



Maribyrnong City Council

COUNCIL MEETING MINUTES

Tuesday 21 February, 2023

**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 21 March, 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 Governance and Commercial Services, Phil McQue
Governance Co-ordinator, Christopher Southavong
Governance Officer, Jessica Abela

2. APOLOGIES

Nil.

3. LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

5. PUBLIC QUESTION TIME

Public Question Time commenced at 6.34pm.

Magdalena Howell asked the following question:

We have an issue with a resident moving out of the area and dumping their car outside my property. The car is covered in leaves, cobwebs, bird dropping and looks awful. It has been unmoved since July 2022. Council advised that if a car is registered it can remain on the street. Given the lack of street parking in the area & Council rules which require residents to maintain their front yards & verges to keep the amenity of the streets looking attractive - why is Council not imposing rules similar to City of Melbourne, that cars left on the street for 2 months are deemed abandoned & removed.

Response – Councillor Sarah Carter, Mayor

If a vehicle is registered and is parked legally in a public place, then Council nor police have the authority to remove it or demand the owner move it. Under the Local Government Act 2020, Council has the authority to impound unregistered vehicles or a vehicle that is deemed abandoned if it remains at a location for more than two months.

John Chadderton asked the following question:

At the 6 December 2022 Council Meeting, Council passed Resolution 9.1 indicating that it would "Continue to hold Citizenship Ceremonies on January 26, in line with the requirement from the Commonwealth, ..." and also Points 6 a) & b), which seek Council freedom to choose the date of ceremonies and changing the date of Australia's national day. In light of the recent changes to Commonwealth requirements, which now allow Councils to hold ceremonies within three days either side of January 26, will Council now confirm they will no longer hold Citizenship Ceremonies on January 26 from 2024 onwards?

Response – Lucas Gosling, Director Community Services

Council did advocate to the Commonwealth to enable all Australian Councils to have the freedom to choose whether to continue to hold Citizenship Ceremonies on dates other than 26th Jan, and this change to the rules is welcome.

Council also resolved to ask the Commonwealth to consider changing the date of Australia's National Day and to include more First Nations history in citizenship tests. The resolution does not compel Council to discontinue the holding of Citizenship Ceremonies on that date, and this will need to be the subject of a future Council decision.

The matter will be referred to Council's First Nations advisory group once it commences and Council will be provided with a further report and recommendation for consideration. We expect that officers will bring a report to Council for consideration in the next few months.

David Jones asked the following question:

1. What has happened in relation to the setting up of a process to review and update the MCC Nature Strip Landscape Policy and Guidelines which was requested via a motion passed at the March 15 Council Meeting in 2022?
2. What has happened as regards a report for Council endorsement detailing the scope of the review referred to in question one, prior to commencing the community engagement process in relation to this review. This report was also requested via the motion referred to in question one and passed at the Council meeting on March 15, 2022.
3. What processes does MCC have for ensuring that actions arising from motions passed at Council Meetings are followed up in a timely manner. For example, the motion about reviewing the Nature Strip Policy called for a report for Council endorsement to be presented by July 2022 and as yet, to my knowledge, this has not yet been acted upon.

Response - Patrick Jess, Director Infrastructure Services

1. *The review of the landscape policy has commenced this week and Council is seeking community input through its website on Your City Your Voice. The community will also be notified via the Maribyrnong Messenger, and existing permit holders will receive individual letters. The results of that engagement will inform the review that will be presented back to Council later this year for consideration.*
2. *Council received a briefing on the scope of the review in late 2022 that has informed the engagement that will commence this week.*
3. *Council has a Council Resolution Register in place to manage all Council resolutions and ensure oversight by the Executive Leadership Team and the responsible Director.*

Jadranka Cubela asked the following question:

I am seeing multiple examples where people are buying older properties, demolishing the house and then leaving the block of land empty for years. This wouldn't be an issue if it wasn't for the overgrown grass and unkempt nature of the vacant land. I am also finding that people are using the blocks of land as dumping sites. What can be done about this? Also fences on either side of the property are damaged and it is difficult to get a response from the owner to get repairs done. Should a timeline be placed on these owners to build something on the land?

