



Maribyrnong City Council

COUNCIL MEETING MINUTES

**Tuesday 17 October, 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 21 November, 2023

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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”.

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

Acting Chief Executive Officer, Patrick Jess
Acting Director Community Services, Alix Massina
Acting Director Infrastructure Services, Lucas Gosling
Director Corporate Services, Lisa King
Director Planning and Environment, Laura Jo Mellan
Manager Governance and Commercial Services, Phil McQue
Manager Customer Engagement, Lauren McKenzie
Manager Engineering and Transport, Peter White
Executive Officer to Chief Executive Officer, Elle Schreiber
Governance Officer, Michelle McCulloch

2. APOLOGIES

Nil.

3. LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

SUSPENSION OF STANDING ORDERS

A motion was moved by Cr Michael Clarke, seconded by Cr Jorge Jorquera, that Council suspend standing orders.

CARRIED

Standing Orders were suspended at 6.41pm

Councillor Sarah Carter and other Councillors acknowledged the outcome of the Voice Referendum and the 'Yes' voting result in the Maribyrnong community.

Councillor Sarah Carter was acknowledged as the recipient of an Emeritus Mayoral award for three Mayoral terms at the MAV Councillor Awards. Councillor Cuc Lam and Councillor Michael Clarke were acknowledged for their recent service awards at the MAV Councillor Awards.

RESUMPTION OF STANDING ORDERS

A motion was moved by Cr Michael Clarke, seconded by Cr Cuc Lam, that Council resume standing orders.

CARRIED

Standing Orders resumed at 6.50pm

5. PUBLIC QUESTION TIME

Public Question Time commenced at 6:48pm and Council received 53 questions.

Sam Elkin asked the following questions:

1. Will Maribyrnong Council please write to Brimbank City Council to ask them to take action to address far right Nazi-related activity at Legacy Boxing Gym in Sunshine West, including the risk of harm minors are being subjected to by attending that gym?

Response: *The Acting Director Infrastructure Services advised that Council has made contact with Brimbank Council to discuss what responses have been made regarding issues identified at the site in Sunshine West.*

Brimbank Council has responded to the concerning far right Nazi related activity in its municipality at its Council meeting, with the following statement.

“The Mayor advised that whilst Council has powers to ensure that land is being used in accordance with the Brimbank Planning Scheme and the Local Law, it does not have powers to control, monitor or regulate the patrons who attend the premises or to close a premises down due to the alleged extremist views of its patrons” - Brimbank Council Meeting - 22 August 2023

Council strongly encourages community members to immediately notify Child Protection or Victoria Police if they are aware of specific harm to young people.

2. Could Council please provide an update on the development of a rainbow friendly business directory, in line with action 3.3.1 of its LGBTIQA+ Strategy and Action Plan?

Response: *The Acting Director Community Services advised work on item 3.3.2 is in the planning stage. Internal discussions have commenced about the development of a Rainbow Directory which will be progressed in the near future. Council is currently establishing an internal LGBTIQA+ Working Group, which will focus on working closely across Council with all departments to implement Council's Strategy and Action Plan.*

3. How many of Council's gender impact assessments have considered LGBTIQA+ human rights, in line with action 4.1.1 of its LGBTIQA+ Strategy and Action Plan?

Response: *The Acting Director Community Services advised all gender impact assessments (GIAs) completed in 2022/23 have considered LGBTIQA+ human rights.*

Our GIA process applies an intersectional approach, which critically considers gender and other factors, such as identity and experience. Council completed 28 GIAs in 2022/23, a more comprehensive report on these will be provided to the community in 2024, as required under the Gender Equality Act 2020.

Sam Mularczyk asked the following questions:

1. Can Council commit to ensuring safe cycling on at least part of Summerhill Road?

Response: *The Acting Chief Executive Officer advised Council is committed to the delivery of safe infrastructure for all road users. Whilst there is an intent to improve cycling infrastructure throughout the Maribyrnong transport network, including Summerhill Road, further work will be needed to ensure any bicycle infrastructure installed on Summerhill Road meets safety and best practice design principles.*

2. When assessing the redevelopment of Summerhill Rd, would Council please consider pedestrian and cyclist safety above the increasing traffic flow?

Response: *The Acting Chief Executive Officer advised, without pre-empting the outcome of Council's deliberations tonight, Council considers all road users in its transport and infrastructure planning. Council's Road Safety Strategy adopted in 2021 documents a commitment to improving and managing road safety across the municipality, targeting safer roads, speeds, people and vehicles. This includes exploring additional pedestrian improvements specifically identified as part of the Local Area Traffic Management plans and road safety initiatives with schools in this area.*

3. How will Council ensure the further development of safe, reasonable cycling routes between West Footscray and Maribyrnong for students, parents and adults?

Response: *The Acting Chief Executive Officer advised safety for all road users is paramount. The Maribyrnong Bicycle Strategy, identifies a range of road and other treatments aimed at improving cycling safety. Whilst responses may include separated bike lanes where possible, the strategy also identifies on road painted treatments and shared user paths as potential outcomes. Council will continue to also work with the State to advocate for and seek funding for improved cycling infrastructure across the municipality.*

Dylan Alexander asked the following questions:

1. If all off-street parking is removed, what are the access contingencies for residents without off-street parking, particularly for the elderly and disabled, but also for service provision (gardening/deliveries/trades etc)?

Response: *The Acting Chief Executive Officer advised access and alternative parking arrangements will require further assessment and consideration if off-street parking is removed to accommodate bicycle lanes along the Summerhill/Rosamond corridor.*

2. Prior to the vote to enact the bike lane trial, why was there no community consultation to explore impacts of the proposed trial and explore alternative options to improve bike infrastructure with less impacts on residents? Residents may have preferred other options that cyclists would also endorse (single lane car traffic-protected bike lanes, preservation of parking, or even 30km speed limits with traffic calming measures - speed humps etc).

Response: *The Acting Chief Executive Officer advised that the officer recommendation to Council at the 19 September meeting was to reconstruct Summerhill Road and patch and resurface Rosamond Road with a further report on options for cycling upgrades following consultation with the community. An alternative motion for pop-up bicycle infrastructure, as part of a two year trial, was adopted by Council.*

3. Was proper process followed regarding vote to enact bike lane trial? And if not what are the consequences of breaches of Council rules by Councillors? ie Rule 21 requires any motions to be given six days before a meeting with papers. That is to avoid this type of situation where a motion was pushed through without the other Councillors or the Council being able to say anything meaningful to it. Was this breached with the bike lane trial vote?

Response: *The Acting Chief Executive Officer advised that Item 6.2 Summerhill Road Reconstruction Report was listed for consideration at the 19 September 2023 City Development Delegated Committee meeting.*

When this item was considered by the Committee at Item 6.2, Councillor Thomas introduced and moved a motion in accordance with Clause 24.1 of Council's Governance Rules. This motion was then seconded by Councillor Crawford in accordance with Clause 24.2 of Council's Governance Rules. This motion then became the subject of a prescribed procedure as outlined in Clause 24 of Council's Governance Rules, before being voted in the affirmative by Council.

