Developing a strategic and customer-focused Library and Facilities Infrastructure Plan that builds on Council's draft Infrastructure Plan.
- Reviewing our opening hours and service model to maximise community access.
- Implementing a marketing and communications plan to increase membership.
- Developing an outreach framework to help ensure our services meet the needs of the community and are well subscribed.
- Aligning all facilities, programs and services are aligned with Council's Reconciliation Action Plan, Disability Action Plan, Gender Equality Action Plan and the LGBTIQ+ Strategy & Action Plan.

Learning and engagement

Outcome:

Our service anticipates community needs, building literacy and social connection, supporting a thriving community.

Outcome measure:

80% of program participants feel that they have gained knowledge or skills, developed confidence or feel more connected to their community by participating in our programs.

By 2025 we will:

- Enhance digital literacy skills within our community
- Increase participation in library activities by seeking to ensure our programs meet the needs and interests of our community and celebrate our cultural diversity

Key actions include:

- Develop and deliver literacy programs.
- Develop a youth engagement plan.
- Explore partnerships with local key learning institutions.
- Create a robust evaluation framework for our programs and services to ensure they reflect the current and emerging needs of the community.

**"We always feel at home when
we come to the library."**



Agenda Item 9.2 - Attachment 1

Discovery and creativity

Outcome:

We provide experiences that inspire visitors to discover, create and explore. Our diverse communities see themselves reflected in our collection, services and programs.

Outcome measure:

We will demonstrate the value of the collection to our community through increasing the use of the collection to align with the average for Victorian public libraries.

By 2025 we will:

- Provide contemporary digital experiences that inspire and delight and provide ready access to library resources
- Seamlessly integrate technology into our branches to support discovery, creativity and access
- Ensure greater representation of First Nations stories within our collections

Key actions include:

- Customer-focused review and refresh of Maribyrnong Libraries website.
- Investigating new service offerings such as makerspaces and piloting a Library of Things.
- Identifying and developing partnerships to support creativity.
- Develop a strategic framework for collections and review our Collection Development Plan.

Future-ready workplace

Outcome:

Our staff have the skills, expertise and resources to provide a progressive, responsive and industry leading library service.

Outcome measure:

The skills and expertise of our workforce will be reflected through maintaining our high customer satisfaction rating.

By 2025 we will:

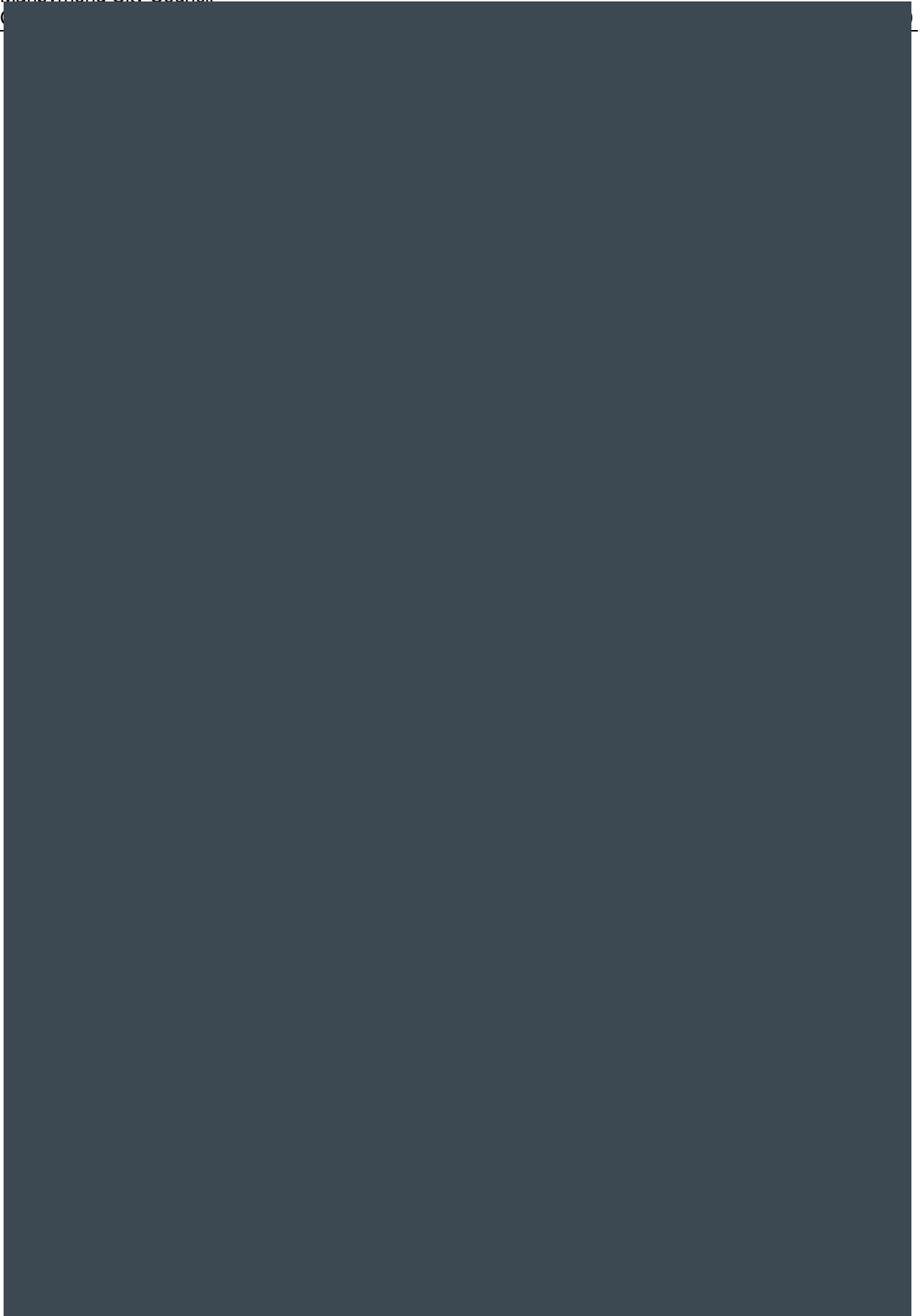
- Deliver and innovate services informed by data
- Ensure our team is supported by meaningful professional development opportunities and wellbeing initiatives
- Operate within a clear policy and procedure framework that is customer-focused, efficient, and supports innovation

Key actions include:

- Identify, review and integrate data sets.
- Implement a learning and development plan with a focus on First Nations and other cultural awareness and competence, health and wellbeing, and technology skills.
- Review and refine our policy and procedure framework.
- Map library activities to the UN Sustainable Development Goals.



"A place where people of all types can come to and feel safe and welcomed."



Agenda Item 9.3**GEOGRAPHIC NAMING POLICY**

Director: Lisa King
Director Corporate Services

Author: Phil McQue
Manager Governance and Commercial Services

PURPOSE

To provide an update on the outcome of the draft Geographic Naming Policy (Policy) community engagement process and present the Policy for Council adoption.

ISSUES SUMMARY

- Council resolved on 18 April 2023 to commence community engagement on the Draft Policy.
- A period of community engagement occurred from 19 April 2023 to 21 May 2023.
- Community engagement involved a project page on Council's digital engagement platform, Your City Your Voice (YCYV), a direct email to advisory committees, a news article on Council's website and a social media post.
- No feedback was received in relation to the Draft Policy.

ATTACHMENTS

1. Draft Geographic Naming Policy - 18 July 2023 [↓](#) 

OFFICER RECOMMENDATION

That Council:

1. Notes that no feedback was received during community engagement; and
2. Adopts the Geographic Naming Policy.

Agenda Item 9.3**BACKGROUND**

The Policy was last reviewed in 2018 and followed the Naming Rules for Places in Victoria 2016 (2016 Naming Rules).

Due to the recent updates to the 2016 Naming Rules, now known as the Naming Rules for Places in Victoria 2022 (Naming Rules), there was a requirement for Council to review and update its existing Policy to accurately reflect the updates.

The Policy has been updated to ensure that naming processes within the municipality are undertaken in accordance with the Naming Rules.

DISCUSSION/KEY ISSUES**1. Key Issues**

On 18 April 2023, Council resolved to commence community engagement on the Draft Policy. A period of community engagement followed from 19 April 2023 to 21 May 2023.

Community engagement involved a project page on Council's digital engagement platform, Your City Your Voice (YCYV), direct email to the Disability Advisory and LGBTIQA+ Advisory Committees, a news article on Council's website and a social media post.

168 people visited the project page and the Draft policy was downloaded 12 times.

No feedback was received in relation to the Policy.

2. Council Policy/Legislation**Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Strategic Objectives
 - Council will provide well-planned neighbourhoods and a strong local economy, delivering services that are inclusive and accessible to the whole community, and that support wellbeing, healthy and safe living, connection to the community, and cultural interaction.

Legislation

- *Geographic Place Names Act 1998*
- *Local Government Act 1989*
- *Local Government Act 2020*
- *Gender Equality Act 2020*
- *Road Management Act 2004*
- *Planning & Environment Act 1987*
- *State Government Naming rules for places in Victoria 2022*

Agenda Item 9.3**Conflicts of Interest**

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Gender Impact Assessment

Council aspires for all people in the City of Maribyrnong to have the right to flourish and live free from violence and discrimination and have equal status, rights, opportunities, representation and respect, regardless of their gender.

The draft Geographic Naming Policy has undergone a Gender Impact Assessment (GIA), a requirement for Councils under the Victorian *Local Government Act 2020*, to consider the impact of gender, equity and inclusion. The GIA has identified key opportunities to increase representation of Maribyrnong's diverse community in naming, commemoration and monuments.

3. Engagement

Engagement was primarily on-line utilising a project page on Council's digital engagement platform, Your City Your Voice (YCYV). The page included details about the updates, a copy of the draft policy for review, with a link to the existing policy. The community was invited to provide their feedback via an online form or directly via email or phone.

Engagement was supported by Council's communications channels including a social media post on 19 April 2023 which reached 651 people and a news article on Council's website on 20 April 2023. A 'new project launch' email was also sent to Your City Your Voice subscribers who had selected 'Policy and Strategy', Braybrook, Footscray, Kingsville, Maidstone, Maribyrnong, Seddon, West Footscray, Tottenham, Yarraville and City wide, as their areas of interest.

A target email was also sent to the Disability and LGBTIQ+ Advisory Committees.

4. Resources

Nil.

5. Environment

Nil.

Agenda Item 9.3

CONCLUSION

The draft Geographic Naming Policy will ensure Council's approach to place naming remains consistent with the State Government's Naming Rules for Places in Victoria 2022.

