



**Maribyrnong City Council**

**COUNCIL MEETING MINUTES**

**Tuesday 18 April, 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 16 May, 2023

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

The meeting commenced at 6.33pm.

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".*

## **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 Finance, Mark Connor  
Manager Customer Engagement, Lauren McKenzie  
Manager Governance and Commercial Services, Phil McQue  
Coordinator Governance, Christopher Southavong  
Governance Officer, Michelle McCulloch

## **2. APOLOGIES**

Nil.

## **3. LEAVE OF ABSENCE**

Nil.

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

Nil.

## **CHANGE TO ORDER OF BUSINESS**

As provided for under Clause 19 and Clause 22.8 of Council's Governance Rules, The Chair, Cr Sarah Carter sought the consent of the meeting to amend the order of business to move the two Notice of Motions at Item 10 forward to be considered before Item 9 – Officer Reports.

The Council consented to this amendment to the Order of Business.

## **5. PUBLIC QUESTION TIME**

Public Question Time commenced at 6.37pm and Council received 18 questions.

### **Anne Craig**

1. Even though I am a member of FOMR (Friends of Mclvor Reserve), I understand the basketball community are desperate for access to more indoor courts and have been for a number of years. Regardless of where a new stadium is built it will still be several years before these courts are ready for use. What short term strategies has council investigated to provide more access to the existing indoor courts within the municipality? Is it possible that finding short term solutions could allow more kids to play basketball now and give council time to find a more suitable site for an indoor stadium, one that doesn't requiring building on parkland?
2. On council's Facebook page, a member of the basketball community commented that one barrier to court access is not being able to use school courts on the weekend. I know that the department of education has been working with a special development school in Frankston to provide independent access to that school's stadium so community groups can use it on weekends. Has council considered working with the education department to address this barrier?
3. A member of FOMR spoke to administration staff at Caroline Chisolm College, who confirmed that they have indoor courts available, but council won't allow Westgate basketball association to hire them due to limited parking in the area. Can council confirm if this is this case? And if so, what is council doing to address this barrier?

### **Response**

*The Director Infrastructure Services answered the first question by advising that Council engages with a number of facility owners to maximise public access to indoor courts. The fact remains that provision of recreation facilities and more specifically indoor sports facilities is a core responsibility of Council and a service area that is currently under supplied.*

*The Director Infrastructure Services answered the second question by advising that Council has engaged with the education sector on shared use of facilities. Even with access to education owned courts there remains a shortage of courts. Additionally many of the education owned courts are not suitable for competition use due to reasons such as non-compliant sizing, only single court availability and lack of amenity for competition generally.*

*The Director Infrastructure Services answered the third question by noting that Council has not restricted Westgate Basketball Association to access this site and in fact encourages public use of education facilities.*

### **Sean Thor**

1. Council addressed the absence of Cr Simon Crawford at the last meeting, thoroughly explaining why Cr Simon Crawford wasn't to be either physically or virtually attending the last meeting. Can Council confirm that acceptance of the motion to rescind the vote on the proposed works at Mclvor Reserve will not set a dangerous precedent, and that all Council decisions can now be reviewed without sufficient further evidence?
2. The Crimes Act 1958 considers it to be fraud to gain a person's signature by any false pretence or false representation. Subsequently, will the council be following up with Victoria Police in relation to the fraudulent information circulated by a particular propaganda group that is against the construction of the stadium for our community and children, which knowingly obtained signatures under false pretences?
3. A large number of irresponsible dog owners consistently leave their beloved pets excrement all over the oval on which our children play sports. With such a large off-lead dog park to remain at Mclvor reserve, Can the council commit to introducing fines to off-lead dog owners using the oval sections of Mclvor reserve?