Response - Laura-Jo Mellan, Director Planning and Environment Services

Where structures, either commercial or residential have been demolished, the vacant land remaining must be maintained to an acceptable standard of tidiness.

Councils Local Laws Officers periodically inspect vacant land and issue notices (under Councils General Purposes Local Laws 2015) on their owners if the land is untidy and detrimental to the amenity. Penalties applying if they fail to clean the property and maintain it to an acceptable standard.

Side fences separating properties owned privately is another area that Council have no authority over. As they are on private land, the responsibility is on abutting property owners to maintain. Any repairs or disputes about fencing must be undertaken by property owners through civil action.

Kylie Michel asked the following questions:

1. When will the results of engagement undertaken last year regarding Mclvor Reserve be shared with the community given this is key to any decisions made about the reserve next month:
 - a) The online engagement survey for Mclvor Reserve that sought views by 18 December 2022?
 - b) The results of the face to face focus group sessions for Mclvor Reserve?
2. What level of involvement has the councils environmental team had in the drafting and review of the Mclvor Masterplan?
3. When will Council adopt a range of measures that ensure we place a real value on green open space?

Response – Patrick Jess, Director Infrastructure Services

1. *A summary of the community engagement and findings will be shared along with the proposed masterplan, expected for the March 2023 meeting of Council.*
2. *Council has sought external environmental consultants to provide advice and supported this with a range of cross organisational working groups.*
3. *Council has an endorsed Open Space Strategy and Urban Forest Strategy that seek to enhance the Cities Open Spaces.*

EXTENSION OF PUBLIC QUESTION TIME

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

Moved Cr Tran
Seconded Cr Clarke

CARRIED

Vas Banschikov asked the following questions:

1. Regarding amendment c172, what preparation and familiarisation have council officers and councillors completed, upon receipt of the panel report last week?
2. Are we able to bring the meeting and decision of c172, forward, i.e. earlier than the April timeframe that was proposed? And will the meeting be interactive, i.e. will attendees be able to discuss with councillors, or will it be 1-way only, with questions having to be submitted before the meeting and only Councillors responding.

3. Apart from electronic forms of communication and information dissemination, why Councillors are not open to having a round - table (prior to a council meeting) with concerned residents to discuss the issues affecting us as a result of c172. Councillors can still remain impartial and neutral. Emails do not do justice and do not convey the emotion and critical nature of the amendment's effects on residents.

Response – Laura-Jo Mellan, Director Planning and Environment Services

1. Council officers have received the Panel Report and are working through the recommendations. The Panel report has been loaded onto Council's website with Councillors provided a copy of the report via email.
2. The April timeline is the earliest meeting at which a thoroughly measured report could be presented to Councillors for their consideration. The way in which the community may participate in the City Development Delegated Committee meetings is outlined in Maribyrnong City Council Governance Rules 2021.

The rules state that members of the public will be afforded the opportunity to present their views on items listed on an agenda for consideration at Delegated Committee meetings. A maximum of three minutes per speaker will be allocated prior to the Committee's consideration of items. Where more than 10 requests to present to Special Committees are received, a spokesperson will be appointed by the group, and allocated a maximum of five minutes. Councillors are permitted to ask questions of those addressing the Committee.

3. The independent Planning Panel is the opportunity for both Council and submitters to have their say on the amendment, with the Panel considering all submissions before making their recommendation to Council. Councillors have many duties and functions, including representing the needs of both existing and future communities in the City of Maribyrnong.

In this instance Councillors will be acting as the Planning Authority under the Planning and Environment Act 1987. Until Councillors are presented with all available information, including the Panel Report and recommendations from Council officers, it would not be appropriate for individual Councillors to discuss the merits of the amendment. Councillors also have a responsibilities under the Local Government Act 2020 to remain impartial and neutral on matters until they come to the Council chamber for a decision”.

Response by Councillor Sarah Carter, Mayor

Councillors follow due process and when it comes to planning it is very prescriptive and very black and white. Councillors have many duties and functions and represent the needs of both existing and future communities in the city of Maribyrnong. Councillors will be acting as the planning authority under the Planning Environment Act 1987.

