



**Maribyrnong City Council**

**COUNCIL MINUTES**

**Tuesday 21 May, 2024  
6.30pm**

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

**MEMBERSHIP**

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

To be confirmed at the Council Meeting  
to be held on 18 June, 2024

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

The meeting commenced at 6:32pm.

The Chair, Cr Cuc Lam made the following acknowledgement statement:

*"We acknowledge that we are on the traditional lands of the Ku/in Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples, past and present".*

### **PRESENT**

Councillor Cuc Lam (Chair)  
Councillor Sarah Carter  
Councillor Michael Clarke  
Councillor Jorge Jorquera  
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  
Acting Director Planning and Environment, Ashley Minniti  
Manager Governance and Commercial Services, Phil McQue  
Governance Officer, Michelle McCulloch  
Governance Officer, Luca Marongiu

## **2. APOLOGIES**

Councillor Simon Crawford

## **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 Sarah Carter, that Council suspend standing orders to honour the 100<sup>th</sup> birthday of Mr Walter Hopkins OAM.

**CARRIED**

*Standing Orders were suspended at 6.35pm*

## **RESUMPTION OF STANDING ORDERS**

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

**CARRIED**

*Standing Orders resumed at 6.44pm*

## 5. PUBLIC QUESTION TIME

Public Question Time commenced at 6:45pm and 13 questions were received.

### **Michelle Clarke asked the following questions:**

1. Can Council confirm when the car park works between Bradmill's and Mcivor Reserve will be completed? Previous date was the end of April which has now passed. Current information at the site is non-committal on finish date, suggesting 10-12 weeks.

### **Response:**

*The Chief Executive Officer responded by advising construction of Bradmill Boulevard is being undertaken in stages by Frasers Property Australia as part of the development of the adjacent Bradmill precinct. The first stage, involving the water and gas infrastructure improvements along Francis Street was completed prior to Christmas. The second stage which is currently underway involves the construction of a new north-south connection from Francis Street. Works are expected to be completed around July 2024.*

2. When Bradmill's finish using the car park between Bradmill's and Mcivor Reserve will the car park be returned to community use in its previous pothole filled state? Will it be a gravel car park or will tarmac be used?

### **Response:**

*The Chief Executive Officer responded by advising that once the works are completed the carpark adjacent to Mcivor Reserve and the dog park will be returned for community use using crushed rock and gravel. Any future improvements to the carpark will be delivered by Council as part of the implementation of the Mcivor Reserve Masterplan and subject to future budget.*

3. What financial benefit is the council, and by extension the community, receiving from Bradmill's for the car park being out of use to this date? What benefit is being received for the car park being used solely by Bradmill's for an additional, undefined period?

### **Response:**

*The Chief Executive Officer responded by advising that Frasers Property Australia is occupying the carpark to enable the construction of Bradmill Boulevard, a new north-south connection which will eventually connect Francis Street to Fogarty Avenue. As previously mentioned, the delivery of Bradmill Boulevard is being undertaken as part of the development of the adjacent Bradmill Precinct. The construction of Bradmill Boulevard is being delivered at zero cost to the Ratepayer. Council has not charged Frasers for the occupation of the carpark.*

**Philip Morris asked the following questions:**

1. Will Council commit to a thorough engineering assessment of the road and footpath in Blackwood Street?

They are showing significant signs of damage and subsidence. This is causing issues for many of the properties. Having spoken to many residents of the street, they all report issues of cracking walls, sloping floors and doors/gates either jamming or some not closing. The footpath is becoming increasingly uneven and is a trip hazard, especially at night. We need to determine what's causing this and how it can be rectified.

**Response:**

*The Chief Executive Officer responded by advising that Council officers have recently investigated the condition of the road pavement, stormwater drainage and footpath in Blackwood Street. A package of priority repair works has been developed and will be implemented within Council's routine maintenance program. Please note that it is considered unlikely that Council's civil assets are impacting the ground movement causing issues to properties on Blackwood Street.*

2. If Council is not able to commit to an assessment of the road and path conditions in Blackwood Street, our fear is any lengthy delay to assessing and then remediating the streetscape will result in further damage, as well as, more cracking in our properties and higher repair costs.

Who would be responsible should this situation arise?

**Response:**

*The Chief Executive Officer responded by advising that Council has assessed the road and path conditions and is proposing maintenance and remedial actions to both the footpath and road where required.*

3. Is Council aware that "Jemena" has put a concrete power block around the base of the power pole and secured by two chains on the corner of Ballarat and Blackwood streets?