### **Response**

*The Chief Executive Officer answered the first question by noting that Rescission Motions are governed by Division 6 of Council's Governance Rules, which must be adhered to.*

*The Chief Executive Officer answered the second question by advising that Council manages petitions in accordance with clause 54 of Council's Governance Rules. No comment can be made on the Crimes Act 1958.*

*The Director Planning and Environment Services answered the third question by advising that Council officers regularly patrol and issue fines for breaches under the Domestic Animals Act. Dog owners are required to carry poo bags whether their dogs are on or off lead in Maribyrnong.*

**Scarlett Griffith**

1. If Councillors are voting against the stadium at Mclvor Reserve, where will a new six court stadium be built? I'm 16 years old and I haven't seen one new court built by Council in my lifetime.
2. Because of Council's delays getting a new stadium approved, what do Councillors have to say to kids who can't get on a netball team, a basketball team or an indoor soccer team because Council doesn't do anything about the shortage of indoor courts? Do Councillors know that clubs like mine have long waiting lists so kids are missing out?
3. I live near Mclvor Reserve and I know where Council wants to build a new stadium, that place is never busy and usually nobody is ever there. Why do some Councillors want to protect this area when thousands of kids for generation after generation would love to play in a new stadium? I went to Kingsville Primary and I know me and my class mates would have loved to play in a new stadium just a few minutes away from the school.

**Response**

*The Chair advised that the first question pre-empts Councils consideration of Agenda Item 10.2 Item Mclvor Reserve Draft Master Plan – Notice of Rescission, and is therefore unable to be responded to.*

*The Chair responded to the second question by noting that the point is taken that there is a shortage of indoor courts, not just for basketball, hence why Council is looking at the optimisation of existing sites and where new sites can be created. This was demonstrated in Councils Indoor Sports Stadium Strategy.*

*The Chair responded to the third question by noting the statement made.*

**Pat Baber**

1. I accessed the Mclvor Final Project Report on 29/3 and was astounded to find that included in the report was mention of an assessment to locate a basketball stadium at the southern end of the Reserve. It is very disappointing that at no stage was this option noted in any discussions/plans displayed in "Your City/Your Voice" as being an alternate option considering that it had less impact on green space and the reduction of parking area in Hawkhurst St carpark and possibly could still be an option but maybe with only 4 courts. Can you please explain why was this information not clearly made available during the consultation process?

2. In the Mclvor Final Proposal you indicate a total of 43 car parking spots in the Hawkhurst St carpark, currently there are 66 and 4 disabled a total of 70 all up, which are highly used by bowlers and club visitors. This is a large reduction of carpark spaces with the suggestion that any overflow of cars can park across the road in Gent Street thereby having to cross busy Francis Street. How do you consider that it is acceptable for bowlers and visitors to have to walk up to the lights at Roberts St, cross over and then walk back down Francis St to gain access to their club while other younger sports players have direct access to their venue?

### **Response**

*The Director Infrastructure Services answered the first question by advising that a draft Master Plan identifying a potential indoor sports facility at the northern end of Mclvor Reserve was shared with the community in November 2022, along with the Mclvor Reserve draft Master Plan Project Report, where both the northern and southern options were discussed. This report was also available on Your City Your Voice. The southern option was also highlighted and answered as one of the frequently asked questions on the digital engagement portal in November 2022.*

*The Director Infrastructure Services answered the second question by advising that as part of the detailed design process, the accessibility of facilities for individuals with mobility issues will be addressed and incorporated into any design solution. The Master Plan proposes more carparks than what is currently present. There is no suggestion that access will be via Gent Street, in fact access would be via the new Mclvor Road.*

### **Robin Panousieris**

1. As Sunshine is a national economic cluster ie. Regional centre, why couldn't the councils of Maribyrnong and Brimbank work together and extend the Sunshine Leisure Centre to put in courts as recommended in a youth codesign report?
2. The draft document from 19.7.2018 titled "Maribyrnong Indoor Sports Courts Feasibility Project" provided no recommendations chapter but 3 sites were rated as more appropriate for the indoor basketball stadium. The ratings were out of 100. The Maribyrnong Aquatic Centre, VIC track and Whitten Oval all rated significantly higher as a preferred site compared to Mclvor reserve. Why didn't the council energetically pursue funding for one of these preferred sites?
3. Why hasn't the council insisted that significant open space be provided by the Bradmill site developers?