Agenda Item 9.3 - Attachment 1



Geographic Naming Policy

Records number:	TBA	Endorsed by:	
Date Endorsed:	TBA	Policy Author:	Property Management
Policy Owner:	Manager Governance and Commercial Services	Review date	2026
Policy Status:	Draft	Policy type	Council

REVISION RECORD

Date	Version	Revision Description
12/03/13	1	Adopted
16/10/18		For Council consideration
20/11/18	2	Adopted by Council
18/07/23		Draft for Council consideration

Agenda Item 9.3 - Attachment 1

Table of Contents

Introduction	1
Purpose.....	1
Scope	1
Definitions	2
Policy	3
Responsibilities	6
Consultation	6
Related Documents.....	7
Review of Policy.....	7

Agenda Item 9.3 - Attachment 1

Introduction

Under the *Geographic Place Names Act 1998 (the Act)*, Council is a naming authority and is responsible for naming places within the municipality.

The Act defines places as “any place of building that is, or likely to be, of public or historical interest and includes, but is not restricted to –

- a) township, area, park, garden, reserve of land, suburb or locality;
- b) topographical feature, including undersea feature; and
- c) street, road, transport station, government school, hospital and government nursing home”.

The Naming Rules for Places in Victoria 2022 (Naming Rules) are the guidelines prescribed under the Act and reflect step-by-step information on naming, renaming or changing the boundaries of roads, features and localities in Victoria.

The implementation of the Policy reflects on following the Naming Rules and any of its amendments that might occur from time to time. Compliance with the Act and Naming Rules is mandatory.

Purpose

The Geographic Naming Policy (the Policy) provides a consistent approach to geographic naming within the City of Maribyrnong and ensures that all of the roads, features and localities within the municipality are appropriately named.

Scope

This policy applies to all publicly owned roads, features and localities across the municipality for which Council is determined to be a naming authority as defined in the Naming Rules

Agenda Item 9.3 - Attachment 1

Definitions

Term	Definition
The Act	Geographic Place Names Act 1998.
The Naming Rules	Naming Rules for Places in Victoria 2022.
The Policy	Geographic Naming Policy.
Principles	Principles within the Naming Rules which a naming proposal must be met.
Geographic Place	Defined by law to cover features, localities and roads.
Features	Unique geographical place or attribute that is easily distinguished within the landscape (mountains, watercourses, buildings, structures, parks and reserves).
Localities	Where there are officially recognised boundaries including suburbs, towns, cities and regions.
Roads	Including alleyways, streets, highways, fire tracks, bike path and walking tracks.
Naming Authorities	Municipal Councils, government departments or authorities and private organisations.
Registrar	Oversees Geographic Names Victoria.
GNV	Geographic Names Victoria
Immediate Community	Defined as residents, ratepayers and businesses within the immediate area affected by the proposal.
Extended Community	Includes members within the immediate community along with visitor groups and government and non-government organisations who have an interest or service in the area.
Public Authorities	Local Emergency Services and other public service providers.

Agenda Item 9.3 - Attachment 1

Policy

Council is committed to provide a structured and consistent approach to naming and renaming of roads, features and localities within its municipality in accordance with the Act and the Naming Rules.

Where Council is the naming authority, it will apply the Naming Rules.

The below naming principles must be used in conjunction with the relevant statutory requirements related to the naming of roads, features and localities. They are designed to ensure that names are enduring and there is no ambiguity, confusion, errors or discrimination caused by the naming or the locality boundary change process.

Principles

- Principle 2 (A) Ensuring public safety;
- Principle 2 (B) Recognising public interest;
- Principle 2 (C) Linking the name to a place;
- Principle 2 (D) Ensuring names are not duplicated;
- Principle 2 (E) Recognition and use of Traditional Owner Languages
- Principle 2 (F) Names must not discriminate or be offensive;
- Principle 2 (G) Gender equality;
- Principle 2 (H) Dual names;
- Principle 2 (I) Using commemorative names;
- Principle 2 (J) Using commercial and business names;
- Principle 2 (K) Language;
- Principle 2 (L) Directional names to be avoided;
- Principle 2 (M) Assigning extent to a road, feature of locality.

Agenda Item 9.3 - Attachment 1

Naming Themes

The theme areas for naming proposals in the City of Maribyrnong are mindful of needing to achieve a balanced representation of:

- Indigenous Australia
- Gender Equality
- Local historical events or figures
- A multicultural present

The emphasis of the Policy is to recognise the City of Maribyrnong's diversity, preserve Traditional Owner languages and redress any social and gender inequality. Additional theme areas are the City of Maribyrnong's landscape and local site history of uses.

Place names should be relevant to the local area, with preference given to unofficial names used by the local community. Proposed naming themes for the City of Maribyrnong include:

- Local site uses and the people associated with it;
- Indigenous heritage and language;
- Significant contributors to the community (who are deceased);
- Social and historical events, including communities currently in the City of Maribyrnong;
- Recognition of the cultural diversity of the City of Maribyrnong, its migration history and multicultural groups;
- Historical exploration and settlement
- Local landscape, flora and fauna;
- Location (features will primarily be named, describing the feature such as parks and reserves).

Preference will be given to the use of Traditional Owner Languages or commemorative names for features such as parks and reserves.

Feature Names

Features include mountains, watercourses, buildings, prominent structures and parks and reserves.

In general, features shall be named in the following manner:

- Describing the feature and its locality;
- Describing the feature and its abutting road name;
- Using a name already identified by Council for use as a feature name;

Agenda Item 9.3 - Attachment 1

- Consultation with the respective committee of management, sporting or community club or community group and the public.

Council should give preference to naming its prominent local features according to the naming themes outlined in this Policy. From time to time, Council may wish to consult with local interest groups to develop an appropriate list of names to use for new geographic features.

The consultation process in determining the preferred name for the feature should be included in the development stages of the feature to be named.

Locality Names

To preserve the heritage and identity of the City of Maribyrnong's localities, alterations to existing names should not be considered unless it can be demonstrated there is significant community support for a locality name change, and/or the name change is needed under extraordinary circumstances.

Should an area within the locality need to be named for identity and emergency services purposes, it is to be assigned a locality name subject to the following criteria being met:

- The area to be named has become an identified destination of state, national or tourism significance;
- Major development in a suburb has severely changed the characteristic of the suburb to the extent there is confusion in identifying the locality by emergency services and the general public;
- The merits of the naming proposal warrant the assignment of a locality name.

Road Names

Council's naming authority refers to any road under the control of Council, including public roads or a road that is to be dedicated to Council by way of a subdivision of land. It excludes Crown public roads, private roads and roads under the control of any State Government authority.

All road naming or alterations to existing road names shall be referred to the Policy Owner to ensure compliance with this policy, the Naming Rules and registration of the name with the Registrar of Geographic Names. It should be noted that the definition of a 'road' also includes alleyways, highways, fire tracks, bike paths and walking tracks.

Agenda Item 9.3 - Attachment 1

Naming a road (including right of ways) does not infer any obligation on the Council to improve, upgrade or maintain the road beyond the level of service that preceded the naming of the road.

New Subdivisions and Private Land

It is the responsibility of the developer or property owner(s) to ensure that roads and common property within new or existing subdivisions are named as per the principles set out in the Naming Rules. Council will work collaboratively with developers or property owner(s) to create compliant names for roads within new subdivisions or existing private land. Approval of new names on plans of subdivision will be considered and approved as part of the planning process.

It is the responsibility of property owner(s) to submit naming proposals to name established private roads (including common property) to Council and if the proposal is compliant with the Naming Rules, Council will submit the proposal to GNV for registration.

There is no requirement for external community consultation when naming roads and common property within new subdivisions and existing private land.

Responsibilities

The Naming Rules allow for naming to occur by delegation of authority.

The naming of localities and public features will be resolved by Council at an Ordinary Council Meeting.

Authority to name or rename roads will be approved by the relevant delegates in accordance with Council's Instruments of Delegation.

A cross departmental Geographic Naming Committee comprising of representatives from Property Management, Planning Services, Revenue Services, Strategic Planning and Engineering Services will support the naming process.

The Committee will manage the naming process in accordance with the Naming Rules and provide names in accordance with the themes outlined in the Policy.

Consultation

Consultation is a key component in the process of naming and renaming roads, features and localities. Where Council is a naming authority, it is required to consult

Agenda Item 9.3 - Attachment 1

in accordance with the Naming Rules.

Consultation will generally take the form of advising all abutting property owners and providing information on Council's website advising of Council's proposal and seeking feedback. The consultation time is defined in the Naming Rules as a 30 day period. Consultation is not required for naming proposals within new subdivisions where there are currently no residents, businesses or ratepayers who will be directly affected.

If naming proposals use Traditional Owner languages, then naming authorities are required to consult with the officially recognised Indigenous groups and Traditional Land Owners. Use of these names are subject to agreement from the relevant Indigenous groups and Traditional Land Owners.

Related Documents

- Geographic Place Names Act 1998
- Naming rules for places in Victoria 2022
- Local Government Act 1989 (Section 206 and Schedule 10)
- Local Government Act 2020
- Road Management Act 2004
- Planning & Environment Act 1987
- Gender Equality Act 2020
- Maribyrnong City Council Plan 2021 – 2025

Review of Policy

The Policy will be reviewed in 2026, or as legislation requires.

Agenda Item 9.4**LEASE AND LICENCE POLICY**

Director: Lisa King
Director Corporate Services

Author: Phil McQue
Manager Governance and Commercial Services

PURPOSE

To provide an update on the outcome of the draft Lease and Licence Policy (Policy) community engagement process and present the revised Policy for Council adoption.

ISSUES SUMMARY

- Council resolved to commence community engagement on the Policy in April 2023.
- A period of community engagement occurred from 19 April 2023 to 21 May 2023.
- Community engagement involved a project page on Council's digital engagement platform, Your City Your Voice (YCYV), a direct email to advisory committees and community organisations which occupy Council premises, a news article on Council's website and a social media post.
- Two community members provided feedback.
- After consideration of all feedback received, the Policy has been updated.

ATTACHMENTS

1. Lease and Licence Policy - 18 July 2023 [↓](#) 

OFFICER RECOMMENDATION

That Council:

1. **Notes the outcomes of community engagement; and**
2. **Adopts the Lease and Licence Policy.**

Agenda Item 9.4**BACKGROUND**

The Policy applies to leases and licences of Council owned buildings and land across the municipality, Crown Land where Council is the designated Committee of Management and land or buildings leased or licensed by Council from another party for the purpose of Council performing its functions and meeting its objectives.

The Policy was last updated in 2018 and has been updated to reflect provisions of the *Local Government Act 2020* and other relevant legislation.

On 18 April 2023, Council resolved to commence community engagement on the Policy. A period of community engagement followed from 19 April 2023 to 21 May 2023. Community engagement involved a project page on Council's digital engagement platform, Your City Your Voice (YCYV). Engagement included a direct email to advisory committees and community organisations which occupy Council premises, a news article on Council's website and a social media post.

