



Maribyrnong City Council

COUNCIL MEETING MINUTES

**Tuesday 6 December, 2022
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 Council Meeting
to be held on 21 February, 2023

1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.31pm.

The Chair, Cr Cuc Lam 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 Cuc Lam (Chair)
Councillor Michael Clarke
Councillor Simon Crawford
Councillor Jorge Jorquera
Councillor Bernadette Thomas (online)
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 Community Development, Positive Ageing and Inclusion, Bridget Monro Hobbs
Governance Officer, Jessica Baguley

2. APOLOGIES

Councillor Sarah Carter

3. LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF CONFLICTS OF INTEREST

The Chief Executive Officer, Celia Haddock disclosed a material Conflict of Interest pursuant to Section 131 of the *Local Government Act 2020* on the grounds that Item 13.1 – Chief Executive Officer Annual Performance Review relates to her annual performance review and consequently she stands to gain a benefit or suffer a loss depending on Council's decision.

Ms Haddock advised she will leave the meeting prior to the commencement of Item 13.1, but will be available to return to the meeting to answer any questions Council may have as part of their deliberations, if required.

5. PUBLIC QUESTION TIME

Mr John Chadderton

Will the public be invited and/or allowed to attend the flag lowering on 26 January 2023?

Response

The Chair, Cr Lam responded by advising that Council had passed a resolution on 16 March 2021 which agreed to fly the Aboriginal Flag at half-mast on January 26, from 2022 onwards. As part of the agenda tonight, Council will be considering a report on how to further respond to January 26.

Subject to the outcome of that report, and given the restrictions surrounding the Town Hall redevelopment site, the public will be invited to witness the flag lowering, if a suitable alternative venue can be identified by January 26 2023.

The Chair noted that it is proposed to invite First Nations Elders to hold a Welcome to Country and Smoking ceremony to be held alongside Councils citizenship ceremony on January 26. The public will be more than welcome to attend that event.

Marie Thomson

1. Why should:
 - a) working hours (up to 13 hours per day Monday to Friday and 9 hours Saturday)
 - b) Excessive building construction noise (eg nail gun, hammering, moving ladders, sawing, angle grinding, drilling loud music etc)
 - c) Privacy impacted (eg when builder is on a ladder or working on second floor) be permitted despite the risks of harm to the health and well being of neighbours ? (see the latest EPA guidelines for impacts). How does Council manage and minimise these risks?
2. Why does an owner builder/builder have all the rights and existing neighbours have no rights regarding:
 - a) working hours (Monday to Friday, Saturday and Public Holidays). These long working hours (6 days a week) , are a serious concern to existing neighbours, which is becoming a major source of complaints to Maribyrnong Council.
 - b) Excessive building construction noise (as outlined in Question 1).
 - c) Privacy impacted.
3. Why couldn't this proposal be considered by the Maribyrnong Council:
Construction /Building working hours in a residential area: Proposal: Working hours from Monday to Friday 7am to 6pm (excluding or EPA Saturday hours 9am to 1pm on Public Holidays) and Saturday 9am to 1pm (in line with EPA working hours guidelines). There may be circumstances that require construction / building work outside these times and the Maribyrnong council may issue an out-of-hours permit. In these instances the builder would be required to notify surrounding residences at least (suggestion only) 7 to 14 business days in advance.

Response

The Chair, Cr Lam, responded to the first and second question by noting that building and construction sites are permitted to operate from 7am-8pm Monday to Friday and 9am-6pm Saturdays.

The Chair advised that non-emergency works can also be carried out on a Saturday subject to written consent from the Manager Regulatory Services. The use of all power tools are allowed during these times.

There is no exemption regarding the use of nail guns and other construction tools or equipment. Loud music is not permitted, radios are allowed as long as there is no nuisance to neighbours. If you have concerns regarding work being undertaken on ladders this is a matter for Worksafe, please contact Council officers to discuss further.

The Chair noted that Council has a duty of care for residences that are affected by Building Sites and officers carry out inspections on a regular basis to ensure compliance and noise is kept to a reasonable level.