### **Response**

*The Director Infrastructure Services answered the first question by advising that Council is in regular contact with surrounding council's regarding their sport planning. Council's and other government bodies planning suggest that multiple courts are required to address current and growing population needs.*

*The Director Infrastructure Services answered the second question by advising that the Whitten Oval and VicTrack land have subsequently been ruled out after discussions with the respective land owners. Robert Barratt Reserve is an existing option in the north of the municipality but does not replace the need for a facility in the south.*

*The Director Planning and Environment Services answered the third question by advising that the Bradmill Site includes passive open space within the site to address the resident's needs. However it does not contain active recreation space such as ovals and sports courts.*

### **Mark Baulch**

1. At the last Council meeting I asked Cr. Clarke about what was promised early last year in regard to upgrades at the McIvor Reserve dog park which included lighting, double gates, and extra bag dispensers, he asked Mr. Jess what was happening with them. Mr. Jess said that he would review where things were at and get back with the answer, I am just wondering when they will be done.
2. At the last Council meeting I asked about the counters on the gates at the McIvor Reserve dog park gates and questioned if there were counters anywhere else, Mr. Jess said that a couple of the places that they are where the Yarraville oval and Quarry Park. I went to Yarraville Oval and knowing Yarraville Oval quite well I couldn't possibly see how they could capture all the entries due to the large openings; I also went to the Oval and saw that they weren't at all the entries so I am wondering what the purpose of them is being there?

### **Response**

*The Director Infrastructure Services answered the first question by advising that a dispenser is now in place at the south west corner of the dog off leash area, so there are now three dog poo bag dispensers in place at that site. All other upgrades are subject to the Draft Masterplan moving forward. Cr Michael Clarke further responded to the question by noting that all on and off lead dog park facilities will continue to be the subject of ongoing Council upgrades that occur as a matter of course.*

*The Director Infrastructure Services answered the second question by advising that the Yarraville oval has been subject to significant vandalism on a regular basis with the sensors put in place to monitor pedestrian traffic movement on the reserve at key locations to support Councils response to the vandalism.*

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

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

Moved Cr Anthony Tran

Seconded Cr Cuc Lam

**CARRIED**

Public Question Time was extended at 6.51pm

### **Narelle Browne**

1. Is anything being done, or will anything be done about the motorcyclists doing wheelies on the footpath and tearing up the grass in McIvor Reserve?

#### **Response**

*The Director Planning and Environment Services answered the question by advising that Council has notified Police of the damage and seeks where possible to place physical barriers to prevent unwanted access and increase activation of the reserve, without restricting access for users with prams or wheelchairs.*

*It is noted however that this is a Police matter and an issue of community safety. Incidents of this nature should be reported through 000 at the time they are witnessed for Police to attend as Council has no statutory authority to enforce these offences.*

### **Chaedy Ritherdon**

1. The Watswool Woolshed is currently for sale. It had been in the market for some time without any buyers. The site has a heritage-listed building that could get gutted and converted into a stadium, has space for a carpark, and is close to two train stations as well as a main arterial road (Sunshine Road). Have the council approached the owner of this building to see if they would be willing to enter a partnership with the City Council to refurbish this building into a sports stadium? If not, can the council please do this?
2. Why hasn't the council considered the site identified by Councillor Thomas at the last meeting?



### **Response**

*The Director Infrastructure Services answered the questions by advising that Council has not approached the building owner. The endorsed direction for Council officers is to proceed with the development of an indoor facility at Mclvor Reserve.*

That Chair, Cr Sarah Carter, declared Public Question Time closed at 6.56pm.

## **6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

### **6. Confirmation of the Minutes of the Previous Council Meetings - 21 March 2023 and 29 March 2023**

The purpose of this report was to present for confirmation, the minutes of the Council Meetings held on 21 March 2023 and 29 March 2023.

#### **Council Resolution**

**That Council confirms the minutes of the Council Meetings held on 21 March 2023 and 29 March 2023.**

Moved: Cr Anthony Tran  
Seconded: Cr Bernadette Thomas

**CARRIED**

## **7. REPORTS FROM COMMITTEES**

Nil

## **8. PETITIONS**

Nil

## **9. NOTICES OF MOTION**

### **10.1. Notice of Motion 2023/1: Mandatory Cashless Gambling**

#### **Council Resolution**

##### **That Council:**

- 1. Confirms its support for the campaign to introduce mandatory cashless gambling in Victoria, in its role as a Leadership Council, with the Alliance for Gambling Reform.**
- 2. Writes to Katie Hall, Member for Footscray and all Western Metropolitan MLC's seeking their support for the introduction of mandatory cashless gambling in line with the proposal from the Alliance for Gambling Reform, to help protect the Maribyrnong community from gambling harm.**
- 3. Communicates this advocacy position to the Maribyrnong community via social and print media.**