DISCUSSION/KEY ISSUES

Table 1: Feedback received from two community members

Summary of Feedback from Committee Member from Kingsville Tennis Club
<p>Provided comments that they are impressed with the facilities at Kingsville Tennis Club and highlighted the significant amount of time and effort Kingsville Tennis Club Committee Members voluntarily put in to ensure the club continues to be popular and successful. Has asked for the Lease and Licence Policy to be reviewed to allow volunteer organisations to be placed in the Peppercorn Rental Category.</p>
Response
<p>Prior to Council entering into a Lease, an objective assessment is undertaken to evaluate the specific circumstances at a site and determine which Category of Agreement the Lessee is best suited to. Category 1 allows for peppercorn rent, Category 2 allows for community subsidised rent and Category 3 allows for commercial rent. The Policy allows for recreation clubs which have limited capacity to generate revenue from the site to pay a peppercorn rent (\$104 per annum). Recreation clubs which have some capacity to generate revenue are assessed as Category 2A and pay a community subsidised rent which covers a small percentage (usually 15%) of Council's costs in maintaining the site.</p>

Agenda Item 9.4**Summary of Feedback from Community Member**

Request to add the words “or Board” after “committee of management” in the compliance section of the Eligibility Criteria.

Response

The Policy has been amended as per feedback provided.

2. Council Policy/Legislation**Council Plan 2021-2025**

This report contributes to Council’s strategic objectives contained in the Council Plan 2021-2025 by considering:

- Strategic Objectives
 - Council will provide well-planned neighbourhoods and a strong local economy, delivering services that are inclusive and accessible to the whole community, and that support wellbeing, healthy and safe living, connection to the community, and cultural interaction.

Legislation

- *Local Government Act 2020*
- *Gender Equality Act 2020*
- *Crown Land (Reserves Act) 1978*
- *Retail Leases Act 2003*
- *Planning and Environment Act 1987*

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Gender Impact Assessment

Council aspires for all people in the City of Maribyrnong to have the right to flourish and live free from violence and discrimination and have equal status, rights, opportunities, representation and respect, regardless of their gender. As the level of government closest to the community, Victorian Councils have a mandate to create healthy, safe and inclusive environments.

Agenda Item 9.4

The Lease and Licence Policy and Property Sale, Transfer and Acquisition Policy have undergone a combined Gender Impact Assessment (GIA), a requirement for Councils under the Victorian *Local Government Act 2020*, to consider the impact of gender, equity and inclusion. The GIA has identified key opportunities to increase representation of Maribyrnong's diverse community in Council facilities, but furthermore to ensure that tenants provide inclusive, accessible and equitable environments.

3. Engagement

Engagement was primarily on-line utilising a project page on Council's digital engagement platform, Your City Your Voice (YCYV). The page included details about the updates, copies of each of the draft policies for review, with links also the existing policies. Residents were invited to provide their feedback via an online form or directly via email or phone.

Engagement was supported by Council's communications channels including a social media post on 19 April 2023, reached 651 people, and a news article on the Council website on Thursday 20 April 2023. A 'new project launch' email also to Your City Your Voice subscribers who had selected 'Policy and strategy', Braybrook, Footscray, Kingsville, Maidstone, Maribyrnong, Seddon, West Footscray, Tottenham, Yarraville and City wide, as their areas of interest.

A targeted email was also sent to community organisations occupying Council premises and advisory committees seeking feedback.

4. Resources

Nil.

5. Environment

Nil.

CONCLUSION

The Lease and Licence Policy ensures the sustainable management of Council property while maximising the community benefit arising from its use.

Following consideration of feedback provided during the community engagement process, it is recommended that Council adopts the Lease and Licence Policy.

Agenda Item 9.4 - Attachment 1



Lease and Licence Policy

Records number:	TBC	Date Approved:	TBC
Endorsed by	Council	Policy Author:	Property Management
Policy Owner:	Manager Governance and Commercial Services	Review Date:	2026
Policy Status:	Draft	Policy Type:	Council

REVISION RECORD

Date	Version	Revision Description
13 Mar 2013	1	Adopted by Council
19 Feb 2019	2	Adopted by Council
29 May 2023	3	Draft to be Adopted by Council

Table of Contents

Introduction	3
Purpose	3
Scope	4
Definitions	4
Responsibilities	6
Policy	7
Legislation	14
Related Documents	15
Review of Policy	15

Introduction

Council is the custodian of land on behalf, and for the benefit, of its community. This land includes property owned by Council, Crown Land where Council is the Committee of Management (CoM) and land leased or licensed by Council for identified purposes. Some Council-managed properties are leased for commercial purposes and generate market rents for Council. Most properties are leased at subsidised rates for community and not for profit purposes – to deliver a tangible community benefit. This includes properties used for community centres, child care centres, senior citizens centres, scout halls, club rooms, recreation spaces and sporting facilities. These uses deliver a range of public policy objectives, including health and wellbeing, recreation, space activation and community building.

Dependant on the land type and status, different legislation, with specific requirements and terms can apply. Therefore, each property must be dealt with in accordance with its specific legislative requirements.

Purpose

Council is responsible for the sustainable management of assets and maximising the community benefit arising from its property use.

This policy has been developed to meet the following objectives:

- **Custodianship:** Ensure Council managed properties are appropriately maintained, developed and occupied, having regard to the interests of local communities and the care of the assets.
- **Community Benefit:** Ensure Council managed properties are used to meet demonstrated community needs consistent with the Council Plan, and in kind support from Council, including subsidised rent, is recognised and transparently applied in light of the community benefit to be achieved.
- **Consistency:** Guidance to Council and the broader community with regard to the eligibility, use, length of lease and pricing structures to meet the diverse and changing needs of the community.
- **Equity:** A framework for fair, inclusive, transparent and equitable leasing and licensing of Council managed properties to the organisations, businesses, agencies and community groups based in the City of Maribyrnong. Ensure leasing and licensing promotes and reflects Council's commitments to gender equality, social equity and wellbeing.
- **Financial:** Ensure sound financial management and effective administration of Council managed properties to allow for an acceptable financial return.
- **Legal:** Ensure the legal use of Council managed properties.

Scope

This policy applies to leases and licences of Council owned buildings and land across the municipality, Crown Land where Council is the designated Committee of Management and land or buildings leased or licensed by Council from another party for the purpose of Council performing its functions and meeting its objectives.

This policy does not apply to decisions relating to seasonal club agreements and casual hire agreements.

Definitions

Commercial – Market Rent: Market rental rates relate to the value of the property and are determined by an independent valuer or competitive process, comparing with rent levels for similar properties in similar areas. Market rent will be applied when the primary use of a property is commercial.

Community – Peppercorn Rent: Nominal rents used to satisfy requirements by Council for creation of a lease agreement. Peppercorn rents recognise the delivery of a significant community benefit and may also offer significant capital improvement.

Community – Subsidised Rent: Discounted rents from a market rate where there is some community benefit and may also offer investment back into the facility.

Crown Land: Lands reserved and/or administered under the *Crown Land (Reserves) Act 1978*.

Council Managed Property: Land which Council is responsible for. This includes land owned or leased by Council and Crown land which Council is Committee of Management.

Lease: A right granted by an owner of land (lessor) to another person / organisation (lessee) to have exclusive possession of that land for a fixed duration in return for rental payment.

Licence: A right granted by an owner of land (licensor) to another (licensee) to have shared use of that land for a fixed duration in return for rental and permits a person (licensee) to occupy land (or part thereof) on particular conditions.

Not for Profit Organisation: a not-for-profit is an organisation that does not operate for the profit, personal gain or other benefit of particular people (for example, its members, the people who run it or their friends or relatives).

Occupancy Agreement: The agreement providing rights granted for occupancy of a property.

Property: The land and or buildings to be leased or licensed.

Service Manager: The relevant Council Officer who manages the relationship (including lease/licence negotiations) with existing or prospective tenants or landlords. The Service Manager is allocated based on the purpose of the agreement, including the type of use.

Term: the period of time from the commencement of the lease to its termination, including any further terms.

Responsibilities

Council	<p>Resolve on leases which:</p> <ul style="list-style-type: none"> • have a current market rental of \$100,000 or more (and are for a term of 1 year or more); or • have a term of 10 years or more; or
Chief Executive Officer	<ul style="list-style-type: none"> • Execute leases which have a term greater than 5 years and less than 10 years. • Execute licences which have a term greater than 3 years.
Directors	<ul style="list-style-type: none"> • Execute leases which have a term of 5 years or less. • Execute licences which have a term of 3 years or less.
Service Manager	<ul style="list-style-type: none"> • Create strategic documentation relating to current and future service needs which is to be used to guide future occupancy agreements. • Obtain information relating to organisations to assist with determining their eligibility to enter into an occupancy agreement with Council. • Negotiates terms with Lessee / Licensee in line with Council's Policy. • Consultation with relevant stakeholders to ensure policy, compliance and legal requirements are met. • Monitors compliance with performance criteria, terms and conditions at minimum on an annual basis. • Responsible for the day to day management of the occupancy agreement. • Monitors reporting requirements from the Lessee / Licensee to ensure maximum community benefit and site optimisation is achieved.
Property Management	<ul style="list-style-type: none"> • Develop policy, provide advice, guidance, template agreements and key terms. • Attend negotiation meetings to support Service Manager (as requested). • Maintain records and lease register. • Advice to Service Manager regarding compliance with agreements and legislation. • Provide relevant reporting from the lease register. • Apply for approval in principle (grant and purpose) from the relevant State Government department (DEECA) if Council is considering to enter an occupancy agreement under the <i>Crown Land (Reserves) Act 1978</i>. • Provide annual reporting to the Executive Leadership Team.

Policy

1. Principles

Council will enter into occupancy agreements for one or more of the following principles:

- To meet the Maribyrnong community's service needs by making its properties available to not for profit organisations or community groups
- Ensure the optimisation and sustainable management of assets by obtaining maximum community utilisation.
- To make its properties available for commercial or private purposes, for activation or financial community benefit.
- To gain access to property required for service delivery or community access.
- Ensure all occupancy agreements reflect Council's commitment to gender equality, social equity and inclusion.

2. Categories of Agreements

Council has three categories of agreements:

- Category 1 - Community – Peppercorn Rental
- Category 2 - Community – Subsidised Rental
 - Category 2A – Subsidised Percentage of Projected Costs
 - Category 2B – Cost Neutral Agreement
 - Category 2C – Discounted Market Rental
- Category 3 - Commercial – Market Rental

Category 1: Community – Peppercorn Rental

Eligibility Indicators

- **Community Benefit:** provides significant community benefit of which is in higher demand by the local community. The type of community benefit provided could not be delivered unless supported by Council.
- **Use:** aligns with a Council service and the Council Plan. Proposed use will increase social inclusion, equity and promote health and wellbeing for the City of Maribyrnong community.
- **Funding:** receives no funding from organisations other than Council.
- **Revenue:** no or limited capacity to generate revenue from use of the site (i.e. memberships or sub-leasing) or activities consistent with the organisational purpose.
- **Fit for Purpose:** the proposed use of the site is appropriate taking into account building and planning requirements.
- **Utilisation:** community access and utilisation of the site will be maximised either by direct use of the site or through shared use or hire arrangements.
- **Operational:** Not for profit organisation or community group or club run by volunteers.
- **Compliance:** Not for profit organisation, registered legal entity, has an ABN, financially viable, complies with all relevant legislation governing its activities, holds all relevant certificates, have a committee of management or board with appropriate governance arrangements.