It is not appropriate for individual Councillors to discuss the merits of the amendment until Councillors are presented with all the available information, including the panel report recommendations.

Councillors have the responsibilities under the Local Government Act 2020 to remain impartial and neutral on matters until they come to Council for a resolution.

Laken Willis asked the following questions:

1. Will Council provide individuals in the community with the opportunity to speak to the Councillors at next month's Council meeting, prior to the vote on the Mclvor Reserve Masterplan?
2. What were the results of the feedback Council sought relative to the Draft Mclvor Reserve Masterplan and when will that be made available to the Councillors and to the Community?
3. What changes have been made to the Mclvor Reserve Draft Masterplan in response to the community feedback provided since its release last year, and when will we be able to see the new version and provide Council with feedback about it?

Response - Councillor Sarah Carter, Mayor

We are awaiting the summary report and recommendations from the Planning department with regards to the consultation ahead of our March 21 Council Meeting. The recommendations including a summary will be made available Friday 17 March. Public Question Time submissions can be made ahead of this meeting to speak on behalf of this matter.

Shari Liby asked the following questions:

1. I have reviewed the Post-it note feedback on the Your City Your Voice page for Mclvor Reserve, much of which is quite critical of the draft masterplan. What changes have been made in response to this feedback and when will the new draft be released to the community for comment?
2. The Engagement Summary on the Your City Your Voice page for Mclvor only addresses the feedback collected before the draft masterplan was released. Further in-person and online feedback was collected thereafter. When will the results of that subsequent feedback be released to the community and what are Council's takeaways relative to the community's appetite for an indoor stadium at Mclvor?
3. Does Council maintain data on the value of its assets, including its parkland? If so, what is the value Council has attributed to the land at Mclvor Reserve on a square metre basis? Where can this be found on Council's website?

Response - Patrick Jess, Director Infrastructure Services

1. This question has previously been asked and answered this evening.
2. This question has previously been asked and answered this evening.
3. Yes Council maintains data of the Value of its Assets. General parkland is generally specialised land, the Valuation of Land Act 1960 which sets the parameters to which any land is to be valued for statutory purposes, please refer to page 186 of the Annual Report on Councils Website.

Miles Gilbert submitted three questions:

The Chair, Councillor Sarah Carter advised the meeting that Council had received three questions from Mr Gilbert of Yarraville. As Chair, I have determined to rule and disallow questions 1 and 2 in accordance with Council's Governance Rules 52.8.2 and 52.8.4 on the grounds that these two questions are considered objectionable in language and substance, and also aimed at embarrassing a member of Council staff.

1. The CEO has kindly agreed to meet with the Friends of Mclvor Reserve spokesperson on March 2nd to discuss our concerns regarding the Mclvor Reserve Masterplan. Following months of public feedback we expect there will be significant changes from the draft. Will the Council reveal the updated masterplan before March 2nd so we may have an informed discussion at that *time*?

Response by Celia Haddock, Chief Executive Officer

I can confirm that as Chief Executive Officer, there is a scheduled meeting on 2 March 2023 with myself and the spokesperson from Friends of Mclvor Reserve.

In accordance with Council's Governance Rules, it is intended that 21 March 2023 Council Agenda, inclusive of the Mclvor Reserve Master Plan, will be published on Council's website on Friday 17 March 2023.

Lorraine Gray asked the following question:

Has Council taken into consideration dog owners with disabilities who need the dog park? I have a number of health issues and my dog is more important to my wellbeing than I can really even put into words. We travel from Truganina to the Mclvor dog park 3 or 4 times a week because of its accessibility for dog owners with disabilities. We take a lunch, enjoy nature and chat with others we meet. I know of others with disabilities who also drive a long way to use that park because it is actually one of the most accessible parks around. The planned changes to Mclvor will destroy that for us. If this goes ahead, what will people like myself do?

Response - Patrick Jess, Director Infrastructure Services

Council designs and develops new facilities in line with current universal access principles, and any recommended improvements to Mclvor Reserve will reflect these principles.