This above process is quite distinct and different from Notices of Motions, prescribed under Clause 22 of Council's Governance Rules.

A Notice of Motion facilitates a Councillor being able to identify and raise an issue as an item listed on a Council Agenda for consideration by Council.

Item 6.2 Summerhill Road Reconstruction Report was not an issue listed for consideration on the agenda by a Councillor. It was an item listed for consideration on the agenda by the Chief Executive Officer.

Peter Allen asked the following questions:

1. The Council has numerous strategy documents that emphasize the importance of active transport in future planning decisions. These were the subject of consultation. The Council did not see the need to seek consultation to redevelop Summerhill Road in derogation from these strategies so why has consultation become so important with a proposal to develop in line with the strategic plans?

Response: *The Acting Director Infrastructure Services advised strategy documents establish a framework and guide for Council future decision-making. The Maribyrnong Bicycle Strategy provides a holistic bike network development plan identifying routes that may benefit from a range of treatments to improve cycling safety including protected bike lanes, routes for on-road painted facilities and future connections. Rosamond Road was proposed in the strategy as an on-road painted facility, whilst Summerhill Road is proposed as a future connection.*

Council did conduct extensive consultation on the development of the Bike Strategy, however consultation on specific projects, especially ones of a major nature is often required to understand and mitigate the potential impacts for residents and any technical matters that need to be resolved such as the geometry of the road. This is noted in the bicycle strategy in the section titled "Factors affecting our strategic choices" specifically on pages 10 and 11.

2. If engineers determine that a double cycle lane is not feasible, what steps will Council take to ensure that Summerhill Road best serves local residents rather than people using it as a cut through to avoid traffic lights on Gordon St or Ashley St?

Response: *The Acting Director Infrastructure Services advised, without pre-empting the outcome of tonight's recession motion, Summerhill Road is a Council managed distributor road which serves to provide access and connectivity for people and goods from local areas to the State managed Arterial Road network. Council officers will continue to work closely with the Department of Transport and Planning to best manage road safety and traffic movements across the municipality for all road users.*

3. Council has acknowledged that car centric planning is harmful, and Mayor Sarah Carter said as much after returning from her taxpayer funded trip to the Netherlands to assess cycling infrastructure there.

When will we see actions to address the acknowledgement that the status quo is harming Maribyrnong citizens? Why is convenience still overriding respect for people's welfare?

Response: *The Acting Director Infrastructure Services advised Maribyrnong's Integrated Transport Strategy seeks to balance competing needs of all road users, while maintaining an efficient transport network. This includes encouraging behaviour changes to improve walking, cycling and public transport use and facilities to reduce an over reliance on motor vehicles. Council understands that these matters are sometimes complex and contested and seeks to work with the community to understand the needs and impacts for all residents.*

Janet Yeo asked the following question:

1. The petition to Save Summerhill Road posits that the two-year trial of the protected bike lanes on Summerhill Road will require the widening of the road leading to the reduction of nature strip width and removal of street trees. Given that no designs from Council has been released publicly and Council's own press release on the matter made no mention of road widening to accommodate the trial, will Council take into account that some of the signatories of the petition might have unwittingly signed based on this assumption?

Response: *The Director Corporate Services advised Council is unable to provide commentary on the assumptions of the signatories to this petition. It is noted that this petition is recommended to Council for noting only.*

Pierre Vairo asked the following question:

1. Council traffic engineers know that a shared zone won't work for Summerhill because of Summerhill's Average Annual Daily Traffic of 4,300 vehicles & 85th percentile speed of 50.4km.

Should the rescission motion succeed what will Council do to ensure safety of all users, including pedestrians and cyclists, on Summerhill & Rosamond? The one proposed pedestrian crossing does little to ensure safety of all road users along the entire stretch.

Response: *The Acting Director Infrastructure Services advised Summerhill Road is a Council managed distributor road which serves to provide access and connectivity for people and goods from local areas to the State managed Arterial Road network. With respect to the pedestrian crossing, Council received a petition to install one, and this will be considered regardless of whether the project proceeds or not.*

Additionally, Council officers will continue to monitor traffic speeds and work closely with the Department of Transport and Planning to best manage road safety and traffic movements across the municipality.

Arjun Mukar asked the following questions:

1. Council has data on the speed and number of vehicles that drive on Summerhill & Rosamond Roads. Has Council collected data on how many people cycle on Summerhill & Rosamond Roads presently?

Response: *The Acting Chief Executive Officer advised Bicycle Network's annual 'Super Tuesday' Commuter Counts for cyclists were undertaken in 2023 during the morning peak from 7am to 9am on the 7 March. These counts record volumes, gender, and movement flow of people on bikes. The count showed there were 15 cyclists using Summerhill Road at Barkly Street, 26 cyclists using the northern leg of Rosamond Road at Mitchell Street and 9 cyclists using the southern leg of Rosamond Road at Aquatic Drive and Williamson Road.*

EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Cr Cuc Lam, seconded by Cr Anthony Tran, That Council extend Public Question Time for a further 15 minutes.

CARRIED

Public Question Time extended at 7:07pm

2. Has Council modelled projections on the number of cyclists that would use the Summerhill & Rosamond corridor if provision was made for safe cycling infrastructure?

Response: *The Acting Chief Executive Officer advised that no modelling forecasts have yet been prepared. This would form part of the investigations originally proposed as part of engagement on future options for cycling infrastructure, following the proposed remedial works along the Summerhill/Rosamond corridor.*

Paul Handley asked the following question:

1. The recent Hampstead Road closure has led to significant traffic congestion on Rosamond Road, at times extending beyond Suffolk St in Summerhill Road. This has given us a glimpse into the future of a Maribyrnong with a 69% population increase, but with the same road space. What is Council doing to ensure that this temporary level of abnormally high traffic congestion doesn't become a regular feature of residents' lives in the 2040s, or even in the 2030s?

Response: *The Acting Director Infrastructure Services advised Council works closely with the Department of Transport and Planning on best managing the transport network across the municipality. This includes consideration of forecast increased population and related transport demand.*

State projects such as the new Tram Facility on Hampstead Rd for larger trams, the WestGate Tunnel and MetroTunnel will increase the capacity of our transport network in the coming years.

Consultants have recently been engaged to review the Maribyrnong Integrated Transport Strategy which will assess and provide recommendations to meet both immediate and longer term transport issues.

Suraya Halim asked the following question:

1. Concerns have been raised about specifically about women's safety on Summerhill Road, specifically regarding residents who may feel unsafe parking their cars away from their houses at night. Does Council have a view on how ALL residents of Summerhill Road should feel safe getting home at night, including those that walk hundreds of meters or ride kilometres in the dark to their homes from West Footscray station or the shops etc?