Capital Contributions

- The organisation may be eligible for peppercorn rental or a rent free period for a period of time, if they have not satisfied all eligibility indicators identified above, however, have invested significant capital funds within the last 5 years or have committed to investing significant capital funds as part of a future site agreement.

Annual Rental

- \$104 per annum.

Preferred Term

- The base term offered by Council for a Peppercorn Lease is 5 years and a Licence is 3 years.
- Under certain circumstances shorter terms will be required or longer terms (if the arrangement involves significant capital investment).

Maintenance and Outgoings

- Council will have a standard maintenance template which provides for a partnership approach in which maintenance responsibilities will be reasonably and equitably shared.
- All other outgoings will be the responsibility of the occupants.

Category 2A: Community – Subsidised Rental (Based on Percentage of Projected Costs)

Eligibility Indicators

- **Community Benefit:** provides significant community benefit of which is in higher demand by the local community. The type of community benefit provided could not be delivered unless supported by Council.
- **Use:** aligns with a Council service and the Council Plan. Proposed use will increase social inclusion, equity and promote health and wellbeing for the City of Maribyrnong community.
- **Funding:** receives no or minimal funding from organisations other than Council.
- **Revenue:** has some capacity to generate revenue from use of the site (i.e. memberships or sub-leasing) or activities consistent with the organisational purpose.
- **Fit for Purpose:** the proposed use of the site is appropriate taking into account building and planning requirements.
- **Utilisation:** community access and utilisation of the site will be maximised either by direct use of the site or through shared use or hire arrangements.
- **Operational:** Not for profit organisation or community group or club run by volunteers or paid workers.
- **Compliance:** Not for profit organisation, registered legal entity, has an ABN, financially viable, complies with all relevant legislation governing its activities, holds all relevant certificates, have a committee of management or board with appropriate governance arrangements.

Capital Contributions

- The organisation may be eligible for subsidised rental or a rent free period for a period of time, if they have not satisfied all eligibility indicators identified above, however, have invested significant capital funds within the last 5 years or have committed to investing significant capital funds as part of a future site agreement.

Annual Rental

- Determined by calculating Council's projected costs associated with maintaining the premises, a standard formula of 2% of building replacement cost can be applied (unless there are site specific circumstances which justify a variance). The subsidised rental is then calculated by implementing a subsidy to the projected costs which may vary between 15% to 85%.

Preferred Term

- The base term offered by Council for a Subsidised Lease is 5 years and a Licence is 3 years. Under certain circumstances shorter terms will be required or longer terms (if the arrangement involves significant capital investment).

Maintenance and Outgoings

- Council will have a standard maintenance template which provides for a partnership approach in which maintenance responsibilities will be reasonably and equitably shared.
- All other outgoings will be the responsibility of the occupants.

Category 2B: Community – Subsidised Rental (Based on Cost Neutral Agreement)

Eligibility Indicators

- **Community Benefit:** provides significant community benefit of which is in higher demand by the local community. The type of community benefit provided could not be delivered unless supported by Council.
- **Use:** aligns with a Council service and the Council Plan. Proposed use will increase social inclusion, equity and promote health and wellbeing for the City of Maribyrnong community.
- **Funding:** receives significant funding from organisations other than Council.
- **Revenue:** has capacity to generate revenue from use of the site (i.e. memberships or sub-leasing) or activities consistent with the organisational purpose.
- **Fit for Purpose:** the proposed use of the site is appropriate taking into account building and planning requirements.
- **Utilisation:** community access and utilisation of the site will be maximised either by direct use of the site or through shared use or hire arrangements.
- **Operational:** Not for profit organisation or community group or club run by paid workers.
- **Compliance:** Not for profit organisation, registered legal entity, has an ABN, financially viable, complies with all relevant legislation governing its activities, holds all relevant certificates, have a committee of management or board with appropriate governance arrangements.

Capital Contributions

- The organisation may be eligible for subsidised rental or a rent free period for a period of time, if they have not satisfied all eligibility indicators identified above, however, have invested significant capital funds within the last 5 years or have committed to investing significant capital funds as part of a future site agreement.

Annual Rental

- Determined by calculating Council's projected costs associated with maintaining the premises, a standard formula of 2% of building replacement cost can be applied (unless there are site specific circumstances which justify a variance).

Preferred Term

- The base term offered by Council for a Subsidised Lease is 5 years and a Licence is 3 years. Under certain circumstances shorter terms will be required or longer terms (if the arrangement involves significant capital investment).

Maintenance and Outgoings

- Council will have a standard maintenance template which provides for a partnership approach in which maintenance responsibilities will be reasonably and equitably shared.
- All other outgoings will be the responsibility of the occupants.

Category 2C: Community – Subsidised Rental (Based on Discounted Market Rental)

Eligibility Indicators

- **Community Benefit:** there is a strong evidence base that the proposed use is in strong demand and will provide a significant community benefit and service which is in higher demand by the City of Maribyrnong community.
- **Use:** aligns with a Council service and the Council Plan. Proposed use will increase social inclusion, equity and promote health and wellbeing for the City of Maribyrnong community.
- **Funding:** receives significant funding from organisations other than Council or is a profit based organisation.
- **Revenue:** has increased capacity to generate revenue from use of the site or activities consistent with the organisational purpose.
- **Fit for Purpose:** the proposed use of the site is appropriate taking into account building and planning requirements.
- **Utilisation:** community access and utilisation of the site will be maximised either by direct use of the site or through shared use or hire arrangements.
- **Operational:** run by paid workers.
- **Compliance:** registered legal entity, has an ABN, financially viable, complies with all relevant legislation governing its activities and holds all relevant certificates.

Capital Contributions

- The organisation may be eligible for subsidised rental or a rent free period for a period of time, if they have not satisfied all eligibility indicators identified above, however, have invested significant capital funds within the last 5 years or have committed to investing significant capital funds as part of a future site agreement.

Annual Rental

- Determined by obtaining a commercial valuation of the site and deducting the quantifiable community benefit provided.

Preferred Term

- The base term offered by Council for a Subsidised Lease is 5 years and a Licence is 3 years. Under certain circumstances shorter terms will be required or longer terms (if the arrangement involves significant capital investment).

Maintenance and Outgoings

- Council will have a standard maintenance template which provides for a partnership approach in which maintenance responsibilities will be reasonably and equitably shared.
- All other outgoings will be the responsibility of the occupants.

Category 3: Commercial – Market Rental	
Eligibility Indicators	
<ul style="list-style-type: none"> • Community Benefit: desirable to provide community benefit. • Use: aligns with and not detrimental to Council strategic objectives. • Funding: receives significant funding from organisations other than Council or is a profit based organisation. • Revenue: has increased capacity to generate revenue from use of the site or activities consistent with the organisational purpose. • Fit for Purpose: the proposed use of the site is appropriate taking into account building and planning requirements. • Utilisation: community access and utilisation of the site will be maximised either by direct use of the site or through shared use or hire arrangements. • Operational: run by paid workers. • Compliance: registered legal entity, has an ABN, financially viable, complies with all relevant legislation governing its activities and holds all relevant certificates. 	
Capital Contributions	
<ul style="list-style-type: none"> • The organisation may be eligible for subsidised rental or a rent free period for a period of time, if they have not satisfied all eligibility indicators identified above, however, have invested significant capital funds within the last 5 years or have committed to investing significant capital funds as part of a future site agreement. 	
Annual Rental	
<ul style="list-style-type: none"> • Determined by obtaining a commercial valuation of the site. • Organisations may meet Peppercorn or Subsidised Eligibility Indicators but apply to occupy a site which is intended for a commercial use. Under these circumstances a commercial annual rental will apply. 	
Preferred Term	
<ul style="list-style-type: none"> • The base term offered by Council for a Subsidised Lease is 5 years and a Licence is 3 years. Under certain circumstances shorter terms will be required or longer terms (if the arrangement involves significant capital investment). 	
Maintenance and Outgoings	
<ul style="list-style-type: none"> • Commercial terms for maintenance and outgoings apply. 	

3. Community Benefit

All agreements will be required to demonstrate the community benefit arising from the use of the site, including the recognition of Council's contribution. Reporting and review requirements will be included in agreements to ensure accountability to Council and its community.

4. Vacant Properties

When leasing or licensing vacant properties, Council will undertake a public process to identify the organisation that will provide best value and highest community benefit. Applications received by a public process will be assessed by a panel at Council with evaluation criteria which will be created to meet the specific requirements of the site.

Under certain circumstances, agreements will be directly negotiated with organisations, provided there are justifiable reasons that a direct negotiation is appropriate. Such circumstances include, a new occupant which will provide significant community benefit, significant capital contributions and there is an absence of competition.

5. Agreement Renewals

When considering lease or licence renewals, Council will undertake a public process to identify the organisation that will provide best value and highest community benefit. Applications received by a public process will be assessed by a panel at Council with evaluation criteria which will be created to meet the specific requirements of the site.

Under certain circumstances, agreements will be directly negotiated with the current occupiers, provided there are justifiable reasons that a direct negotiation is appropriate. Such circumstances include, an existing occupant which provides significant community benefit, the site has been designed for their specific use and there is an absence of competition.

6. Overholding

All lease and licence agreements are to remain in a current status. Under certain circumstances, agreements may be allowed to enter into overholding. The overholding period will be at Council's discretion depending on the specific circumstances. Capital works will not occur or be approved to occur at a site which has an agreement in overholding or an existing occupant with no agreement in place. Capital works associated with safety or compliance are exempt and in circumstances where short term funding for works is available, capital works may proceed provided the leasing process has commenced and there is a low risk to Council.

7. Community Engagement

If Council proposes to lease land that is subject to section 115 of the *Local Government Act 2020* and the lease was not included in the budget, the Council will undertake a community engagement process in respect of the proposal prior to entering into the lease.

The community engagement process will be in accordance with Council's Community Engagement Policy and include:

- A resolution of Council to commence the community engagement process.
- A public notice period which for a minimum of 28 days is to be published on Council's website and sent to abutting or surrounding owners reasonably affected by the proposal.
- The public notice is to include key terms of the proposal and provide the opportunity for any submitters to be heard in front of a Committee comprising of the whole of Council.
- Following the hearing of any submissions, Council will then resolve whether or not to proceed with the proposal.

Legislation

- *Local Government Act 2020* – section 115 includes restrictions on the power to lease of land.
- *Crown Land (Reserves Act) 1978* – governs Council's responsibilities when appointed as Committee of Management of Crown Land, section 17B outlines requirements relating to Crown Land Licences and section 17D outlines requirements relating to Leases.
- *Retail Leases Act 2003* – outlines requirements for leases which are used wholly or predominantly for retail provision of goods or services.
- *Planning and Environment Act 1987* – provides for permitted use of land through Council's planning scheme.