It would appear to be in an attempt to secure it from toppling. The pole is leaning at an angle into Blackwood Street. It appears to us as the only pole along Blackwood Street and Ballarat Street to have this safety provision.

**Response:**

*The Chief Executive Officer responded by noting that Jemena did not notify Council of the works described in your question. Officers have contacted Jemena regarding the purpose of the works and are awaiting a response.*

**Anton Mifsud asked the following questions:**

1. What is Council doing to advocate on behalf of cyclist safety on the stretch of road just before Moore St and Ballarat Road and just after Moore St and Ballarat Road (city bound) where the cycling lane disappears and cyclists must merge into the car lane?

**Response:**

*The Chief Executive Officer responded by advising that both Ballarat Road and Moore Street are Arterial Roads managed by the State Government. Council officers meet regularly with the Department of Transport and Planning to review road safety and transport issues on the road network within the Maribyrnong municipality. Council officers will be discussing this matter with the Department to request further investigation and response regarding your concern.*

*Council received several questions relating to Newell's Paddock. As per Governance Rule 52.9 these questions have been grouped with a single response provided.*

**Yvonne Bishifberger asked the following questions:**

1. Friends of Newell's Paddock have been made aware of the council's plan to install lighting along the Maribyrnong River trail, from Ballarat Rd south to Hopkins St, with light poles to run along the boundary of the Newell's Paddock wetlands, at 20-metre intervals. We thank the council for including us in their correspondence; however, we have major concerns about the project proceeding in its current form. When will council conduct comprehensive flora and fauna assessments and lighting-impact studies to determine the impact of night lighting on the aquatic, invertebrate and mammalian species that inhabit the wetlands and riverbank area?
2. Given the proximity of lights to pond areas and bird roosts in Newell's Paddock, can council provide compelling evidence of the need for permanent lighting along that particular area of the river trail?
3. Friends of Newell's Paddock has requested council undertake detailed biodiversity assessments before proceeding with this project. Will council pause the project until the results of these impact studies are available to inform how or if the project should proceed?



**Bill Field asked the following questions:**

1. Friends of Newell's Paddock have been made aware of the council's plan to install 7-metre-high light poles along the Maribyrnong River trail, from Ballarat Rd south to Hopkins St, with lights to run along the boundary of the Newell's Paddock wetlands, at 20-metre intervals. We thank the council for including us in their correspondence; however, we have major concerns about the project proceeding in its current form.

When will council conduct meaningful consultation with Friends of Newell's Paddock and other interested parties regarding this lighting plan?

2. How does this lighting plan align with council's objectives to enhance biodiversity and improve habitat within Newell's Paddock?
3. How does this lighting project align with council's draft Nature Plan, which seeks to protect places of ecological importance within the City of Maribyrnong, a municipality with a widely acknowledged lack of green space?

Cr Sarah Carter left the meeting at 6:54 pm.

**Response:**

*The Chief Executive Officer responded by advising that the Maribyrnong River Trail lighting project is part of a staged program to light the entire Maribyrnong river trail as a major active transport link across the municipality and a key piece of passive recreation infrastructure. Following consultation with Friends of Newell's Paddock, the project section that interfaces Newell's Paddock has been paused to ensure that a thorough assessment of lighting impacts can be undertaken and any design solutions can be considered. Following this assessment, Council officers will work with the Friends of Newell's Paddock on potential solutions.*

*The Director Infrastructure Services further confirmed that a detailed environmental impact assessment would be undertaken, particularly considering the impact on fauna. Once the outcome of the assessment is received, Council will consider different technologies that may be available. Alternatively, the project may not proceed, which would be dependent on a resolution of Council at a later date.*

Cr Sarah Carter returned to the meeting at 6:57pm

The Chair, Cr Cuc Lam, declared Public Question Time closed at 6:58pm.

**6. CONFIRMATION OF MINUTES**

**6.1. Confirmation of the Minutes of the Previous Council Meeting - 23 April 2024**

To present for confirmation the minutes of the Council Meeting held on 23 April 2024.