Response: *The Acting Director Infrastructure Services advised Council takes matters of safety for all residents seriously, particularly if residents feel unsafe in their local areas. We undertake an annual community survey to better understand and respond to these community safety issues in partnership with relevant state departments and Victoria Police. Residents can also submit customer requests on specific concerns for investigation and remedial action as required.*

Kim Taylor asked the following question:

1. The latest report from the Australian Government's Department of Climate Change, Energy, the Environment and Water states that Australia's carbon emissions from transport will continue to rise for another 7 years, before plateauing for at least another 7 years. This will make transport Australia's single biggest source of emissions.

What is Council (which has declared a Climate Emergency) doing to help reduce emissions from Transport, specifically private motor vehicles which make up 60% of the figure?

Response: *The Director Planning and Environment Services advised Council is undertaking a number of actions to help reduce transport emissions including:*

- Commissioning publically available EV charging in a Council-owned carpark in Raleigh Road, Footscray (installation works have commenced)*
- Undertaking an assessment of priority sites for future public EV chargers on Council owned land*
- Exploring an opportunity to be part of a community bulk-buy of second hand EVs in the first quarter of 2024*
- Developing a transition plan for Council's vehicle fleet*
- Continuing to monitor air quality through Council's network of air quality sensors*
- Working with community groups to develop information and education materials to encourage active transport including a campaign to reduce pollution from idling cars outside school drop off/pick up zones*
- Various advocacy activities including letters and meetings with both Federal and State Ministers, Ministerial offices and Federal and State government departments.*
- Actively participating in and supporting the implementation of the Victorian Government's Air Quality Strategy*

Anne Truong asked the following question:

1. Council's own Parking Management Policy 2017 lists safety as the number 1 priority in residential zones, the number 2 priority in residential zones is public and active transport. Resident parking is listed as priority number 3.

Why is Council prioritising demonstrably unsafe residential parking over active transport when making a decision on protected bike lanes vs parking on Summerhill & Rosamond Roads?

Response: *The Acting Chief Executive Officer advised Council's Road Safety Strategy adopted in 2021 documents a commitment to improving and managing road safety across the municipality, targeting safer roads, speeds, people and vehicles. Many of our local roads are relatively narrow which restricts the ability to fully provide for all transport modes and urban design outcomes. Allocating road space in some locations is complex and requires Council to take a balanced approach in considering all community transport needs and competing demands for road use when managing its transport infrastructure networks.*

Joyce Theunisz asked the following question:

1. Council's own Integrated Transport AND Road Safety Strategies have goals to encourage 'modal shift' from vehicles to active transport. What efforts have Council undertaken to increase active transport and reduce car dependency? And have these efforts been demonstrably effective?

Response: *The Acting Director Infrastructure Services advised the Integrated Transport Strategy, the Bike Strategy and the recently approved Walking Strategy have project and policies that are continually being rolled to give people improve transport mode choice with significant funding allocated in last year's budget to Active Transport projects. Changes to mode share are difficult to quantify fully particularly with changed behaviour during and post Covid.*

John Symons asked the following question:

1. The Allan Labour government has recently appointed Victoria's first Active Transport minister Gabrielle Williams. Has Maribyrnong Council reached out to the minister for advice on Summerhill Road, specifically given that Summerhill & Rosamond form part of the state's Principal Cycling Network of which she is in charge? If not, why not?
If so, what was Minister Williams' response?

Response: *The Acting Chief Executive Officer advised Council officers have spoken to Active Transport Victoria about the Summerhill/Rosamond corridor. Active Transport Victoria do not currently have any plans for an upgraded cycling facility on Summerhill Rd. Council has not specifically contacted Gabrielle Williams about the project. As the Summerhill/Rosamond corridor is along a Local Road managed by the City of Maribyrnong, it is primarily Council's responsibility for providing cycling facilities, with possible assistance from State government grants where available. Council does however necessarily work with the Department of Transport when it comes to key intersections that are controlled by VicRoads.*

Robert Asquith asked the following question:

1. Last month, Councillors approved a 6 storey building in Maidstone with 141 apartments, 154 car parking spaces and 57 bicycle spaces. The officer recommendation required the number of car parking spaces reduced, and bicycle spaces increased, from the statutory requirements recognising that "the number of resident bicycle spaces provided would be insufficient".

In the past 5 years, how many dwellings have been permitted with a bicycle facility variation and does Council believe that it is building public infrastructure commensurate with the recognised current and future cycling demand?

Response: *The Acting Director Infrastructure Services advised bicycle parking rates are outlined at Clause 52.34 of the Maribyrnong Planning Scheme, with residential developments of four or more storeys required to provide 1 bicycle parking space to each 5 dwellings. Council's endorsed Bicycle Strategy notes that these rates are insufficient to meet the needs of future residents and regularly requires apartment developments to provide bicycle parking at a rate of one space per apartment, significantly exceeding the planning scheme requirement. Accordingly, Council would only vary the requirements to provide more bicycle parking, not less. The number of permits where a positive variation has been achieved is not available as this is not tracked. Council has not assessed the specific number of dwellings that have been permitted with bicycle facility variations. Council has a commitment to improving cycling infrastructure across the municipality and whilst we would always like to do more, the impacts can be complex and contested. We will continue to work with the community and relevant State Agencies to advocate for and implement these improvements where possible.*

Elena Pereyra asked the following question:

1. 30% of the population cannot drive and North-South public transport connections from West Footscray/Maidstone to Highpoint / MAC / Edgewater etc. do not exist. How does Council expect these constituents to safely get to their destinations?

Response: *The Acting Chief Executive Officer advised that Council cannot confirm and does not have specific data on the number of people who cannot drive. For some of these people active transport is also not an option due to age or mobility issues. Council advocates for improved public transport connections, service improvements and frequency hours with Department of Transport and Planning. Council is aware that many people are unable to drive and we are working towards a transport system that works for all users.*

2. Do you have data on the time it takes to commute from the Summerhill Rd / Barkly St corner to Highpoint/MAC via different means of transport, and how days of the week and times of day impact this connectivity?

How does this compare to the time taken and flexibility possible if riding a bike?

Response: *The Acting Chief Executive Officer advised that Council does not currently have any detailed information on the traffic time data for the trip along Summerhill – Rosamond corridor. This could be considered as part of a future data analysis.*

Nyssa Sims asked the following questions:

1. Will Council fly the trans flag on 20 November to mark the Trans Day of Remembrance?

Response: *The Acting Director Community Services advised Council will fly the Transgender Pride Flag in recognition of Transgender Day of Remembrance on November 20. The flag will be flown at the Braybrook Community Hub.*

2. Could Council please provide an update on action 2.2.3 of its LGBTIQA+ Strategy and Action Plan, on a rainbow crosswalk outside Footscray Station?

Response: *The Acting Director Community Services advised action 2.2.3 calls for “increased LGBTIQA+ visibility and inclusion by commissioning appropriate art installations or murals within the municipality (including for example a rainbow crosswalk outside Footscray Station).”*

Council officers have commenced preliminary discussions about appropriate installations or murals within the municipality. The possibility of a rainbow crosswalk outside Footscray Station will be considered in these options.