Related Documents

- Council Plan (incorporating Municipal Public Health Plan)
- Council Long Term Financial Strategy
- Property Sale, Transfer and Acquisition Policy
- Early Years Infrastructure Plan
- Community Engagement Policy
- Open Space Strategy
- Arts and Culture Strategy
- Towards Gender Equity 2030

Review of Policy

The Policy will be reviewed in 2026, or as legislation requires, or Council determines a need has arisen.

Agenda Item 9.5**PROPERTY SALE, TRANSFER AND ACQUISITION POLICY**

Director: Lisa King
Director Corporate Services

Author: Phil McQue
Manager Governance and Commercial Services

PURPOSE

To provide an update on the outcome of the draft Property Sale, Transfer and Acquisition Policy (Policy) community engagement process and present the revised Policy for Council adoption.

ISSUES SUMMARY

- Council resolved on 18 April 2023 to commence community engagement on the Policy.
- A period of community engagement occurred from 19 April 2023 to 21 May 2023.
- Community engagement involved a project page on Council's digital engagement platform, Your City Your Voice (YCYV). Engagement included a news article on Council's website and a social media post.
- One community member provided feedback.
- After consideration of feedback received, the Policy has been updated and is presented for consideration.

ATTACHMENTS

1. Property Sale Transfer and Acquisition Policy - 18 July 2023 [↓](#) 

OFFICER RECOMMENDATION

That Council:

1. Notes the outcomes of community engagement; and
2. Adopts the Property Sale, Transfer and Acquisition Policy.

Agenda Item 9.5**BACKGROUND**

The Policy applies to Council owned buildings and land across the municipality and the purchase of land that is identified as required for future service provision.

The Policy was last updated in 2018 and has been amended to reflect provisions of the *Local Government Act 2020* and other relevant legislation.

On 18 April 2023, Council resolved to commence community engagement on the Policy. Community engagement occurred from 19 April 2023 to 21 May 2023.

Community engagement involved a project page on Council's digital engagement platform, Your City Your Voice (YCYV). Engagement included a news article on Council's website and a social media post.

DISCUSSION/KEY ISSUES**1. Table 1: Feedback Received**

Summary of Feedback
Request for the outcome of community engagement to decide whether or not Council proceed with a sale or transfer, instead of community engagement being completed and then the decision being made via a council resolution.
Response
Section 114 of the <i>Local Government Act 2020</i> places a legal obligation on Council to undertake community engagement prior to making a decision whether or not to sell or exchange land.

2. Council Policy/Legislation**Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Strategic Objectives
 - Council will provide well-planned neighbourhoods and a strong local economy, delivering services that are inclusive and accessible to the whole community, and that support wellbeing, healthy and safe living, connection to the community, and cultural interaction.

Legislation

- *Local Government Act 1989*
- *Local Government Act 2020*

Agenda Item 9.5

- *Land Act 1958*
- *Subdivision Act 1988*
- *Road Management Act 2004*
- *Planning and Environment Act 1987*
- *Native Title Act 1993*
- *The Building Regulations 2006*
- *Limitation of Actions Act 1958*
- *Environment Protection Act 1970*
- *Gender Equality Act 2020*
- *Privacy and Data Protection Act 2014*

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Gender Impact Assessment

Council aspires for all people in the City of Maribyrnong to have the right to flourish and live free from violence and discrimination and have equal status, rights, opportunities, representation and respect, regardless of their gender. As the level of government closest to the community, Victorian Councils have a mandate to create healthy, safe and inclusive environments.

The draft Lease and Licence Policy and Property Sale, Transfer and Acquisition Policy have undergone a combined Gender Impact Assessment (GIA), a requirement for Councils under the Victorian *Local Government Act 2020*, to consider the impact of gender, equity and inclusion. The GIA has identified key opportunities to increase representation of Maribyrnong's diverse community in Council facilities, but furthermore to ensure that tenants provide inclusive, accessible and equitable environments.

3. Engagement

Engagement was primarily on-line utilising a project page on Council's digital engagement platform, Your City Your Voice (YCYV). The page included details about the updates, copies of each of the draft policies for review, with links also the existing policies. Residents were invited to provide their feedback via an online form or directly via email or phone.

Agenda Item 9.5

Engagement was supported by Council's communications channels including a social media post on 19 April 2023, reached 651 people, and a news article on the Council website on Thursday 20 April 2023. A 'new project launch' email also to Your City Your Voice subscribers who had selected 'Policy and strategy', Braybrook, Footscray, Kingsville, Maidstone, Maribyrnong, Seddon, West Footscray, Tottenham, Yarraville and City wide, as their areas of interest.

4. Resources

Nil.

5. Environment

Nil.

CONCLUSION

The Property Sale, Transfer and Acquisition Policy has been updated to ensure that Council's approach is in line with the new sections of the *LGA 2020* and other relevant legislation.

Following consideration of feedback provided during the community engagement process, it is recommended that Council adopts the Property Sale, Transfer and Acquisition Policy.

Agenda Item 9.5 - Attachment 1



Property Sale, Transfer and Acquisition Policy

Records number:	TBC	Date Approved:	TBC
Endorsed by:	Council	Policy Author:	Property Management
Policy Owner:	Manager Governance and Commercial Services	Review date	2026
Policy Status:	Draft	Review Number:	

REVISION RECORD

Date	Version	Revision Description
12 Mar 2013	1	Adopted
20 Nov 2018	2	Adopted by Council
29 May 2023	3	Draft to be Adopted by Council

Table of Contents

Introduction.....	3
Purpose	3
Scope	3
Definitions.....	4
Responsibilities.....	5
Department.....	5
Policy	6
Related Legislation	11
Related Documents	12
Review of Policy	12

Introduction

Council is the custodian of land on behalf, and for the benefit, of its community. This land includes property owned by Council, Crown Land where Council is the Committee of Management (CoM) and land leased or licensed by Council for identified purposes.

Council has a range of strategies to assist with the long term planning of community infrastructure needs.. Dependant on the land type and status, different legislation with specific requirements and terms can apply to property transactions. Therefore, each property matter must be dealt with in accordance with its specific legislative requirements.

Purpose

Council is responsible for the sustainable management of its assets and maximising the community benefit arising from its property use.

This policy has been developed to meet the following objectives:

- **Custodianship:** Ensure Council owned properties are appropriately planned for and utilised, having regard to the interests of local communities and the care of the assets.
- **Community Benefit:** Ensure Council owned properties are used to meet demonstrated community needs consistent with the Council Plan.
- **Consistency:** Guidance to Council and the broader community with regard to process for the sale, transfer and acquisition of Council owned property, in line with best practice.
- **Financial:** Ensure sound financial management and effective administration of Council owned properties.
- **Legal:** Ensure the legal sale, transfer and acquisition of Council owned properties.
- **Transparency:** A framework for the fair and transparent approaches for the sale of Council owned properties.

Scope

This policy applies to Council owned buildings and land across the municipality and the purchase of land that is identified as required for future service provision.

Definitions

Adverse Possession: a property law principle that allows a person to claim ownership of land without paying for it. Adverse possession claims can occur where a person has enjoyed uninterrupted and exclusive possession of land for a period of 15 years. Land registered in Council's name cannot be adversely possessed.

Crown Land: Lands reserved or administered under the *Crown Land (Reserves) Act 1978*.

Council Managed Property: Land which Council responsible for. This includes land owned or leased by Council and Crown land which Council is Committee of Management.

Council Owned Property: Land which Council owns. Not Crown Land.

Discontinuance: Discontinuance of a Right of Way removes the road status from the land and vests the land in Council.

Market Value: Valuation of the land by a valuer engaged by Council (not more than six months old).

Property: Land and or buildings, including at strata (airspace and subterranean).

Reserve: Land that has been designated a particular purpose (eg. Drainage reserve, recreation reserve).

Revenge strips: Revenge strips were narrow strips (1 metre or less) created around subdivisions (often abutting a road) with the sole purpose of preventing access to public roads and public services within that subdivision.

Right of Way: Type of road that was established on early plans of a subdivision to provide access to adjoining properties.

Service Manager: The relevant Council officer who manages the property. The Service manager is allocated based on the nature of the use of the property.

Stratum: Includes the land above ground level (airspace) and below ground level (subterranean).

Vested in Council: Land that has been transferred into Council's possession.

Responsibilities

Council's property portfolio is managed through a centre-led approach with key responsibilities outlined below for the Executive Leadership Team, Property Management Team and Service Managers.

Department	
Executive Leadership Team	<ul style="list-style-type: none"> • Direct relevant teams across the organisation to create strategic policies, documents, masterplans and business cases involving future decision making relating to the sale, transfer and acquisition of property to meet current and future service needs and endorse the documentation created. • As required by Council's instruments of delegation, refer relevant matters to Council for consideration.
Service Manager	<ul style="list-style-type: none"> • Create strategic documentation and provide strategic advice regarding current and future community service needs. • Strategic documentation and advice provided to identify location, size and key features of property required to meet current and future service needs. • Create masterplans and business cases to objectively justify future decision making relating to the sale, transfer and acquisition of property.
Property Management	<ul style="list-style-type: none"> • Provision of strategic advice regarding property matters. • Develop policy, provide advice, guidance, template agreements and key terms relating to the sale, transfer and acquisition of property. • Management of process (including consultation) and transaction (including legal). • Advice regarding compliance with legislation. • Maintain records and data flow.

Delegated Responsibilities

Property transactions will be undertaken in accordance with Council Resolutions and/or within approved Delegated Authority parameters.

Policy

1. Principles

Council is committed to managing its land holdings so that municipal benefit is maintained and recognises it has a responsibility to ensure its land is used, retained, maintained, and disposed of in a manner that best meets the interests of past, current and future residents of the municipality.

The management of Council's property holdings will be guided by the following principles:

Principle 1

Council will aim to retain existing land holdings except where service consolidation strategies and community infrastructure planning identifies redundant assets. Any disposal of identified surplus land will be in accordance with the Property Sale, Transfer and Acquisition Policy as adopted by Council.

Principle 2

Council will aim to add to its existing landholdings where current or projected service provision necessitates additional facilities.

Principle 3

Council will not deal with land matters for the purposes of speculation.

Principle 4

Council will progressively dispose of "rights of ways" which are no longer required through discussion / negotiation with abutting landowners and following applicable legislation

Principle 5

Council will follow the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land (Department of Planning and Community Development 2009) and applicable legislation.

2. Strategy

All land sales, transfers and acquisitions will be guided by the Council Plan, Council Strategies and this Policy. Council Strategies, including the Early Years Infrastructure Plan, Open Space Strategy and other relevant strategies will identify the current use and future needs of Council managed properties.

3. Sale of Land

Land determined to be surplus may be sold, in accordance with legislation and this Policy.