**Council Resolution**

*That Council confirms the minutes of the Council Meeting held on 23 April 2024.*

Moved: Cr Michael Clarke  
Seconded: Cr Sarah Carter

**CARRIED**

**7. REPORTS FROM COMMITTEES**

Nil

**8. PETITIONS**

Nil

## 9. OFFICER REPORTS

### 9.1. Quarterly Performance and Financial Report - Period ending 31 March 2024

The purpose of this report is to present the Quarterly Performance and Financial Report for the period ending 31 March 2024.

#### Council Resolution

*That Council:*

1. *Notes the 2023/2024 Third Quarter Performance and Financial Report, shown at Attachment 1;*
2. *Make a fresh resolution in relation to the application of the rate rebate of properties affected by the October 2022 flood event as below;*
3. *Pursuant to s 169(1)(a) of the Local Government Act 1989, grants each owner of rateable land who meets the eligibility criteria in Part 6 of this Resolution upon application a rebate of 50% on the 2023/2024 third and fourth instalments of the Rates and Municipal Charge (noting this rebate does not apply for the State Government Fire Service Levy).*
4. *Grants this rebate to assist in the proper development of the municipal district.*
5. *Notes that this rebate benefits the municipal community as a whole by financially supporting the restoration of flood affected properties;*
6. *Determines that a person will be eligible to receive the rebate if the person:*
  - a. *is the owner of rateable land impacted by the October 2022 flood event;*
  - b. *makes application to Council in the form determined by Council's Chief Executive Officer, or delegate; and*
  - c. *provides evidence showing that:*
    - i. *there is a dwelling on the land;*
    - ii. *the dwelling on the land was damaged by the October 2022 flood event; and*
    - iii. *work is required to repair the damage caused to the dwelling on the land by the October 2022 flood event.*
7. *Requests Council's Chief Executive Officer, or delegate, to reassess each unsuccessful flood rebate application received in 2024 against the criteria outlined in part 6 of this Resolution and notify those applicants of the outcome of that reassessment.*

Moved: Cr Michael Clarke  
Seconded: Cr Anthony Tran

**CARRIED**

## **9.2. Election Period Policy (Governance Rules)**

The purpose of this report is to recommend to Council the adoption of the Election Period Policy, following a process of community engagement.

### **Council Resolution**

*That Council adopt the Election Period Policy (Governance Rules), shown at Attachment 1.*

Moved: Cr Bernadette Thomas  
Seconded: Cr Sarah Carter

**CARRIED**

## **9.3. Public Transparency Policy**

The purpose of this report is to recommend to Council the adoption of the Public Transparency Policy, following a process of community engagement.

### **Council Resolution**

*That Council adopt the Public Transparency Policy, shown at Attachment 1.*

Moved: Cr Bernadette Thomas  
Seconded: Cr Anthony Tran

**CARRIED**

## **9.4. Community Grants Program Initiation Report**

To inform Council of the initiation of the 2024-2025 Community Grants Program and seek endorsement of the 2024-2025 Community Grants Program Guidelines.

### **Council Resolution**

*That Council:*

- 1. Note the Annual 2024-2025 Community Grants Program initiation and timelines; and*
- 2. Endorses the Community Grants Program Guidelines 2024-2025, shown at Attachment 1.*

Moved: Cr Michael Clarke  
Seconded: Cr Bernadette Thomas

**CARRIED**

## **9.5. Reducing Harm from Alcohol and Other Drugs Policy 2023-2028 - Consultation feedback and final endorsement**

To seek Council endorsement of the draft Reducing Harm from Alcohol and Other Drugs Policy 2023-2028 (the Policy), following the community consultation process undertaken during March 2024.

### **Council Resolution**

*That Council:*

- 1. Notes the outcome of the community consultation process following the adoption of the draft Policy; and*
- 2. Endorses the Reducing Harm from Alcohol and Other Drugs Policy 2023-2028, shown in Attachment 1.*

Moved: Cr Michael Clarke  
Seconded: Cr Bernadette Thomas

**CARRIED**

## **9.6. Integrated Water Management Plan 2023-2033**

To seek Council endorsement of the Integrated Water Management Plan 2023-2033, following the community consultation process undertaken during February and March 2024.

### **Council Resolution**

*That Council endorse the Integrated Water Management Plan 2023-2033, shown at Attachment 2*

Moved: Cr Bernadette Thomas  
Seconded: Cr Anthony Tran

**CARRIED**

## **9.7. Maribyrnong Flood Community Recovery Committee**

To present recommendations for four new members and an Independent Chair of the Maribyrnong Community Recovery Committee (CRC), and the appointment of a Councillor to the CRC.