3. Could Council please provide an update on action 2.1.4 of its LGBTIQA+ Strategy and Action Plan, on affirming the Darlington Statement for the rights of intersex people?

Response: *The Acting Director Community Services advised that as part of Council's ongoing support of Maribyrnong's LGBTIQA+ community, Council will fly the Intersex Flag at Braybrook Community Centre on the 26th October 2023, with a statement of affirming Council as signatories of the Darlington Statement.*

Rebecca Barrett asked the following questions:

1. Given the number of off street car spaces that will have to be removed, and limited parking on side streets, it seems likely some residents are going to have to walk a long distance from their cars to their homes. I have friends and neighbours who live on Summerhill Rd who work night shifts, or who have previously been followed or harassed while walking on Summerhill Rd at night who are really concerned about their safety because of this proposal. Has the Council done any investigation of how far residents are likely to have to walk to their cars, and has there been any consideration of the safety implications?

EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Cr Cuc Lam, seconded by Cr Michael Clarke, That Council extend Pubic Question Time for a further 15 minutes.

CARRIED

Public Question Time extended at 7:22pm

Response: *The Acting Director Infrastructure Services advised, without pre-empting Council's decision tonight on rescission, Council has not yet assessed the alternative parking or traffic impacts of the project. If the project to deliver protected bike lanes proceeds then Council Officers will investigate the impact of the displaced parking on side streets and review options for improving parking availability.*

2. To be compliant with City of Melbourne Cycling Infrastructure guidelines, it appears Summerhill Road will need to be widened to accommodate bike lanes. Has this been costed, and has the Council considered whether this will require the removal of trees, most of which have roots within 300mm of the curb? Does the Council consider these kind of permanent infrastructure changes appropriate for a policy which is supposedly a trial?

Response: *The Acting Director Infrastructure Services advised, Council Officers have begun investigating potential design options for the separated pop-up style bicycle lane based on the proviso that the road will not be widened wherever possible. A road widening would most likely impact trees, and significantly increase costs. Council's current position, being considered later, is a 'trial' of pop up bicycle lanes, intended to limit these impacts.*

As the name suggests it is a design 'guide', which means designs can be modified from this standard depending on the unique nature of streets such as road width, parking, traffic volumes, etc.

The Acting Chief Executive Officer noted that Council officers do not know which parts of the road need to be widened at this stage of preliminary design.

James Beavis asked the following questions:

1. A policy of this nature has the potential to significantly disrupt transport and parking conditions. In circumstances where 2016 census data shows less than 3% of the community rides to work (and the 2021 census 1.3%), has any modelling of projected demand, and potential parking and traffic impacts, been performed to justify this policy?

Response: *The Acting Chief Executive Officer advised that no specific modelling has been conducted on the project. There is some evidence to suggest that there is a large suppressed demand of people, including Maribyrnong residents, who want to cycle if there are safe and separated network of cycling facilities provided. However major projects generally necessitate further investigation to determine impacts on residents.*

2. We all want Summerhill Road and Rosamond Road to be safer for everyone. Has the Council considered the range of alternatives that might be adopted (including speed humps, speed cameras, or unseparated bike lanes down along, e.g. Dongola Road) which may promote safety without the adverse impacts about which residents are concerned?

Response: *The Acting Chief Executive Officer advised Council will consider all options to improve road safety for all users. This does include separated bike lanes, painted treatments, shared paths, reduced speeds, increased enforcement, and other road treatments, in line with a range of Councils adopted policies.*

3. There is little detail on what exactly is contemplated by the resolution. The Summerhill Road Reconstruction report notes that it is likely that the curb and channel will need to be realigned in road widening works. This may in turn require the removal of street trees. The report notes that the constrained site conditions including underground utilities, drainage, narrow width and Road Guidelines will require further due diligence. What is the estimated cost of this policy, and has it been appropriately budgeted for?

Response: *The Acting Chief Executive Officer advised the design options that Council has been working on do not currently include any road widening due to cost and that it wouldn't adhere to the 'trial' nature of the works. Council is still working on designs for the proposed separated bicycle lane, so we do not have an estimate of the total cost of the works.*

Because the works are of a trial nature it's anticipated that line marking, spike down kerbs and bolt down bollards will be used, which are relatively inexpensive measures to provide separated bike lanes.

Brian Sanderson asked the following questions:

1. I start by saying that I am not a cyclist given my age. The Cycle Strategy was approved by Council in 2020. The Mayor voted to approve the strategy, as did Councillor Cuc Lam and Councillor Simon Crawford. It appears that only Councillor Crawford has any interest in implementing the strategy. I ask the Mayor and Councillor Lam to explain why you approved the strategy if you were never going to allow any of its projects?
2. Can the Mayor please outline which cycling projects she has supported since the strategy was approved?

Response: *The Chair, Councillor Sarah Carter, responded by noting that Council has submitted cycling infrastructure projects to both Sarah Connolly MP and Katie Hall MP as part of Council's budget bids process this year. Council has also investigated what can be achieved on Ashley Street, as this was an option that BikeWest was keen to see explored. At this stage, the Department of Planning and Transport have indicated that they do not support this.*

3. Can the Finance Manager please advise how many dollars have been allocated, and how many have been spent, on cycling since the strategy was approved?

Response: *This question was taken on notice with the following response being inserted into the minutes:*

Council has budgeted \$8.8m and spent \$4.1m on bicycle projects and programs since the adoption of the Bicycle Strategy in 2019. Some of the timing for specific project delivery over this time has been impacted by scope changes, service authority works and the COVID-19 pandemic. Additional project budget commitments, anticipated to be delivered in the 2024/25 financial year, include \$1.3m for the Medway link, \$2m for Sunshine Precinct Activation in Braybrook, \$600k for pedestrian signals (subject to DTP approvals), \$300k for behavioural programs and \$500k for future projects design development, which would total the full \$8.8m in budgeted expenditure.

Edward Merrifield asked the following questions:

1. Why has Council not consulted with all residents & rate payers the pending closure of Anderson St at Yarraville Train Station Level Crossing due to Department of Transport or Vic Track upgrade and do you have a date of pending closure?

Response: *The Acting Director Infrastructure Services advised the planned rail crossing closure is a project being led by the State Government under the Victorian big build project, which would see the removal or closure of all level crossings on the Werribee line.*

Whilst a specific date for the removal is not known, the State have indicated that the works would be completed by 2030.

Whilst the decision to remove the crossing and access to vehicles has been made, the State have indicated that consultation on best practice design will occur with the community and traders. This will include how to best achieve a range of outcomes in addition to better pedestrian and cycling access such as:

- *more space for alfresco dining*
- *an enhanced station and trader precinct*
- *updated streetscapes with more trees and vegetation*
- *opportunities for integrated artwork*

The issue has been discussed at the Yarraville Traders network and Council is planning to undertake a visioning exercise with the community in 2024 to inform an advocacy plan.