In response to the third question, The Chair, acknowledged the suggestion and noted that Council will consider these matters in any future reviews of the relevant local laws.

The Chair declared Public Question Time closed at 6.41pm

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The purpose of this report was to present for confirmation the minutes of the Council Meeting held on 15 November 2022.

Council Resolution

That Council confirms the minutes of the Council Meeting held on 15 November 2022.

Moved: Cr Michael Clarke
Seconded: Cr Simon Crawford

CARRIED

7. REPORTS FROM COMMITTEES

7.1. Noting of the Confirmed Minutes of the Audit and Risk Committee Meeting - 13 September 2022

The purpose of this report was to present for noting the confirmed minutes of the Council's Audit and Risk Committee established under section 53 of the *Local Government Act 2020*.

Council Resolution

That Council notes the confirmed minutes of the Audit and Risk Committee Meeting held on 13 September 2022.

Moved: Cr Simon Crawford
Seconded: Cr Michael Clarke

CARRIED

8. PETITIONS

8.1. Petition: Against Notice of an Application for a Planning Permit

The purpose of this report was to table a petition received in relation to a Planning Permit Application at 2 Anglers Way Maribyrnong (TP710/2014(2)).

Council Resolution

That Council:

- 1. Receives and notes the Petition: Against Notice of an Application for a Planning Permit; and*
- 2. Requests the Chief Executive Officer to consider the petition and determine the appropriate response.*

Moved: Cr Anthony Tran
Seconded: Cr Simon Crawford

CARRIED

8.2. Petition: Parking Permits Gray Street, Yarraville

The purpose of this report was to table a petition received in relation to a request for parking permits on Gray Street, Yarraville.

Council Resolution

That Council:

- 1. Receives and notes the Petition: Parking Permits Gray Street, Yarraville*
- 2. Requests the Chief Executive Officer to consider the petition and determine the appropriate response.*

Moved: Cr Simon Crawford

Seconded: Cr Jorge Jorquera

CARRIED

9. OFFICER REPORTS

9.1. Acknowledging January 26

The purpose of this report was to provide Council with detailed recommendations developed through a First Nations led engagement process which has built on the "Let's Talk January 26" consultation process, detailing how January 26 could be acknowledged into the future.

Council Resolution

That Council:

1. *Acknowledges that January 26 is a day of mourning for many First Nations people, and the day often symbolises a history of loss and trauma that has occurred since British colonisation and should be marked in a more inclusive and respectful way.*
2. *Continue to lower the Australian, Aboriginal and Torres Strait Islander flags to half-mast on January 26 as a symbol of the grief and loss the day represents for many First Nations people, and invites the community to attend where practical.*
3. *Continue to hold Citizenship Ceremonies on January 26, in line with the requirement from the Commonwealth, but also invite First Nations People to conduct a Welcome to Country, Smoking Ceremony and/or other appropriate activity to contextualise the day for new Australians. The invitation should be extended to First Nations Peoples for all Citizenship Ceremonies conducted throughout the year.*
4. *Invite Traditional Owners to participate in the ceremony, to provide a small gift to new Australians, procured from local First Nations businesses.*
5. *Works with local First Nations People to develop and implement better community education regarding First Nations People's experience of January 26.*
6. *Writes to the Prime Minister, the Hon Anthony Albanese MP, the Minister for Immigration, Citizenship and Multicultural Affairs, the Hon Andrew Giles MP, the Minister for Indigenous Australians, the Hon Linda Burney MP and the Member for Maribyrnong, the Hon Bill Shorten MP advocating:*
 - a) *that the current requirement of holding of Citizenship Ceremonies be removed from the Australian Citizenship Ceremonies Code 2019 to allow Councils to choose whether to continue to hold ceremonies on January 26;*
 - b) *that the Commonwealth Government consider changing the date of Australia's national day, to one more suitable in order that all Australians can better celebrate equally;*
 - c) *that the Commonwealth Government include First Nations information and history as part of Australian Citizenship tests;*
7. *Table an advocacy motion at the 2023 Australian Local Government Association National Conference in support of First Nations People's experience of January 26.*

Moved: Cr Michael Clarke
Seconded: Cr Bernadette Thomas

CARRIED

9.2. Awarding of Contract No 1205-23 Provision of Western Lawn Resurfacing and Services Upgrade, Footscray Park

The purpose of this report was to seek Council approval to award Contract No 1205-23 Provision of Western Lawn Resurfacing and Services Upgrade to Joslyn Group Pty Ltd.