In accordance with the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land (the Best Practice Guideline), sales will be conducted through a public process (public auction, public tender or selected tender by Expression of Interest) unless circumstances exist that justify an alternative method of sale. The most appropriate sale process will be selected based on the site-specific issues and Council's objectives in relation to the sale.

3.1 Right of Way (ROW)

Council has power under the *Local Government Act 1989* to discontinue roads and rights of way where Council forms the view a road or right of way is no longer reasonably required for public use. Statutory notification and consultation processes are required to discontinue a road.

Following discontinuance, Council may sell the land (usually by private treaty) to adjoining land owners.

Council may decide to sell the land resulting from a discontinued right of way where:

- The amenity and neighbourhood character will be improved by the sale, and/or
- The sale will help to address any health and safety issues (such as dumped rubbish and illicit activity), and/or
- Where there is a maintenance or monitoring cost for Council, and/or
- The sale will not create a land locked parcel of land (unoccupied land) that remains vested in Council, and/or
- Vehicle access to property, including for construction/improvement purposes, will not be compromised. Convenient pedestrian access is not considered a determining factor, and/or
- Utility provider access or easement is not inhibited.

A location that has been considered for discontinuance and the process abandoned will not be reconsidered unless property ownership has changed.

The preferred approach is to offer half the land which is proposed to be sold to each abutting land owner, where there is evidence of long term occupation of a parcel of a ROW of 15 years or more, the first option to purchase will be offered to that occupier. The second and further options will be offered to abutting property owners.

3.2 Revenge Strips

Revenge strips were historically created to prevent vehicular access to property from roads and rights of way.

While revenge strips have not been created for many years, there are still cases where they must be removed, for example, to consolidate land. There is a mechanism under the *Subdivision Act 1988* for these revenge strips to vest in Council. They can then be sold with the relevant portion of the discontinued road.

Revenge strips may be sold to allow access to a property, particularly in the case of new developments and subdivisions. By the nature of location (ie. between Council managed land and private property), revenge strips will usually be sold by private treaty. Each proposal will be assessed on its merits and potential impact.

3.3 Public Open Space

Under Section 20(4) of the *Subdivision Act 1988*, Council must provide for replacement open space when selling open space.

Section 20(2) of the *Subdivision Act 1988*, requires councils to use the proceeds from the sale of any open space to:

- Buy land for use for public recreation, as parklands or for similar purposes, or
- Improve land already set aside (zoned or reserved) for use for public recreation, as parklands or for similar purposes, or
- With Ministerial approval, improve land (whether set aside or not) used for public recreation, as parklands or for similar purposes.

However, should Council wish to dispose of a reserve without replacing it, the reserve status may be removed through a planning permit process and application of Section 24A of the *Subdivision Act 1988*.

3.4 Stratum

Any proposal to sell land at strata (airspace and subterranean) or enter into a Section 173 Agreement under the *Planning and Environment Act 1987* will be assessed based on the site specific proposal and issues, including potential future requirements and obligations.

4. Transfer of Land

A land exchange by private treaty between Council and another party will be considered where there is an identified need in line with the Council Plan or a strategic document and significant community benefit can be obtained by the exchange.

Where properties to be exchanged do not have the equivalent market value, Council will consider financial exchange in addition to the property exchange.

5. Acquisition of Land

The acquisition of land for identified Council purposes will be guided by the Council Plan, Council Strategies and this Policy. In line with the principles, Council will only look to acquire land where current or future service provision need is identified. No speculative land acquisition will be considered by Council.

Council will not acquire land at a price which is greater than the current market value as determined by a certified valuer engaged by Council. If exceptional circumstances exist where a specific site acquisition would provide significant community benefit and the strategic location of the site is unique in allowing Council to perform its functions and meet its objectives, then the additional value provided by the site will be explained and quantified when Council is considering the acquisition.

6. Adverse Possession

Land registered in Council's name cannot be adversely possessed (under the *Limitations of Actions Act 1958*), including ROWs that are a public highway.

Adverse possession of land can occur when the adverse possessor 1) has possessed the land for more than 15 years, 2) can demonstrate they have taken possession (physical control and an intention to possess) and, 3) that Council no longer enjoys possession.

If the adverse possession claim is successful, the land can be transferred to the possessor by the Titles Office.

6.1 Removal of private assets from Council managed property

Where no agreement can be reached between Council and the existing occupier of Council owned land, for the purchase of land being occupied, Council will notify the occupier to remove all buildings and obstructions (fences, gates) on the land.

7. Community Engagement

At a minimum Council will meet statutory notification and community consultation requirements, and in some instances will consult more comprehensively.

Council will provide public information regarding the outcome of property sales, transfers or acquisition that does not compromise commercial in confidence or privacy requirements.

7.1 Disposal of Land – Engagement Process

If Council proposes to sell land that is subject to section 114 of the *Local Government Act 2020*, the Council will undertake a community engagement process in respect of the proposal prior to selling the land.

The community engagement process and approach will be tailored depending on the size and scope of the proposal to provide an option for residents reasonably affected by the proposal to take part in the engagement process.

The community engagement process will be in accordance with Council's Community Engagement Policy and include:

- A resolution of Council to commence the community engagement process.
- A public notice period which for a minimum of 28 days is to be published on Council's website, in a local newspaper and sent to abutting or surrounding owners reasonably affected by the proposal.
- The public notice is to include key terms of the proposal and provide the opportunity for any submitters to be heard in front of a Committee comprising of the whole of Council.
- Following the hearing of any submissions, Council will then resolve whether or not to proceed with the proposal.

7.2 Acquisition of Land – Engagement Process

If Council proposes to acquire land that is subject to section 112 of the *Local Government Act 2020*, a resolution of Council will be required for the land to be acquired. In accordance with Council's Community Engagement Policy, community engagement will be limited.

Community engagement will be limited for a proposal considering the acquisition of land for one or more of the following reasons:

- There are confidential and commercial negotiations which if made public, may compromise Council's position in acquiring the land.
- There is time urgency and an immediate resolution is required.

Council will inform the community of the acquisition via a publication on Council's website, in a local newspaper and sent to abutting or surrounding owners reasonably affected by the proposal. Where possible, Council will inform the community prior to an acquisition occurring. Due to the reasons above, Council may inform the community after the acquisition has occurred. In exceptional circumstances, if Council is acquiring more than one property at a single site, then Council will inform the community once the final acquisition has been completed.

Related Legislation

A number of laws and regulations govern Council owned land transactions:

- *Local Government Act 1989*: Section 223 sets out public notice requirements for road discontinuances and Schedule 10 Clause 3 provides Council's powers to discontinue roads.
- *Local Government Act 2020*: Section 114 sets out restrictions on power to sell or exchange land and section 112 sets out powers to acquire land.
- *Land Act 1958*: Law regarding the sale and occupation of Crown Land. Section 400 ability for Council to declare a government road to be unused.
- *Subdivision Act 1988*: Deals with freehold land with the legal status of road (Right of Way). Section 20(2) provide restrictions and obligations regarding the sale of open space.
- *Road Management Act 2004*
- *Planning and Environment Act 1987*: Provides for permitted uses of land through Council's planning scheme (zoning). Most encroachments or projections from buildings into the road space require planning permits.
- *Native Title Act 1993*: Relevant where native title exists
- *The Building Regulations 2006*: Division 2 – lists requirements for various projections or encroachments over Council owned property.
- *Limitation of Actions Act 1958 Section 7* Sets out limitations for adverse possession for Crown, Victrack, Water authorities and Council land.
- *Environment Protection Act 1970*: Sets out obligations for dealing with pollution/contamination of land.
- *Privacy and Data Protection Act 2014*.

Related Documents

- Council Plan
- Council Long Term Financial Strategy
- Lease and Licence Policy
- Early Years Infrastructure Plan
- Community Engagement Policy
- Open Space Strategy
- Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land (Department of Planning and Community Development 2009)

Review of Policy

The Policy will be reviewed in 2026, or as legislation requires, or Council determines a need has arisen.

Agenda Item 9.6**HENRY TURNER SOUTH PAVILION CONSTRUCTION - APPROVAL OF CONTRACT VARIATIONS**

Director: Patrick Jess
Director Infrastructure Services

Author: Steve Tierney
Manager Assets and Capital Works

PURPOSE

To seek Council approval for contract variations under construction contract (Contract No. 1149-22 Provision of Henry Turner South Reserve Pavilion) with May Constructions Pty. Ltd.

ISSUES SUMMARY

- At the 7 December 2021 Council meeting, Council resolved to award the construction Contract 1149-22 for Henry Turner South Reserve Pavilion Construction to May Constructions for the total contract sum of \$5,897,992 (excluding GST).
- May Constructions were contracted to carry out the works in accordance with the design documents included in the Contract 1149-22. The original design required alterations arising from latent conditions and changes to scope requested by Council. This cost \$365,000.
- Additional costs have also been incurred due contaminated soil, existing in-ground services that were not previously detected and a raised groundwater table. Although there are provisional sums included in the Contract for some of these items, the amount was found to be inadequate as conditions were worse than anticipated. These costs total \$786,000.
- In accordance with the Instrument of Delegation – Operating Authority, Council approval is required for Contract variations that exceed a total cumulative value of \$750,000 (Incl. GST) to Contracts over \$2 million value. CEO approval has previously been provided for Contract variations totalling \$720,413 (\$654,921 plus GST) in line with the instrument of delegation.
- Approval is sought for a further \$600,142.30 (Excl. GST) of cost variations bringing the adjusted Contract Sum to \$7,153,055.30 (Excl. GST) which is still within the original budget allocation of \$7.3M.

ATTACHMENTS

Not applicable

Agenda Item 9.6

OFFICER RECOMMENDATION

That Council approve contract variations totalling \$600,142.30 (excl. GST) to Contract 1149-22 Provision of Henry Turner South Reserve Pavilion construction to May Constructions Pty. Ltd., to increase the adjusted Contract sum from \$6,552,913 (excl. GST) to \$7,153,055.30 (excl. GST).

Agenda Item 9.6**BACKGROUND**

Invitation to Tender (ITT) No. 1149-22 closed on 27 October 2021 with six tenderers responding with a tender submission.

The tender documents included a Soil Contamination Assessment by Prensa Pty. Ltd., which indicated that PASS (Potential Acid Sulphate Soils) may be present within the natural Coode Island Silt at the site. The assessment also noted that the site “is low lying and adjacent to the Maribyrnong River, and has likely been historically subject to filling”.

The Soil Contamination Assessment was based on site investigations that was limited to three boreholes within the footprint of the future building. This testing has subsequently been found to be inadequate.

The tender documents also included Contamination Management Requirements by Golder Associates Pty. Ltd. which outlined stockpiling excavated soil, testing and classifying the soil followed by off-site disposal of any contaminated soil.

The tender documents included design drawings for the piling foundations, building footings and services (electrical, stormwater, sewer, water) pipes & tanks spread over the Henry Turner South Reserve.