2. General By Laws 2015 update - when will Residents and Rate Payers of City of Maribyrnong and input to the new general by laws?

Response: *The Director Planning and Environment advised that Council officers will commence the review of the General Purposes Local Law 2015 in early 2024 to enable the review and update to be undertaken and presented to Council prior to the revocation date of November 2025. Community Engagement will be a key part of the review and update of the General Purposes Local Law and further information will be shared on the proposed engagement process early next year.*

3. Why were all residents & ratepayers of City of Maribyrnong not consulted about Summerhill & Rosamond Roads Bicycle proposed lanes? The road is always and most of the time congested with traffic to Highpoint to school and with parking still on the road and buses from Ballarat Rd turn into Rosamond Rd to Highpoint. What about the residents who park on road due to laneways not being maintained by Council when Council keeps selling off the common property in the City of Maribyrnong?

Response: *The Acting Director Infrastructure Services advised the officer recommendation to Council at the 19 September meeting was to reconstruct Summerhill Rd and patch and resurface Rosamond Rd with a further report on options for cycling upgrades following consultation with the community. An alternative motion for pop-up bicycle infrastructure, as part of a two year trial, was adopted by Council.*

Enita Colina asked the following questions:

1. Summerhill road is dangerous to drive on. The Council first advised the road would be re-done during Covid period in 2021 and latest community newsletter stated works would be started in September. We have been advised the project has now been delayed due to 4 of 7 Councillors voting to add bike lanes by removing resident parking.

Where will the residents park? Will trees be removed to widen the road? Does underground infrastructure need to be relocated? What is the carbon and financial cost of this additional work?

Response: *The Acting Chief Executive Officer noted that if the project to deliver protected bike lanes proceeds then Council Officers will investigate the impact of the displaced parking on side streets and review options for improving parking availability.*

2. What supporting documentation is there showing resident support for this bike lane proposal? eg Surveys, direct emails/requests from residents?

Response: *The Acting Chief Executive Officer advised Council has not yet engaged with the community about the proposal. If the works proceed Council will engage with the community with the aim to mitigate any negative outcomes of the project that include the impact on parking.*

Callum Steele asked the following questions:

1. There are 133 driveways and 152 points of conflict along Summerhill Road, an average of 1 every 6m.

VicRoads Design Guidance for Strategically Important Cycling Corridors (page 21 and 22) state that:

- a (single directional) protected bike lane "is usually considered where there are few driveways and intersections" and
- two-way protected bike lanes may be explored where "relatively few driveway crossings exist, particularly where the route is used by children"

Are Councillors and Council technical officers really confident that protected bike lanes actually represent the best and safest cycling treatment for Summerhill Road?

EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Cr Cuc Lam, seconded by Cr Anthony Tran, That Council extend Public Question Time for a further 15 minutes.

CARRIED

Public Question Time extended at 7:37pm

Response: *The Acting Director Infrastructure Services advised whilst a high level investigation has been undertaken, officers are unable to provide a definitive answer at this point of time due to detailed investigation not yet being undertaken.*

2. The Councillor Oath of Affirmation, signed by all Councillors, states that Councillors will abide by the Councillor Code of Conduct. Section 5.2 states that Councillor must represent "The interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community"

Can Councillors explain how they believe the decision not to engage or consult with the wider community prior to making an impactful decision to proceed with the two year trial is consistent with their Oath and Section 5.2 of the Code of Conduct?

Response: *Councillors chose not to answer this question as it is the subject of a Notice of Motion on the agenda for this meeting.*

3. The Maribyrnong Community Engagement Policy 2021 “is designed to ensure anyone affected by a decision is given the opportunity to inform that decision and is built upon a commitment to ‘open, honest and accountable’ engagement.”

The Policy states that Council will engage when:

- Where members of our community may be impacted by a project or decision
- To help identify community needs not already known, Councillors are required to balance the range of stakeholder views and concerns on an issue when making a decision

How is the two year trial of protected bike lanes without prior engagement consistent with the Community Engagement Policy?

Response: *The Acting Director Infrastructure Services advised the officer recommendation to Council at the 19 September meeting was to reconstruct Summerhill Rd and patch and resurface Rosamond Road with a further report on options for cycling upgrades following engagement with the community.*

An alternative motion for pop-up bicycle infrastructure, as part of a two year trial, was subsequently adopted, providing for engagement during the period of the trial.

While Council’s preferred approach is to engage with our community in advance of decisions being made, the Policy does provide for decisions to be advised without engagement in some circumstances.

Christopher Taylor asked the following questions:

1. Adding bikes lanes won’t reduce traffic and car use. What work has been done in regards to pushing residents onto neighbouring streets to park? Can a Summerhill Rd resident get a permit for another street?

Response: *The Acting Chief Executive Officer advised, without pre-empting Councils decision tonight, should the project go ahead further traffic and parking assessments would need to be conducted to understand what options would be available for residents and the extent of the impact.*

2. The redevelopment of the Lions Village has rezoned the parking for trade purposes, does the path go in during this period or after the construction period is complete?

Response: *The Acting Chief Executive Officer advised the Lions Village has a permit for redevelopment with construction recently commencing. The works zone on Summerhill Road is temporary and will be removed at the end of the project. Should Council progress with cycle lanes on Summerhill Road special measures will be applied outside the Lions Village during the construction period.*

3. With the increase in ride share, grocery, packages, meal delivery services, they are forced to park on a side street that will be filled with displaced vehicles that used to reside on Summerhill Road. Has this been thought of?

Response: *The Acting Chief Executive Officer advised, as stated above and in other questions tonight, the traffic and other impacts on the project have yet to be assessed. This will be considered as part of the detailed investigation/design phase. Council will also be seeking community feedback in regards to parking needs.*

Alyssa Pashalidis asked the following questions:

1. According to VISTA data for Greater Melbourne, walking accounts for 63% of trips within a 1km distance and 31% of trips between 1km and 2km. Only 2% of these trips are taken by bike.

Walking is the most accessible of all active transport, has the fewest barriers of entry of any transport method, and has a far lower environmental footprint than cycling.

Why is Council happy to ignore the needs of pedestrian safety and amenity in the name of cycling safety alone, when the environmental and social benefits of walking outweighs that of even cycling?

Response: *The Acting Director Infrastructure Services advised the Integrated Transport Strategy, the Bike Strategy and the recently approved Walking Strategy have project and policies that are continually being rolled to give people improve transport mode choice. Both pedestrian walking and cyclist are considers falls under the category of vulnerable road users and Council have these two strategies that encourage usage on both modes.
50% of all trips in Melbourne are under 5km which is an ideal range for cycling but may not always be practical from a walking perspective.*

2. Walking is Australia's most popular recreational activity, and women make up 62 per cent of the 8.7 million Australians aged over 15 who choose to walk for health and fitness. Of all OECD countries, Australia has the largest gender gap for "feeling safe walking alone at night". Just 15 per cent of young Victorian women feel safe walking at night compared with 54 per cent of young Victorian males.