Council Resolution

That Council:

1. *Note that the project remains subject to permit approvals being received from Melbourne Water as the responsible authority.*
2. *Subject to required approvals being received, awards Contract No 1205-23 Provision of Western Lawn Resurfacing and Services Upgrade to Joslyn Group Pty Ltd for the total contract sum of \$4,740,758.50 (excluding GST).*
3. *Authorises the Chief Executive Officer to execute Contract No 1205-23 Provision of Western Lawn Resurfacing and Services Upgrade to Joslyn Group Pty Ltd, subject to required approvals being received.*

Moved: Cr Anthony Tran
Seconded: Cr Simon Crawford

CARRIED

9.3. WOMEDA Membership

The purpose of this report was to seek endorsement for Council to become a Government Partner under new Special Membership category to support and influence The West of Melbourne Economic Development Alliance (WoMEDA).

Council Resolution

That Council:

1. *Endorse Council's Membership on the West of Melbourne Economic Development Alliance (WoMEDA) to be reviewed after two years.*
2. *Note a membership fee of \$15,000 is payable for Government partners.*

Moved: Cr Michael Clarke
Seconded: Cr Simon Crawford

CARRIED

9.4. Investment Policy

The purpose of this report was to seek Council endorsement of the Investment Policy.

Council Resolution

That Council adopts the Investment Policy, shown as Attachment 1.

Moved: Cr Simon Crawford
Seconded: Cr Anthony Tran

CARRIED

9.5. Appointment of Independent Members and Chair to the Audit and Risk Committee

The purpose of this report was to consider the appointment of Independent Members and the Chair of the Audit and Risk Committee (the Committee).

Council Resolution

That Council:

1. *Appoint Ms Lisa Tripodi and Mr Jeff Rigby as Independent Members of the Audit and Risk Committee for a three year term, effective from January 2023;*
2. *Re-appoint Ms Marilyn Kearney as an Independent Member of the Audit and Risk Committee for a three year term, effective from January 2023;*
3. *Appoint Ms Marilyn Kearney as Chair of the Audit and Risk Committee for a three year term, in line with her independent member term, effective from January 2023.; and*
4. *Set the annual rate of independent member remuneration as follows:*
 - ☐ *Chair \$ 9,800 (exclusive of GST)*
 - ☐ *Member \$7,800 (exclusive of GST)*

Moved: Cr Michael Clarke
Seconded: Cr Anthony Tran

CARRIED

9.6. Councillor Committee and Advisory Group Appointments - 2022/23

The purpose of this report was to report considers Councillor appointments to various Committees and Advisory Groups for the 2022/23 period.

Council Resolution

That Council approves the following Councillor appointments for Committees and Advisory Groups, effective from 7 December 2022:

- a) Councillor Cuc Lam as Chairperson to the Active and Healthy Ageing Community Advisory Committee and Councillor Anthony Tran as Deputy Chairperson to the Active and Healthy Ageing Community Advisory Committee.*
- b) Councillor Michael Clarke as representative to the Brooklyn Community Reference Group.*
- c) The Mayor, Councillor Michael Clarke, Councillor Cuc Lam and Councillor Simon Crawford as representatives to the Chief Executive Officer Employment Matters Advisory Committee.*
- d) The Mayor (ex-officio) and Councillor Anthony Tran from the River Ward, Councillor Bernadette Thomas from the Stony Creek Ward and Councillor Michael Clarke from the Yarraville Ward as members to the Civic Awards Judging Panel.*
- e) Councillor Michael Clarke as Chairperson to the Disability Advisory Committee and Councillor Jorge Jorquera as Deputy Chair to the Disability Advisory Committee.*
- f) Councillor Michael Clarke as representative to the Heritage Advisory Committee and Councillor Anthony Tran as substitute to the Heritage Advisory Committee.*
- g) Councillor Bernadette Thomas and Councillor Anthony Tran as Gender Equity Ambassadors.*
- h) Councillor Sarah Carter, Councillor Bernadette Thomas and Councillor Cuc Lam, Councillor Simon Crawford and Councillor Jorge Jorquera as representatives to the LGBTQIA+ Advisory Committee.*
- i) The Mayor and Chief Executive Officer as representatives to the M9 Committee.*
- j) Councillor Anthony Tran as representative to the Maribymong Active Transport Advisory Committee and Councillor Jorge Jorquera as substitute to the Maribymong Active Transport Advisory Committee.*

- k) *Councillor Simon Crawford as representative and Councillor Bernadette Thomas as substitute to the Maribyrnong Arts Ambassadors Committee.*
- l) *Councillor Michael Clarke as Chairperson to the Maribyrnong First Nations Advisory Committee and Councillor Bernadette Thomas as Deputy Chairperson to the First Nations Advisory Committee.*
- m) *Councillor Bernadette Thomas as representative to the Metropolitan Transport Forum, Councillor Simon Crawford as substitute to the Metropolitan Transport Forum, and the Director Infrastructure Services as the staff representative.*
- n) *Councillor Michael Clarke as representative to the Municipal Association of Victoria and Councillor Cuc Lam as substitute to the Municipal Association of Victoria.*
- o) *Councillor Sarah Carter as representative to the Western Melbourne's Tourism Board and Councillor Cuc Lam as substitute to the Western Melbourne's Tourism Board.*
- p) *Councillor Anthony Tran as representative to the Victorian Local Governance Association and Councillor Bernadette Thomas as substitute to the Victorian Local Governance Association.*
- q) *Councillor Anthony Tran as representative to the Youth Advisory Committee;*

Moved: Cr Anthony Tran
 Seconded: Cr Michael Clarke

CARRIED

9.7. Governance Report - November 2022

The purpose of this report was to receive and note the record of informal meetings of Councillors and Councillor Delegates' for the period of November 2022 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 November 2022 which will be made available on Council's website for the term of the current Council.

Moved: Cr Simon Crawford
 Seconded: Cr Michael Clarke

CARRIED

10. NOTICES OF MOTION

Nil.

11. COUNCILLOR QUESTION TIME

Nil.

12. URGENT BUSINESS

Nil.

13. CONFIDENTIAL BUSINESS

Council Resolution

That Council resolve to close the meeting to the public, pursuant to Section 66 (2)(a) of the Local Government Act 2020, to discuss the annual performance review of the Chief Executive Officer.

Moved: Cr Michael Clarke
Seconded: Cr Anthony Tran

CARRIED

CLOSURE OF PUBLIC MEETING

The Chair, Cr Lam noted the Conflict of Interest disclosed by the Chief Executive Officer. The Chair, Cr Lam, declared the meeting closed at 7.35pm for consideration of Confidential Item 13.1. All members of the public and staff left the meeting, with the exception of the Director Corporate Services.

REOPENING OF MEETING TO THE PUBLIC

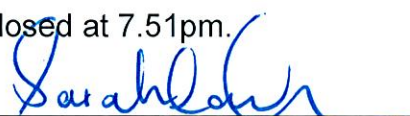
A motion was moved by Cr Anthony Tran, seconded by Cr Michael Clarke, that Council re-open the meeting to members of the public.

CARRIED

The meeting was reopened to the public at 7.45pm.
Cr Crawford left the meeting at 7:45pm.

14. MEETING CLOSURE

The Chair, Cr Lam, declared the meeting closed at 7.51pm.



To be confirmed at the Council Meeting
to be held on 21 February, 2023.
Chair, Cr Sarah Carter