### **Council Resolution**

*That Council:*

1. *Appoint the following new members to the Maribyrnong Community Recovery Committee, with their term concluding June 2025.*
  - a. *Andrew Monteiro*
  - b. *Joel Butts*
  - c. *Mary Cameron*
2. *Appoint Marlina Holland as the Independent Chair of the Maribyrnong Community Recovery Committee, with their term concluding June 2025; and*
3. *Appoint Councillor Sarah Carler as a member of the Maribyrnong Community Recovery Committee, until the end of the Council term, 26 October 2024.*

Moved: Cr Sarah Carter  
Seconded: Cr Anthony Tran

**CARRIED**

## **9.8. Submissions to National Adaptation Plan and Inquiry into Climate Resilience**

To inform Council of the officer submissions made in response to the National Adaptation Plan and prepared for response to the Inquiry into Climate Resilience

### **Council Resolution**

*That Council:*

1. *Note the submission to the National Adaptation Plan, shown at Attachment 1.*
2. *Endorse the submission Inquiry into Climate Resilience, shown at Attachment 2*

Moved: Cr Bernadette Thomas  
Seconded: Cr Jorge Jorquera

**CARRIED**

## 9.9. Footscray Park Advisory Committee

To seek Council endorsement for the Terms of Reference for an advisory committee to support the review of the 2011 Footscray Park Masterplan

### Council Resolution

*That Council:*

- 1. Adopt the Footscray Park Masterplan Review Advisory Committee Terms of Reference, shown at Attachment 1.*
- 2. Note that an Expression of Interest process for membership of the Footscray Park Masterplan Review Advisory Committee will be conducted, with a further report to be presented to Council to recommend the selection of Committee members at its September 2024 meeting.*

Moved: Cr Anthony Tran

Seconded: Cr Sarah Carter

**CARRIED**

## 9.10. Awarding of Contract No 1223-23 Quarry Park Landfill Rehabilitation

To seek Council approval to award Contract No 1223-23 Quarry Park Landfill Rehabilitation to Multiworks Australia Pty Ltd.

### Council Resolution

*That Council:*

- 1. Awards Contract No 1223-23 Quarry Park Landfill Rehabilitation to Multiworks Australia Pty Ltd to the value of \$2,350,730.00 ex GST;*
- 2. Authorises the Chief Executive Officer to execute Contract No 1223-23 Quarry Park Landfill Rehabilitation to Multiworks Australia Pty Ltd; and*
- 3. Note that the contract sum exceeds the existing budget and approves the funding shortfall of \$688, 730 from the Open Space Reserve in 2023/24 to supplement the \$1,662,000 in the 2023/2024 Capital Works Budget.*

Moved: Cr Michael Clarke

Seconded: Cr Bernadette Thomas

**CARRIED**

### **9.11. Amendments to 2024 Council Meeting Schedule**

The purpose of this report is to amend Council's adopted meeting schedule for the months of September 2024 and November 2024.

#### **Council Resolution**

*That Council in accordance with Clause 10 of its Governance Rules adopt the amended meeting schedule for the months of September 2024 and November 2024, shown at Table 1 in this report.*

Moved: Cr Bernadette Thomas  
Seconded: Cr Michael Clarke

**CARRIED**

### **9.12. Councillor Support and Expenses Report January to March 2024**

To present the Councillor Support and Expenses for the January to March 2024 period.

#### **Council Resolution**

*That Council notes the Councillor Support and Expenses Report for the January 2024 to March 2024 period, to be made available via Council's website for the term of the Council.*

Moved: Cr Sarah Carter  
Seconded: Cr Michael Clarke

**CARRIED**



### **9.13. Governance Report - April 2024**

To receive and note the record of informal meetings of Councillors and Councillor delegates' for April 2024, and relevant statutory and governance matters.