Only 18% of people regularly cycle. Men are 165% more likely regularly cycle than women.

Has women safety and the recreational and transport needs of the majority of women been properly considered in voting to trial protected bike lanes?

Response: *The Acting Director Infrastructure Services advised the issue of safety in particular women walking at night was highlighted by the community as part the recently endorsed Walking Strategy. There are actions in the Walking Strategy to address these concerns. Council will raise any ongoing safety concerns with Victoria Police as part of our ongoing Safety Committee consultations.*

Caitlyn Wightman asked the following questions:

1. Will Council consider the already busy parking conditions in the vicinity of Summerhill Road when taking into considering removing parking lanes? The surrounding streets are already at capacity during the day due to staff from the nearby Footscray hospital.

Response: *This question was taken on notice with the following response being inserted into the minutes:*

Allocating road space in some locations is complex and requires Council to take a balanced approach in considering all community transport needs and competing demands for road use when managing its transport infrastructure networks. With any proposal, Council will require to undertake a detailed investigation to understand the impacts. This will include a detailed investigation of the impact of the displaced parking on side streets and review options for improving parking availability.

2. Has the Council's environment team considered the impact of the ringtail possum population when conducting excessive tree branch pruning around power lines? Could Council consider installing possum boxes in the adjoining parks in the area to provide possums a home when they can no longer access their homes once the branches get cut? West Footscray has a considerable ringtail possum population.

Response: *This question was taken on notice with the following response being inserted into the minutes:*

As the responsible authority, Maribyrnong City Council is required under legislation to prune public trees around electrical assets to ensure electrical safety. Trees are inspected and pruned on a 16 month cycle in accordance with Council's current Electric Line Clearance Management Plan, and are pruned to the required specification as determined by Energy Safe Victoria and the Australian Standard AS4373-2007 Pruning of Amenity Trees.

During the inspection and pruning programs, a qualified Arborist identifies the presence of fauna. Once identified, the breeding season for the fauna will be determined, and if possible works deferred until after the breeding season. If the pruning works cannot be deferred and/or significant habitat is at risk, Council will install Nesting Boxes in the area to replace the temporarily lost habitat

Janelle Boyton asked the following question:

1. Why have some members of Council deliberately neglected to follow proper governance in consideration of the debacle of the Summerhill and Rosamond Road bike lane trial? When were they intending on actually speaking to the residents before deciding that the needs of self interest groups should come first, above the needs of those who reside on these roads?

Response: *This question was received at 6:25pm prior to the Council Meeting and is requesting a response directly from Councillors.
A response will not be provided given Council has now determined on this matter at Item 10.1.*

The Chair, Cr Sarah Carter, declared Public Question Time closed at 7:45pm.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1. Confirmation of the Minutes of the Previous Council Meeting - 12 September 2023

To present for confirmation, the minutes of the Council Meeting held on 12 September 2023.

Council Resolution

That Council confirms the minutes of the Council Meeting held on 12 September 2023.

Moved: Cr Michael Clarke
Seconded: Cr Cuc Lam

CARRIED

7. REPORTS FROM COMMITTEES

7.1. Confirmation of the Minutes of the Previous Audit and Risk Committee Meeting - 29 August 2023

To present for confirmation, the minutes of the Audit and Risk Committee Meeting held on 29 August 2023.

Council Resolution

That Council notes the confirmed minutes of the Audit and Risk Committee held on 29 August 2023.

Moved: Cr Cuc Lam
Seconded: Cr Simon Crawford

CARRIED

8. PETITIONS

8.1. Petition: Save Summerhill Road

To table a petition received in relation to “Petition: Save Summerhill Road”.

Council Resolution

That Council receives the Petition: Save Summerhill Road.

Moved: Cr Simon Crawford
Seconded: Cr Cuc Lam

CARRIED

CHANGE TO ORDER OF BUSINESS

As provided for under Clause 19 and Clause 22.8 of Council’s Governance Rules, the Chair, Councillor Sarah Carter sought the consent of the meeting to amend the order of business to move the three 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.

The Chair, Councillor Sarah Carter, vacated the Chair in accordance with Clause 24.10 of Council’s Governance Rules and invited the Deputy Mayor, Councillor Cuc Lam, to assume the Chair at 7:49pm.

The Acting Chief Executive Officer read the following statement in relation to Item 10.1 and 10.2 to the meeting.

Tonight we have a Rescission Motion in the form of a Notice of Motion for Council to consider.

If this Notice of Motion is moved and seconded, Council will then proceed to vote on this item.

If this motion is lost, this means that the City Development Delegated Committee resolution from the 19 September 2023 remains the valid and standing decision of Council.

In accordance with Council’s Governance Rules, Council is unable to revisit this decision for a minimum of three months and the Chief Executive Officer will now progress with the implementation of this decision.

If this motion is won, this means that the City Development Delegated Committee resolution from the 19 September 2023 has been rescinded and is no longer a valid decision of Council.

Council then has another accompanying Notice of Motion (2023/09) which will then be considered by Council.

9. NOTICES OF MOTION

10.1. Notice Of Motion: 2023/08 Summerhill Road Reconstruction – Notice of Rescission

The City Development Delegated Committee considered Item 6.2 Summerhill Road Reconstruction at the 19 September 2023 meeting. The Committee resolved:

That the City Development Delegated Committee resolve to:

- 1. Proceed with the construction of Summerhill and Rosamond Roads from Barkly to Raleigh Road;*
- 2. Include pop-up style infrastructure as part of the reconstruction of Summerhill and Rosamond Road based on the current review of bicycle infrastructure opportunities on a 2-year pilot/trial basis;*
- 3. Undertake consultation with the community during the 2 year pilot/trial period;*
- 4. Receive a further report on the outcomes of the trial; and*
- 5. Note the inclusion of the pedestrian crossing at 68-78 Summerhill Road as part of the project in response to a petition received at the 18 October 2022 Meeting.*

The Chief Executive Officer was provided with a Notice of Rescission within the required 24 hours of the above Committee decision, signed by Councillors Carter, Lam and Tran.

The Chief Executive Officer considers that the Notice of Rescission satisfies the requirements of Clause 42 Notice of Rescission of Council's Governance Rules, and it has therefore been admitted as business for the 17 October 2023 Council Agenda.

The following reasoning was provided with the Notice of Rescission, as required under Clause 42 of Council's Governance Rules:

Under the Local Government Act 2020, the role of a Council is to provide good governance for the benefit and wellbeing of the community and in doing so must take into account the following principles:

- 1. Community engagement principles;*
- 2. Public transparency principles;*
- 3. Strategic planning principles;*
- 4. Financial management principles;*
- 5. Service performance principles.*

The City Development Delegated Committee has not adequately considered these principles in its decision making.