The tender documents included a Provisional Sum of \$15,000 for Disposal of Contaminated Soil.

At the 7th December 2021 Council meeting, Council resolved to award the construction contract 1149-22 for the provision of Henry Turner South Reserve Pavilion construction to May Constructions for the total contract sum of \$5,897,992 (excluding GST).

During construction, May Constructions has encountered the following contaminated soil types of varying quantities for off-site disposal; ACM (Asbestos Containing Material), PASS, Category C Reportable Priority Waste, Category C with Asbestos and Category D.

DISCUSSION/KEY ISSUES**1. Key Issues****Latent Conditions**

The classifications and corresponding quantities of contaminated soil to be removed from site often change during construction. Provisional Sums are used in construction contracts where the quantum of scope is undetermined at the time of tender.

The Provisional Sum of \$15,000 for Disposal of Contaminated Soil was underestimated at tender stage given the extent of the building piling foundations, footings and services infrastructure throughout the Henry Turner South Reserve. The actual cost for disposal of contaminated soil is \$633,000.

Agenda Item 9.6

Other latent conditions such as the elevated groundwater level and latent condition rock resulted in the total variations for latent conditions being approximately \$786,000.

Design and other variations

Design alterations and finalisation of design resulted in cost variations of approximately \$365,000. Variations due to additional scope requested by Council, plus an allowance of \$80,000 for variations yet to be submitted by May Constructions make up the balance of \$104,000.

Contingency

A Ten Percent (10%) Contingency was set aside to account for contract variations through the construction period in the project's cost forecasting. This equates to 10% of the original contract sum of \$5,897,992 (excluding GST); that is, \$589,799 (excluding GST). This amount is not included in the Contract with May Constructions, rather a contingency that Council retains to accommodate design development and finalisation, and other potential variation sources such as adjustments to Provisional Sums.

An amount of \$589,799 was adequate to account for design coordination and finalisation, additional scope requests and a reasonably expected level of Provisional Sum adjustments, however the Provisional Sum of \$15,000 for Disposal of Contaminated Soil was inadequate.

Budget

There is adequate approved budget for Henry Turner South Reserve – Pavilion Construction for approval and payment of cost variations.

2. Council Policy/Legislation**Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Strategic Objectives
 - Council will partner with its community to provide and advocate for integrated built and natural environments with access to open spaces that are well maintained, engaging, accessible and respectful of the community and neighbourhoods.

Legislation

- *Local Government Act 2020*
- *Environment Protection Act 2017*

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Agenda Item 9.6**Human Rights Consideration**

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

Contaminated soil was appropriately barricaded and signed to advise visitors to the Reserve prior to its removal from the Reserve.

4. Resources

Funds to pay the contract variations are allocated in the 2022/2023 and 2023/2024 Annual Budgets.

5. Environment

Contaminated Soil removal was conducted as per EPA Guidelines.

The new pavilion is designed such that it achieves a minimum Built Environment Sustainability Scorecard (BESS) rating of 70% ('Excellence'); lower carbon emissions throughout the new building's lifespan.

CONCLUSION

Contract variation approval is fair, reasonable and necessary to conclude the delivery of this new asset to Council and for the Community's use, and payment to May Constructions for contract variations.

Agenda Item 9.7

AUDIT AND RISK COMMITTEE BI-ANNUAL REPORT - JUNE 2023

Director: Lisa King
Director Corporate Services

Author: Phil McQue
Manager Governance and Commercial Services


PURPOSE

This report presents the Audit and Risk Committee Bi-Annual Report – June 2023 for noting by Council.

ISSUES SUMMARY

- The Audit and Risk Committee Bi-Annual Report is presented in accordance with Section 54 (5) of the Local Government Act 2020 and Section 6.9.1 of Maribyrnong City Council's Audit and Risk Committee Charter.

ATTACHMENTS

1. ARC BiAnnual Report June 2023 [↓](#) 

OFFICER RECOMMENDATION

That Council note the Audit and Risk Committee Bi-Annual Report – June 2023.

Agenda Item 9.7**BACKGROUND**

Section 54 (5) of the Local Government Act 2020 and Section 6.9.1 of Maribyrnong City Council's Audit and Risk Committee Charter requires the Audit and Risk Committee to prepare a Bi-Annual Report that describes the activities of the Audit and Risk Committee, and includes its findings and recommendations. The Chief Executive Officer is required to provide a copy of the Bi-Annual Report to the next available Council meeting.

DISCUSSION/KEY ISSUES**1. Key Issues**

The Bi-Annual Report provides Council with a summary of the matters that the Audit and Risk Committee has considered in the reporting period in discharging its responsibilities under its Charter.

The B-Annual Report covers the activities of the Audit and Risk Committee for the February 2023, April 2023 and June 2023 Meetings.

The Audit and Risk Committee endorsed this Bi-Annual Report in June 2023, for presentation to Council at its July 2023 Meeting.

2. Council Policy/Legislation**Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Strategic Objectives
 - Council will proactively lead our changing City using strategic foresight, innovation, transparent decision making and well-planned and effective collaboration and community engagement to support community and economic growth during the ongoing challenges of the pandemic and beyond.

Legislation

Local Government Act 2020

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Agenda Item 9.7

3. Engagement

Nil.

4. Resources

Nil.

5. Environment

Nil.

CONCLUSION

The Audit and Risk Committee Bi-Annual Report June 2023 is presented to Council for noting.



Audit and Risk Committee

Bi-Annual Report

June 2023



1. Background

Maribyrnong City Council's Audit and Risk Committee (the Committee) is a Committee established in accordance with sections 53 and 54 of the *Local Government Act 2020* (LGA 2020).

Section 54(5) of the LGA 2020 prescribes that Audit and Risk Committee is to formally report on the operations of the Committee to Council bi-annually. From 2023 onwards, it is proposed to report to the June and December meetings.

This Audit and Risk Committee Report provides Council with a summary of the matters that the Committee has addressed in discharging its responsibilities under its Charter.

2. Period of Reporting

This report covers the Committee activity for the 14 February 2023, 11 April 2023 and 27 June 2023 Meetings.

3. Committee Membership and Meetings

The 2023 Committee comprises the following members:

- Marilyn Kearney (Chair – appointed December 2022)
- Jeff Rigby (appointed December 2022)
- Lisa Tripodi (appointed December 2022)
- Cr Michael Clarke
- Cr Cuc Lam
- Cr Sarah Carter (Mayor ex-officio)

Details of Member's meeting attendance is below:

ATTENDEE	14 FEBRUARY 2023	11 APRIL 2023	27 JUNE 2023
Marilyn Kearney (Chair)	✓	✓	✓
Lisa Tripodi (Independent)	✓	✓	✓
Jeff Rigby (Independent)	✓	✓	✓
Cr Michael Clarke	✓	✓	X
Cr Cuc Lam	✓	✓	✓
Cr Sarah Carter (ex-officio)	✓	✓	✓



4. Committee Reports

4.1 Chief Executive Officer Report

In a new initiative, the Committee in April 20223 commenced receiving a report from the Chief Executive Officer.

The Chief Executive Officer April 2023 report included updates on Footscray Park, October 2022 Flood event, Gender Equality Act 2020, Electoral Structural Review, Budget 2023/2024 Preparation, Local Government Inspectorate Policy Review, Freedom of Information and Privacy Update, Ombudsman Matters, Occupational Health and Safety, Excess Leave U, 2022 Customer Satisfaction Survey, and an Organisational Review.

The Chief Executive Officer June 2023 report included updates on Claims against Council, Maribyrnong Flooding Event – Insurance Update, Corporate Governance Training Program, Submission to Flooding Inquiry, Freedom of Information and Privacy Update, Ombudsman Matters, Councils and Complaints: Glen Eira City Council Commission of Inquiry into Moira Shire Council, Delegations Review, 2023/24 Budget Update, Enterprise Bargaining Update, Disability Action Plan 2022-2026, Library Plan, Review of Enterprise Maribyrnong Delegated Committee, and a Community Grants Program 2023/24 Update.

4.2 Internal Audit

The 2022/2023 Strategic Internal Audit Plan was progressed during this period, with the following Internal Audits presented and endorsed:

- Councillor Expenses Review
- Contract management
- Data Security Review
- Customer Service Review

All recommendations contained within the above Internal Audit reports were accepted by Management for implementation.

The Committee at the April 2023 meeting endorsed the following Internal Audits to be completed during 2023/2024, with the Internal Audit Terms of Reference considered and endorsed by the Committee in June 2023:

- Animal Control;
- Procurement and Accounts Payable;
- Fleet Management;
- Events Management;
- Asset Management and Maintenance;
- Property Leases and Licences;
- Governance.

The review of outstanding Internal Audit actions from previous Internal Audits is a focus of the Committee, with a revised reporting format now providing the Committee with greater oversight on the progress of these actions.

A total of 21 Internal Audit actions were closed during this reporting period.



4.3 External Audit

Council's External Auditors attended the February 2023 meeting and presented the draft External Audit Strategy.

Council's External Auditors attended the June 2023 meeting and presented the External Interim Management Report.

4.4 2023 Annual Work Plan

The Committee received and endorsed a revised and updated 2023 Annual Work Plan at the April 2023 meeting, which also saw the discontinuance of the Recurring Reports Matrix to the Committee, as well as many historical reporting requirements which the Committee no longer considered as necessary.

4.5 Governance, Compliance and Finance Reports

The Committee considered and endorsed the following reports:

- Footscray Park Reports (February and April)
- Road Management Plan Compliance Report (February)
- Risk Management Update (February)
- Sundry Debtors Update (February)
- Rates Debtors update (February)
- Asset Management Processes and Procedure Update (April)
- Annual Internal Auditors and External Auditors Performance Report (April)
- Quarterly Performance and Financial Report - Period ending 31 December 2022 (April)
- IT Strategy and Cyber Security Update (April)
- Councillor Support and Expenses – October 2022 to December 2022 (April)
- Audit and Risk Committee Bi-Annual Report (June)
- Risk Management Framework Report (June)
- Business Continuity Plan Update (June)
- Review of Footscray Park Play Space Incidents Report (June)
- Quarterly Performance and Financial Report - Period ending 31 March 2023 (June)
- Councillor Support and Expenses - January 2023 to March 2023 (June)
- Review - Asset Accounting Policy (Property, Infrastructure, Plant and Equipment) (June 2023)

The Committee requested and received a Civic and Community Hub Project Report in April 2023 and June 2023, which will become a regular reporting feature to the Committee for the duration of this major project.

The Committee reviewed and endorsed for recommendation to Council in May 2023 a new comprehensive Fraud and Corruption Framework. The new Fraud and Corruption Framework was adopted by Council in May 2023, and will ensure Council has best practice fraud and corruption controls in place.