Moved: Cr Bernadette Thomas

Seconded: Cr Jorge Jorquera

**CARRIED**

## 10.2. Notice of Motion 2023/2: Mclvor Reserve Draft Master Plan - Notice of Rescission

### Motion

That the following resolution of the Special Council Meeting dated 29 March 2023:

1. *Note the feedback received from a range of sources on the Draft Mclvor Reserve Master Plan.*
2. *Adopts the Mclvor Reserve Master Plan 2023 and authorises the commencement of;*
  - a. *Schematic design and necessary site planning and due diligence to enable upgrades to the Reserve including the provision of an Indoor Sports Facility*
  - b. *Advocate for State and Federal funding to support implementation of the Master Plan*

be rescinded.

Moved: Cr Bernadette Thomas  
Seconded: Cr Jorge Jorquera

**MOTION LOST**

Cr Bernadette Thomas called for a **DIVISION**.

Councillors Simon Crawford, Jorge Jorquera and Bernadette Thomas voted **FOR** the motion.

The Chair, Sarah Carter and Councillors Michael Clarke, Cuc Lam and Anthony Tran voted **AGAINST** the motion.

**LOST**

### SUSPENSION OF STANDING ORDERS

**That Council suspend standing orders to receive an ANZAC wreath made for Council by the Friends of Cruickshank Park.**

Moved Cr Anthony Tran  
Seconded Cr Cuc Lam

**CARRIED**

*Standing orders suspended at 7:30pm*

## **RESUMPTION OF STANDING ORDERS**

### **That Council resume standing orders**

Moved Cr Bernadette Thomas

Seconded Cr Anthony Tran

**CARRIED**

*Standing orders resumed at 7:34pm*

## **10. OFFICER REPORTS**

### **9.1. Consideration of the Proposed Budget 2023/2024**

The purpose of this report was to consider the Budget (Proposed Budget) and to seek Council approval to release the Proposed Budget for public exhibition.

## **Council Resolution**

### **That Council:**

- 1. Approve in principle the Proposed Budget 2023/2024.**
- 2. Exhibits the Proposed Budget 2023/2024, invites feedback on the Proposed Budget and hears any person who has requested to be heard in support of their formal feedback on the Proposed Budget, at a meeting to be held on 30 May 2023, at the Community Hall, Braybrook Community Hub, 107–139 Churchill Avenue, Braybrook.**
- 3. Note that the Proposed Budget 2023/2024 includes:**
  - a) Passing through a rate increase of 2.98% which is lower than the rate cap of 3.5% set by the Victorian Government.**
  - b) A Municipal Charge of \$20.00 for each rateable property for the rating period.**
  - c) An increase in waste service charges which have been significantly impacted by the Victorian Government's landfill levy, increased recycling and processing costs and increased contract costs.**
  - d) An increase to the Pensioner rate rebate of 3%.**
  - e) Borrowing of \$7 million through the Community Infrastructure Loans Scheme (CILS) for the Civic Precinct and Community Hub Capital Project.**
  - f) Draw down of \$4.48 million from the Open Space Reserve for Open Space improvements.**
  - g) New Capital Works investment of \$44.65 million to maintain, redevelop and improve services and assets.**
- 4. Note a report on public submissions and recommendations to adopt the Proposed Budget will be considered at the Council Meeting on 20 June 2023.**

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Moved:	Cr Michael Clarke
Seconded:	Cr Cuc Lam

**CARRIED**

### **9.1. Disability Action Plan (DAP) 2022-2026**

The purpose of this report was to Council to note the key findings of the second phase of community engagement undertaken to finalise the draft Disability Action Plan (DAP) 2022-2026 following a community engagement process and to present the final DAP (Attachment 1) for adoption.