EXTENSION OF PUBLIC QUESTION TIME

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

Moved Cr Tran
Seconded Cr Clarke

CARRIED

Amanda Barron asked the following question:

1. Will Council release the results of the community engagement held last year?
2. Will councillors confirm they will vote on the masterplan according to the wishes of local residents who have voted for them to represent our views to Council?
3. Does Council acknowledge that Mclvor reserve has value to the community above it being a recreation precinct only for organised sport?

Response by Patrick Jess, Director Infrastructure Services

1. *This question has been previously asked and answered this evening.*
2. *This question is considered to be pre-empting a future decision of the Council and is unable to be responded to this evening*
3. *This question is also considered to be pre-empting a future decision of the Council and is unable to be responded to this evening*

Estelle Lepetit asked the following questions

1. Has Council not released the updated Masterplan or the community feedback because they don't want us to know that the Masterplan still shows a stadium and car parks on it, while the community feedback shows a lack of support for a stadium at the Reserve?
2. How is the data from all of the online post-it notes with thumbs up and thumbs down, the actual post-it notes made at the community sessions at the hockey club and the online feedback forms submitted in November and December being compiled? What is it showing about community sentiment towards an indoor stadium on parkland and more generally about all of the possible changes at Mclvor Reserve?
3. Why is the Open Space Strategy not included in the Document Library of the Your City Your Voice page for Mclvor Reserve? It sets out specific plans for Mclvor Reserve which includes the development of unstructured recreational space. Isn't that quite relevant to development of the Mclvor Reserve Masterplan?

Response - Celia Haddock, Chief Executive Officer.

1. *This question has been previously asked and answered this evening.*
2. *This question has been previously asked and answered this evening.*

3. *The Chief Executive Officer acknowledged that the Open Space Strategy has not been included on Council's document library on the Your City, Your Voice page for Mclvor Reserve. This will be added onto Council's document library.*

Statements by two residents

The Chair, Councillor Sarah Carter advised that Council had received duplicate public questions in the form of statements today. Whilst Council's Governance Rules allow for the provision of public questions, it does not provide for statements to be made. I acknowledge the duplicate statements, however wish to advise that they will not be read out at the meeting.

The Chair declared Public Question Time closed at 7.12pm.

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 6 December 2022 and the Council Meeting held on 7 February 2023.

Council Resolution

That Council:

1. *Confirms the minutes of the Council Meeting held on 6 December 2022;*
2. *Confirms the confidential minutes of the Council Meeting held on 6 December 2022, circulated under separate cover; and*
3. *Confirms the minutes of the Council Meeting held on 7 February 2023.*

Moved: Cr Cuc Lam
Seconded: Cr Anthony Tran

CARRIED

7. REPORTS FROM COMMITTEES

Nil.

8. PETITIONS

8.1. Petition: Save Mclvor Reserve - Say "NO" to an Indoor Stadium and Car Park on Public Parkland

The purpose of this report was to table a petition received in relation to a request to "Petition: Save Mclvor Reserve - Say "NO" to an Indoor Stadium and Car Park on Public Parkland".

Council Resolution

That Council:

1. *Receives and notes the Petition: Save Mclvor Reserve - Say "NO" to an Indoor Stadium and Car Park on Public Parkland; and*
2. *Requests the Chief Executive Officer to consider the petition and determine the appropriate response.*

Moved: Cr Michael Clarke
Seconded: Cr Simon Crawford

CARRIED

9. OFFICER REPORTS

9.1. Initiation of 2023 - 2026 Triennial Arts Partner Funding

The purpose of this report was to seek Council approval to initiate the next three years of Triennial Arts Partner funding (1 July 2023 - 30 June 2026) which supports the operations of local not-for-profit arts, cultural and heritage organisations in Maribyrnong, and to endorse the draft Funding Guidelines, prior to them being disseminated to the community.

This is the second iteration of the successful Triennial Arts Partner program, which provides a transparent, equitable, and best practice arts funding initiative as recommended in the endorsed *Arts and Culture Strategy 2018 – 2023*.