4.6 Committee Activity Summary by Meeting

MATTER CONSIDERED - 14 FEBRUARY 2023	SUMMARY
15 November 2022 Minutes	Confirmed.
Actions Arising from Previous Audits - February 2023	Noted.
Schedule of Recurring Reports and Responsibly Matrix	Noted.
Review of Footscray Park Play Space Incidents Report - February 2023	Noted.
Internal Audit Report - February 2023	Noted.
Internal Audit - Councillor Expenses and Reimbursements	Noted.
Draft External Audit Strategy	Noted.
Road Management Plan - February 2023 Compliance Report	Noted.
Risk Management Update - January 2023	Noted.
Rates Debtors Update - December 2022	Noted.
Sundry Debtors Update - December 2022	Noted.

MATTERS CONSIDERED – 11 APRIL 2023	SUMMARY
14 February 2023 Minutes	Confirmed.
Actions Arising from Previous Meetings	Noted.
Actions from Previous Internal Audits - March 2023	Noted.
Review of Footscray Park Play Space Incidents Report - March 2023	Noted.
Asset Management Processes and Procedures - March 2023	Noted.
Internal Audit Update - March 2023	Noted.



MATTERS CONSIDERED – 11 APRIL 2023	SUMMARY
Internal Audit - Contract Management	Noted.
Internal Audit - Data Security Review	Noted.
Annual Internal and External Auditors 2022 Performance Report	Noted.
Chief Executive Officer Report - March 2023	Noted.
Review of the Audit and Risk Committee Annual Work Plan 2023	Noted.
Draft Fraud and Corruption Framework	Noted.
Civic Precinct and Community Hub Project - March 2023	Noted.
Quarterly Performance and Financial Report - 31 December 2022	Noted.
IT Strategy and Cyber Security Update - March 2023	Noted.
Councillor Support and Expenses - October 2022 to December 2022	Noted.

MATTER CONSIDERED – 27 JUNE 2023	SUMMARY
11 April 2023 Minutes	Confirmed.
Actions Arising from Previous Audits - May 2023	Noted.
Actions from Previous Internal Audits – May 2023	Noted.
2023 Annual Work Plan Progress	Noted.
Internal Audit Update – June 2023	Noted.
Internal Audit – Customer Service	Noted.
2023/24 Internal Audit Program – Terms of Reference	Noted.
External Interim Management Report	Noted.



MATTER CONSIDERED – 27 JUNE 2023	SUMMARY
Chief Executive Officer Report – June 2023	Noted.
Audit and Risk Bi-Annual Report – June 2023	Noted.
Risk Management Framework Report – June 2023	Noted.
Business Continuity Plan Update – June 2023	Noted.
Civic and Community Hub Project- May 2023	Noted.
Review of Footscray Park Play Space Incidents Report – June 2023	Noted.
Quarterly Performance and Financial Report – 31 March 2023	Noted.
Councillor Support and Expenses – January 2023 to March 2023	Noted.
Review Asset Accounting Policy (Property, Infrastructure, Plant and Equipment)	Noted.

5. Reporting to Council

The Minutes of Committee meetings are provided to Council as soon as practical after each meeting for noting.

6. Conclusion

I would like to record my appreciation of the work undertaken by Council staff in supporting the Committee.

The Committee continues to benefit from the vast knowledge, expertise and experience of Councillors and Independent Members, who all discharge their responsibilities with diligence and professionalism.

Marilyn Kearney

Chair, Audit and Risk Committee

Agenda Item 9.8**GOVERNANCE REPORT - JUNE 2023**

Director: Lisa King
Director Corporate Services

Author: Phil McQue
Manager Governance and Commercial Services

PURPOSE

To receive and note the record of informal meetings of Councillors and Councillor delegates' for June 2023, and other statutory compliance and governance matters.

ISSUES SUMMARY

Details of informal meetings Councillors and Councillor Delegates' Reports are presented to a Council Meeting on a monthly basis, and made available on Council's website for the term of the current Council.

ATTACHMENTS

1. Governance Report - June 2023 [!\[\]\(c580b67c7cd5c9e9e19f04ff6d5093e0_img.jpg\) !\[\]\(81f7c93ea32d9f7160f5d63859611838_img.jpg\)](#)

OFFICER RECOMMENDATION

That Council notes the June 2023 Governance Report containing the record of informal meetings of Councillors and Councillor Delegates' Reports, to be made available on Council's website for the term of the current Council.

Agenda Item 9.8**BACKGROUND**

It is considered good governance that written records of informal meetings of Councillors are, as soon as practicable, reported at a Council Meeting and incorporated in the minutes of that Council meeting. Details of Councillor Delegates Reports are presented to a Council Meeting on a monthly basis, and made available on Council's website.

DISCUSSION/KEY ISSUES**1. Key Issues****Informal Meetings of Councillors**

Chapter 6 of Council's Governance Rules state that if there is a meeting of Councillors that:

- 1.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- 1.2 is attended by at least one member of Council staff; and
- 1.3 is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are tabled at the next convenient Council meeting.

These do not include:

- A meeting of the Council
- A Delegated Committee
- An Audit and Risk Committee
- A club, association, peak body, political party or other organisation.

The attached record is reported to Council in accordance with this requirement.

Councillor Delegates' Reports

As part of their governance and representation obligations, Councillors represent Council on a range of committees. The committees operate outside section 63 and 64 of the *Local Government Act 2020*.

Councillor participation in peak associations, local and regional forums and specific issues committees is an important part of effective governance and representation.

Attached are the Councillor delegates' reports for the period.

2. Council Policy/Legislation

Agenda Item 9.8**Council Plan 2021-2025**

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Ethical leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration to support economic growth during the ongoing challenges of the pandemic and beyond.

Legislation

This report is presented in accordance with the requirements of the *Local Government Act 2020*.

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

Nil.

4. Resources

Nil.

5. Environment

Nil.

CONCLUSION

The Governance Report demonstrates Council's commitment to open and transparent governance.

Governance Report – May 2023

Details of Informal Meetings of Councillors and Delegate Reports

Meeting and Date	Councillor Attendees	Council Staff Attendees	Matters Considered	Conflict of Interest Disclosures
Community Recovery Committee 1 June 2023 Delegates	Cr Sarah Carter	Laura-Jo Mellan (Director Planning and Environment Services) Craig Rogers (A/Manager Community Development, Positive Aging & Inclusion) Kirsten Tanner (Emergency Management Coordinator) Andy Chan (Senior Community Resilience Officer)	<ul style="list-style-type: none"> • Acknowledgement of Country • Apologies • Conflicts of Interest • Confirmation of minutes of the previous meeting • Matters arising from the previous meeting • Planning and environment updates • Economic recovery updates • Social recovery updates • Recovery Programs, psychosocial support event • Built and natural recovery updates • Call out and thanks • Safety and security for the residents of the impacted areas • Weekly flood recovery newsletter • Building and planning permits • Ongoing flood debris management • Capturing stories and photos/videos of the flood and its impacts • In person insurance support through ICA • Supported accommodation expiry date approaching • Marking the date of First Anniversary 	- Nil
Maribyrnong Active Transport Advisory Committee 5 June 2023 Delegates	Cr Anthony Tran	Laura-Jo Mellan (Director Planning and Environment Services) Ashley Minitti (Manager City Places) Peter White (Manager Engineering and Transport)	<ul style="list-style-type: none"> • Welcome and Acknowledgement of Country • Confirmation of Minutes from Previous Meeting • Woolworths Proposal on Barkly Street • Walking Strategy • Yarraville Ward Issues • Stony Creek Issues • BikeWest Topics • Council Update • General Business 	- Nil

Governance Report – May 2023

Details of Informal Meetings of Councillors and Delegate Reports

		Alistair McDonald (Active Transport Project Officer)		
Councillor Strategic Briefing Session 6 June 2023 Informal Meeting	Cr Sarah Carter Cr Michael Clarke Cr Simon Crawford Cr Jorge Jorquera Cr Cuc Lam Cr Bernadette Thomas Cr Anthony Tran	Celia Haddock (Chief Executive Officer) Lisa King (Director Corporate Services) Laura-Jo Mellan (Director Planning and Environment Services) Patrick Jess (Director Infrastructure Services) Lucas Gosling (Director Community Services)	<ul style="list-style-type: none"> • Adoption of the 2023/2024 Annual Budget • West Footscray Inter-war and Post-war Heritage Precinct Study – Planning Scheme Amendment C172 • Planning Permit Application at 35-65 Paramount Road and 99 Olympia Street, Tottenham • Planning Application at 54-58 Hopkins Street, Footscray • Intercultural Maribyrnong Strategy • Proposed Lease for Randall Street Kindergarten, Maribyrnong • Gender Equality Act Implementation – Year 1 Update • City Futures Annual Council Plan Update • Bike Sports Infrastructure and Development Plan – Community Feedback on Draft and Recommendations for Implementation • Medicinal Cannabis Feasibility Report • Governance Report – May 2023 • Confirmation of the Minutes of the Previous Council Meeting – 16 May 2023 • Chief Executive Officer – Confidential Interim Performance Review 	- Nil
Maribyrnong Youth Advisory Committee 14 June 2023 Delegates	Cr Anthony Tran	Caitlyn Mesiti (Youth Worker) Julius Abrogar (Youth Worker) Vicki Cooper (Coordinator Youth Services and Partnerships)	<ul style="list-style-type: none"> • Acknowledgement of Country • Welcome • Councillor Updates • Updates • Project Items • General Updates • Next Meeting and Actions 	- Nil
Special Councillor Strategic Briefing Session	Cr Sarah Carter Cr Michael Clarke Cr Simon Crawford	Celia Haddock (Chief Executive Officer)	<ul style="list-style-type: none"> • Footscray Arts Centre Masterplan Presentation 	- Nil

Governance Report – May 2023

Details of Informal Meetings of Councillors and Delegate Reports

27 June 2023 Informal Meeting	Cr Jorge Jorquera Cr Cuc Lam Cr Bernadette Thomas Cr Anthony Tran	Lisa King (Director Corporate Services) Laura-Jo Mellan (Director Planning and Environment Services) Patrick Jess (Director Infrastructure Services) Lucas Gosling (Director Community Services)		
Community Recovery Committee 29 June 2023 Delegates	Cr Sarah Carter	Sandra Laszczak (Acting Manager Operations and Maintenance) Francesca O'Brien (Manager City Futures) Craig Rogers (Acting Manager Community Development, Positive Aging and Inclusion) Laura-Jo Mellan (Director Planning and Environment Services) Andy Chan (Senior Community Resilience Officer) Joanne Scanlon (Community Flood Recovery Officer)	<ul style="list-style-type: none"> • Acknowledgement of Country • Apologies • Conflicts of Interests • Confirmation of Minutes of the Previous Meeting • Planning and environment updates • Economic recovery lead updates • Social recovery lead updates • Social event planning • Built and natural recovery • Emergency response • Amendment to Agenda structure • Call out and thanks • Other Business 	- Nil

Governance Report – May 2023

Details of Informal Meetings of Councillors and Delegate Reports

		Kirsten Tanner (Emergency Management Coordinator)		
--	--	---	--	--