#### **Council Resolution**

##### **That Council:**

- 1. Endorse the final Disability Action Plan 2022-2026, shown at Attachment 1;**
- 2. Notes the implementation of the Disability Action Plan will be reported to Council annually.**

Moved: Cr Michael Clarke  
Seconded: Cr Bernadette Thomas

**CARRIED**

### **9.2. Draft Library Plan 2023-25**

The purpose of this report was to provide Council with the Draft Maribyrnong Libraries Plan 2023 – 2025, and outline next steps to gain community feedback prior to finalisation of the Plan.

#### **Council Resolution**

##### **That Council:**

- 1. Notes development of the Draft Maribyrnong Libraries Plan 2023-25.**
- 2. Endorses the release of the Draft Maribyrnong Libraries Plan 2023-25 for community and stakeholder engagement via Your City Your Voice.**

Moved: Cr Cuc Lam  
Seconded: Cr Anthony Tran

**CARRIED**

*Cr Clarke left the meeting at 7:57 pm.*

*Cr Clarke returned to the meeting at 7:59 pm.*

### **9.3. Review of Geographic Naming Policy**

The purpose of this report was to present the draft Geographic Naming Policy for Council consideration and endorsement of community engagement.

#### **Council Resolution**

**That Council:**

- 1. Notes the updates to the draft Geographic Naming Policy (the draft Policy) shown in Table 1 of this report;**
- 2. Endorses the commencement of community engagement;**
- 3. Notes that once community engagement is complete, a further report will be presented to Council noting the outcome of community engagement and recommending next steps.**

Moved: Cr Bernadette Thomas  
Seconded: Cr Anthony Tran

**CARRIED**

### **9.4. Review of Lease and Licence Policy**

The purpose of this report was to present the draft Lease and Licence Policy for Council to consider and endorse the commencement of community engagement.

#### **Council Resolution**

**That Council:**

- 1. Notes that the key updates to the draft Lease and Licence Policy (the draft Policy) are shown in Table 1 of this Report;**
- 2. Endorses the commencement of community engagement; and**
- 3. Notes that once community engagement is complete, a further report will be presented to Council noting the outcome of community engagement and recommending next steps.**

Moved: Cr Michael Clarke  
Seconded: Cr Anthony Tran

**CARRIED**

*Cr Crawford left the meeting at 8:10 pm.*

*Cr Jorquera left the meeting at 8:10 pm.*

### **9.5. Review of Property Sale, Transfer and Acquisition Policy**

The purpose of this report was to present the draft Property Sale, Transfer and Acquisition policy for Council to consider and endorse the commencement of community engagement.

#### **Council Resolution**

**That Council:**

- 1. Notes that the key updates to the draft Property Sale, Transfer and Acquisition Policy (the draft Policy) as shown in Table 1 of this Report;**
- 2. Endorses the commencement of community engagement; and**
- 3. Notes that once community engagement is complete, a further report will be presented to Council noting the outcome of community engagement and recommending next steps.**

Moved: Cr Bernadette Thomas  
Seconded: Cr Cuc Lam

**CARRIED**

*Cr Crawford returned to the meeting at 8:11 pm.*

### **9.6. Councillor Appointment - Community Recovery Committee**

The purpose of this report was to report considers a Councillor appointment to the Community Recovery Committee.

#### **Council Resolution**

**That Council appoints Councillor Sarah Carter to the Community Recovery Committee, and Councillor Anthony Tran as substitute, effective 19 April 2023 to November 2023.**

Moved: Cr Anthony Tran  
Seconded: Cr Michael Clarke

**CARRIED**

*Cr Jorquera returned to the meeting at 08:15 pm.*



### **9.7. Governance Report - March 2023**

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

#### **Council Resolution**

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

Moved: Cr Cuc Lam  
Seconded: Cr Michael Clarke

**CARRIED**

### **11. COUNCILLOR QUESTION TIME**

Nil.

### **12. URGENT BUSINESS**

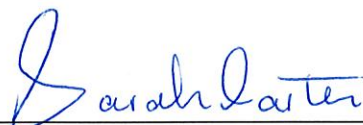
Nil.

### **13. CONFIDENTIAL BUSINESS**

Nil

### **14. MEETING CLOSURE**

The Chair, Cr Sarah Carter, declared the meeting closed at 8.18pm.



To be confirmed at the Ordinary Council Meeting  
to be held on 16 May, 2023.

Chair, Cr Sarah Carter