Council Resolution

That Council:

- 1. Approve the Guidelines, shown as Attachment 1, and the next funding round of the 2023-2026 Triennial Arts Partner Funding for local key arts organisations, and*
- 2. Requests the Chief Executive Officer to commence the process of promoting the grants and seeking applications from the creative sector.*

Moved: Cr Bernadette Thomas
Seconded: Cr Simon Crawford

CARRIED

9.2. Awarding of Contract No 1204-23 Provision of Maribyrnong Community Centre Extension and Refurbishment

The purpose of this report was to seek Council approval to award Contract No 1204-23 Provision of Maribyrnong Community Centre Extension and Refurbishment to Kinetic Constructions Pty Ltd.

Council Resolution

That Council:

- 1. Awards Contract No 1204-23 Provision of Maribyrnong Community Centre Extension and Refurbishment to Kinetic Construction Pty Ltd for the total contract sum of \$2,047,533.00 (excluding GST); and*
- 2. Authorises the Chief Executive Officer to execute Contract No 1204-23 Provision of Maribyrnong Community Centre Extension and Refurbishment to Kinetic Construction Pty Ltd.*

Moved: Cr Michael Clarke
Seconded: Cr Anthony Tran

CARRIED

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

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

Council Resolution

That Council:

- 1. Notes the 2022/2023 Second Quarter Performance and Financial Report and that a revised budget pursuant to section 97 (3) of the Local Government Act 2020 is not required; and*
- 2. Notes the continuing impact of the October 2022 flooding event and subsequent financial hardship to affected residents of the Maribyrnong community and resolves to continue to provide financial relief to identified residents by offering a rebate of 50% on the 2022/2023 Quarter Three and Quarter Four Instalments of the Rates and Municipal Charges, upon application (noting this rebate does not apply for the State Government Fire Service Levy).*

Moved: Cr Anthony Tran

Seconded: Cr Cuc Lam

CARRIED

9.4. 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.

Council Resolution

That Council notes the Councillor Support and Expenses Report for the period October 2022 to December 2022, to be made available via Council's website for the term of the current Council.

Moved: Cr Bernadette Thomas

Seconded: Cr Simon Crawford

CARRIED

9.5. Governance Report - December 2022

The purpose of this report was to report considers a range of Governance matters, including a proposed amendment to the 2023 Council meeting schedule, the appointment of relevant Council Officers as Authorised Officers pursuant to Section 147(4) of the *Planning and Environment Act 1987*, a status update on an August 2022 petition to Council, and the Councillors and Councillor Delegates Report for December 2022.

Council Resolution

That Council:

1. *That Council amend the June 2023 Council meeting date, from 6.30pm Tuesday 13 June 2023 to 6.30pm Tuesday 20 June 2023;*
2. *Formally appoint the officers referred to in the Instrument of Appointment and Authorisation, provided as Attachment 1 to the report as an Authorised Officer, pursuant to Section 147(4) of the Planning and Environment Act 1987 and Section 313 of the Local Government Act 2020; and*
 - a) *Request that the Instrument of Appointment and Authorisation, as outlined in this recommendation, be signed and sealed by the Chief Executive Officer.*
 - b) *Note that the Instrument will come into force immediately when Common Seal of Council is affixed to the Instrument and remain in force until Council determines to vary or revoke it;*
3. *Note the update on the August 2022 petition relating to the removal of an 'accessible parking' space at 1 White Street Footscray; and*
4. *Notes the record of informal meetings of Councillors and Councillor Delegates' Reports for December 2022, which will be made available on Council's website for the term of the current Council.*

Moved: Cr Michael Clarke
Seconded: Cr Cuc Lam

CARRIED

10. NOTICES OF MOTION

Nil.

11. COUNCILLOR QUESTION TIME

Nil.

12. URGENT BUSINESS

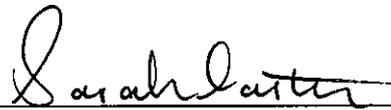
Nil.

13. CONFIDENTIAL BUSINESS

Nil.

14. MEETING CLOSURE

The Chair declared the meeting closed at 7.33pm.



To be confirmed at the Ordinary Council Meeting
To be held on 21 March, 2023.

Chair, Cr Sarah Carter