Council Resolution

That the following resolution of City Development Delegated Committee, dated 19 September 2023

That City Development Delegated Committee resolve to:

- 1. Proceed with the construction of Summerhill and Rosamond Roads from Barkley to Raleigh Road;*
- 2. Include pop-up style infrastructure as part of the reconstruction of Summerhill and Rosamond Road based on the current review of bicycle infrastructure opportunities on a 2-year pilot/trial basis;*
- 3. Undertake consultation with the community during the 2 year pilot/trial period*
- 4. Receive a further report on the outcomes of the trial; and*
- 5. Note the inclusion of the pedestrian crossing at 68-78 Summerhill Road as part of the project in response to a petition received at the 18 October 2022 Meeting;*

be rescinded.

Moved: Cr Sarah Carter
Seconded: Cr Anthony Tran

CARRIED

Cr Crawford left the meeting at 08:28 pm.

10.2. Notice Of Motion: 2023/09 Summerhill Road and Rosamond Road Upgrades

Reconstruction of Summerhill Road, and resurfacing of Rosamond Road are programmed and budgeted for the 2023/24 Financial Year (FY).

Summerhill Road has deteriorated over time and is in need of urgent repair in order for Council to be compliant with the Road Management Plan. The timing of the proposed works has already been delayed over a number of years due to utility works being undertaken by external authorities, further exacerbating the poor road conditions.

The inclusion of separated bike lanes along this route is complex and difficult given the narrow road width, current parking conditions, public transport routes, high traffic volume and required authority approvals.

Councils Bicycle Strategy 2020-2030 does not specifically identify Summerhill Road or Rosamond Road as an action to deliver for inclusion of cycling infrastructure. Instead, it identifies an alternate route from Footscray to Highpoint as a recommended North-South cycling link.

Furthermore, there is a current opportunity for Council to make a submission to the Department of Transport and Planning regarding planned upgrades to the Route 82 Tram network, of which cycling infrastructure could be included.

Councils Integrated Transport Strategy is currently due for review and would serve as the overarching strategic document to guide Councils decision making in provision of transport services across our City (inclusive of active transport).

Council Resolution

That Council:

- 1) Proceeds with the reconstruction of Summerhill Road and resurfacing of Rosamond Road with replacement of existing asset dimensions;*
- 2) Request Officers to progress the review and update of the Integrated Transport Strategy and receive a progress report in early 2024;*
- 3) Through a thorough community engagement process, explore opportunities for a North – South cycling facility from Footscray to Maribyrnong in line with an integrated transport planning approach;*
- 4) Note the inclusion of a pedestrian crossing at 68-78 Summerhill Road as part of the project in response to a petition received at the 18 October 2022 Council Meeting.*

Moved: Cr Sarah Carter
Seconded: Cr Michael Clarke

CARRIED

Cr Crawford returned to the meeting at 8:30 pm.

Cr Jorquera left the meeting at 8:32 pm.

Cr Jorquera returned to the meeting at 8:35 pm.

Cr Sarah Carter assumed the Chair at 8:40pm.

10.3. Notice Of Motion: 2023:10 Braybrook Hotel

The Reducing Harm from Gambling Policy 2022-2030 (Policy) aims to prevent and minimise harm from gambling across the City of Maribyrnong. The Policy reflects the Council's role in assessing the impacts of Electronic Gaming Machine (EGM) applications in the municipality. It further reflects Council's role in advocating for changes to the regulation and management of all forms of gambling in Victoria.

The Policy commits to undertaking a social impact assessment of applications to the Victorian Gambling and Casino Control Commission (VGCCC) regarding EGMs.

The application to amend trading hours at the Braybrook Hotel, would see an increase in the pokies being accessed for an additional 2 hours, until 3.00am.

Maribyrnong has 471 EGMs across 9 venues. Whilst Braybrook Hotel have 45 EGMs onsite, it makes up 13% (\$8M) of the total losses to EGMs in the municipality. Maribyrnong residents lose \$185,728 each day to pokies (VGCCC, 2022/23 EGM expenditure).

Council Resolution

That Council:

- 1) Notes that the Braybrook Hotel has submitted an application to the Victorian Gambling and Casino Control Commission (VGCCC) to extend the trading hours of their gambling room from 1.00am to 3.00am;*
- 2) Notes that the previous application to open the gambling room until 3am in 2013 was refused by the VGCCC, and a subsequent VCAT (Victorian Civil and Administrative Tribunal) decision permitted opening the gambling room until 1am;*
- 3) Notes that Victorian clubs and hotels with Electronic Gaming Machines (EGMs) will no longer be able to open the gambling room between 4am and 10am from mid-2024, which for this venue, will result in no longer being able to open the gambling room from 8.00am;*
- 4) Notes that the VGCCC has invited the City of Maribyrnong to make a submission in relation to the increase in hours assessing the social and economic impact of the application;*
- 5) Notes that section 1.1 of Council's Reducing Harm from Gambling Policy 2022-2030 it says: "Under the requirements for local government outlined in the Gambling Regulation Act 2003, undertake a social impact assessment of applications to the Victorian Gambling and Casino Control Commission (VGCCC) for an increase in electronic gaming machines at new and existing venues in the City of Maribyrnong";*
- 6) Notes that the Braybrook area is identified through Council's Reducing Harm from Gambling Policy 2022-2030 (section 2.3) as one where a reduction of EGMs should be sought due to the high level of social and economic disadvantage;*
- 7) Supports Council making a submission to the VGCCC and opposes the increase in hours due to the already high level of losses from the community to the Braybrook Hotel (\$8,816,619.28 in 2022/23 up from \$7,032,911.56 in 2021/22 – source vgccc.vic.gov.au 23 September 2023).*

Moved: Cr Bernadette Thomas
Seconded: Cr Cuc Lam

CARRIED

*Cr Clarke left the meeting at 8:43 pm.
Cr Clarke returned to the meeting at 08:45 pm.*

10. OFFICER REPORTS

9.1. Consideration of the Maribyrnong City Council Annual Report 2022/2023

For Council to receive and adopt the Maribyrnong City Council Annual Report for the 2022/2023 financial year.

Council Resolution

That Council:

- 1. Receives and adopts the Maribyrnong City Council Annual Report 2022/2023 in accordance with sections 98, 99 and 100 of the Local Government Act 2020, shown at Attachment 1;*
- 2. Authorises the Chief Executive Officer to make minor administrative amendments to the Annual Report 2022/23 if required prior to final publication; and*
- 3. Notes that the 2022/23 Annual Report will be published on Council's website and made available at the Customer Service Centre at the Footscray Library.*

Moved: Cr Michael Clarke
Seconded: Cr Cuc Lam

CARRIED

9.2. Memorandum of Understanding - Maribyrnong City Council and Victoria University

To seek Council endorsement of a new Memorandum of Understanding (MoU) between Maribyrnong City Council and Victoria University for a period of five years from November 2023 to November 2028.