#### **Council Resolution**

*That Council:*

1. *Approve the updated s6 Instrument of Delegation, shown at Attachment 1; and*
  - a. *Note that the Instrument comes into force upon the Common Seal of Council being affixed to the document; and*
  - b. *Note that upon the Instrument coming into force, the previous s6 Instrument of Delegation authorised by Council on 21 March 2023 is revoked; and*
  
2. *Notes the Governance Report containing the record of informal meetings of Councillors and Councillor Delegates' Reports for April 2024, which will be made available on Council's website for the term of the current Council.*

Moved: Cr Michael Clarke  
Seconded: Cr Bernadette Thomas

**CARRIED**

## 10. NOTICES OF MOTION

### 10.1. Notice Of Motion: 2024/07 Duty of Care

#### Motion

*That Council, in keeping with the overarching goal, objectives, and approaches of the Climate Emergency Strategy:*

- 1. Writes to the Minister for Environment and Water, the honourable Tanya Plibersek, to embed a duty of care in JAW, in particular to support the Climate Change Amendment (Duty of Care and Intergenerational Equity) Bill 2023; and*
- 2. Writes to Dr Daniel Mulino, Member for Fraser, seeking his advocacy efforts to encourage the federal government to support the above legislation.*

Moved: Cr Bernadette Thomas

Seconded: Cr Jorge Jorquera

**LOST**

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

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

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

**LOST**

## 10.2. Notice Of Motion: 2024/08 Support Public Housing

### Motion

*That Council:*

1. *Strongly opposes the Victorian Government's plans to demolish 44 public housing towers across the state, including 127 Gordon Street (Gaskin Gardens) in the City of Maribyrnong;*
2. *Calls on the Victorian Government to guarantee the survival and priority of publicly owned and managed housing;*
3. *Calls on the Victorian Government to substantially increase public and social housing dwellings to address the housing affordability crisis;*
4. *Calls on the Victorian Government to review the Victorian Housing Statement (2024-2034) and the Affordability Partnership with industry, to include public and social housing in new private developments, and remove the misleading category of "affordable housing" (Order, Section 3AB Specification of Income Ranges), which currently applies to a range of housing types that are unaffordable for the vast majority of families and individuals;*
5. *Requests the Mayor write to the Premier and the Minister for Housing to:*
  - a) *outline Council's opposition to the demolition of the public housing towers, including Gaskin Gardens;*
  - b) *urge the government to consider a program to renovate the existing high-rise public housing in Maribyrnong and throughout metropolitan Melbourne, instead of proceeding with demolition;*
  - c) *ask that the state government guarantee an increase in the stock of public housing and additional social housing as part of the Braybrook Regeneration; and*
6. *Calls for a further report to Council, as part of Council's process of developing our housing strategy, that includes:*
  - *recommendations for revised or amended planning policy and advocacy positions that could be adopted by Council to mitigate the increasing housing affordability crisis in Maribyrnong.*
  - *recommendations on any potential initiatives that could be adopted by Council to mitigate risks and impacts for residents of Gaskin Gardens and of the public housing in Braybrook.*

Moved: Cr Jorge Jorquera  
Seconded: Cr Bernadette Thomas

**LOST**

### 10.3. Notice Of Motion: 2024109 Condemns Cumberland Council Book Ban

#### Council Resolution

*That Council:*

- a) affirms that it welcomes people of all backgrounds, beliefs, and cultures and that the diversity of our community is part of what makes Maribyrnong so special;*
- b) believes that public libraries should be places where different ideas and beliefs are welcome, and where everyone is seen and valued;*
- c) affirms that everyone should be free to decide what books they wish to borrow from our public libraries;*
- d) believes that children in rainbow families should have access to books about their families in our public libraries, just like everyone else;*
- e) notes with concern the negative example set by Cumberland Council (NSW) in resolving to ban books featuring same-sex parents at their May 1 meeting; rescinded at their May 15 meeting on the advice of the Minister that the Council decision contravened the Library Council of NSW Guidelines on Freedom of Access to Information, issued under the Library Act.*
- f) requests that Council explore opportunities to expand our Libraries book collections featuring same-sex parents, with the support of Council's LGBTIQ+ Community Advisory Group.*

Moved: Cr Jorge Jorquera  
Seconded: Cr Bernadette Thomas

**CARRIED**

#### 11. COUNCILLOR QUESTION TIME

Nil.

#### 12. URGENT BUSINESS

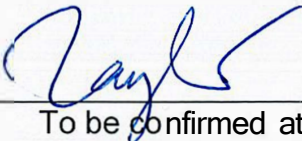
Nil.

#### 13. CONFIDENTIAL BUSINESS

Nil

**14. MEETING CLOSURE**

The Chair, Cr Cuc Lam, declared the meeting closed at 9:07pm.



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To be confirmed at the Council Meeting  
to be held on 18 June, 2024.

Chair, Cr Cuc Lam