1. ISSUES SUMMARY

- The relationship between Victoria University (VU) and Maribyrnong City Council is founded on shared values. The two organisations have a strong working relationship and work together to achieve outcomes for the broader community.
- The current Memorandum of Understanding (MoU) between VU and Council was signed in 2013 for a period of ten years and over the past ten years, a significant number of achievements have resulted from projects identified in the MoU including education and training opportunities, employment pathways for VU students, investment in smart city technology, collaboration on arts and cultural activities and advocacy for the construction of a new hospital for Footscray.
- With the current MoU expiring, Council and VU have been collaborating over the past 12 months to draft a renewed MoU and to identify strategic areas of focus.

- The renewed MoU is proposed to be in place for five years and will be an opportunity for Council and VU to continued their shared work under broad areas for collaboration including:
 - Footscray Business Precinct as a major hub of innovation, health and education services, employment and investment
 - Increased educational attainment, training, participation and life-long learning to support employment aspirations
 - Improved health, community wellbeing and inclusion
 - Improved sustainability, healing and protection of Country.

Council Resolution

That Council:

1. *Endorse a new Memorandum of Understanding between Maribyrnong City Council and Victoria University, as shown at Attachment 1 to this report; and*
2. *Note that an event to execute the Memorandum of Understanding, will be scheduled for a date in November 2023, from which the Memorandum of Understanding will take effect for a period of five years.*

Moved: Cr Anthony Tran
 Seconded: Cr Michael Clarke

CARRIED

Cr Lam left the meeting at 08:56 pm.

Cr Lam returned to the meeting at 08:58 pm.

9.3. Review of Risk Management Policy

The purpose of this report is to present the reviewed Risk Management Policy, which will embed a stronger risk management culture in Maribyrnong City Council, aligned to the International Standard for Risk Management AS ISO 31000:2018.

Council Resolution

That Council endorse the Risk Management Policy 2023, shown at Attachment 1.

Moved: Cr Michael Clarke
 Seconded: Cr Bernadette Thomas

CARRIED

9.4. 2024 Council Meeting Schedule

This report outlines the proposed Council, Delegated Committee, and Councillor Strategic Briefing meeting schedule for the 2024 calendar year.

Council Resolution

That Council adopt the 2024 Council and Delegated Committee Schedule, as shown in Attachment 1.

Moved: Cr Simon Crawford
Seconded: Cr Cuc Lam

CARRIED

9.5. Open Space Strategy Implementation Update

To provide Council with an update on the implementation of the Open Space Strategy 2014 and its subsequent review.

Council Resolution

That Council note the Open Space Strategy implementation update 2023 and the increase in public open space.

Moved: Cr Bernadette Thomas
Seconded: Cr Simon Crawford

CARRIED

9.6. Extension of Contract No 1121-21 & 1126-21 Provision of Landfill Services

To seek Council approval to exercise a two year extension option for Contract Nos 1121-21 and 1126-21 Provision of Landfill Services for the period 1 April 2025 to 31 March 2027.

Council Resolution

That Council:

1. Approves the first of two, two year contract extensions to;
 - a. Contract No 1124-21 Provision of Landfill Services on a guaranteed basis to Cleanaway Pty Ltd for disposal at MRL for the total contract sum of \$4,369,852.31 (excluding GST and Waste Levy); and
 - b. Contract No 1126-21 Provision of Landfill Services on a non-guaranteed basis to Hanson Landfill Services Pty Ltd at Hanson Landfill for a contract sum of \$0; and
2. Authorises the Chief Executive Officer to execute extensions to Contract Nos 1124-21 and 1126-21.

Moved: Cr Simon Crawford

Seconded: Cr Cuc Lam

CARRIED

9.7. Proposed Discontinuance of Road Abutting 155, 157, 159 Pilgrim and 2 Henry Streets, Seddon and Sale of Part of the Road

To seek Council's approval to commence the statutory procedures under the *Local Government Act 1989 (Act)* to discontinue the road abutting 155, 157, 159 Pilgrim and 2 Henry Streets, Seddon (Road) and:

- selling that part of the Road abutting 159 Pilgrim Street (Subject Land) to the owners of 159 Pilgrim Street (owners of 159) ; and
- retaining that part of the Road abutting 157 Pilgrim Street in Council's ownership, due to the owners of 157 Pilgrim Street (owners of 157) declining Council's offer to sell that part of the Road abutting their property, at this time.

Council Resolution

That Council:

1. *Acting under clause 3 of Schedule 10 of the Local Government Act 1989 (Act):*
 - a. *Resolves that the statutory procedures be commenced to consider discontinuing the road contained in certificate of title volume 01560 folio 997, shown outlined in red in Attachment 1 (Road);*
 - b. *Requests that public notice of the proposed discontinuance of the Road be given in a local newspaper and sent to abutting owners in accordance with section 207A and 223 of the Act and published on Council's website;*
 - c. *Resolves that the public notice required to be given under sections 207 and 223 of the Act should state that if the Road is to be discontinued, Council is proposing to:*
 - (i) *sell the part of the discontinued Road enclosed within the property at 159 Pilgrim Street, Seddon to the owners of that property for no less than \$18,000 plus GST, being 59% below the market value; and*
 - (ii) *retain ownership of the part of the discontinued Road enclosed within the property at 157 Pilgrim Street, Seddon.*
 - d. *Authorises the Chief Executive Officer or their delegate to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter;*
 - e. *Resolves that any submissions received pursuant to section 223 of the Act be heard by a committee consisting of the whole of Council on Tuesday 5 of December, 2023 at 6:30pm, if required.*
2. *Notes that once all section 223 submissions have been considered, a further report will be presented to Council:*
 - a. *Providing a summary of any submissions received pursuant to section 223 of the Act;*
 - b. *Providing a Recommendation as to whether or not Council should proceed with the proposed discontinuance and sale.*

Moved: Cr Michael Clarke
Seconded: Cr Bernadette Thomas

CARRIED

9.8. Governance Report - September 2023

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

Council Resolution

That Council notes the September 2023 Governance Report, which includes:

- 1. The record of informal meetings of Councillors and Councillor Delegates' Reports for September 2023, to be made available on Council's website for the term of the current Council, shown at Attachment 1; and*
- 2. An update on the proposed discontinuance and sale of the laneway abutting 18 and 20 Stewart and 69 Hamilton Streets, Yarraville.*

Moved: Cr Simon Crawford
Seconded: Cr Cuc Lam

CARRIED

11. COUNCILLOR QUESTION TIME

Nil.

12. URGENT BUSINESS

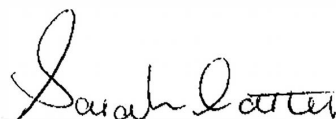
Nil.

13. CONFIDENTIAL BUSINESS

Nil

14. MEETING CLOSURE

The Chair, Cr Sarah Carter, declared the meeting closed at 9:22pm.



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

Chair, Cr Sarah Carter