

U N C O N F I R M E D M I N U T E S



Maribyrnong City Council

COUNCIL MINUTES

**Tuesday 18 June, 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
23 July, 2024

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1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6:35pm.

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

“We acknowledge that we are on the traditional lands of the Kulin Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples, past and present”.

PRESENT

Councillor Cuc Lam (Chair)
Councillor Sarah Carter (*online – from 6.42pm to 8.01pm*)
Councillor Simon Crawford
Councillor Jorge Jorquera
Councillor Bernadette Thomas
Councillor Anthony Tran

IN ATTENDANCE

Chief Executive Officer, Celia Haddock
Director Corporate Services, Lisa King
Director Community Services, Lucas Gosling
Director Infrastructure Services, Patrick Jess
Acting Director Planning and Environment, Ashley Minniti
Manager Governance and Commercial Services, Phil McQue
Manager City Futures, Francesca O'Brien
Manager Finance, Mark Connor
Governance Officer, Michelle McCulloch

2. APOLOGIES

Councillor Michael Clarke

3. LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF CONFLICTS OF INTEREST

The Chief Executive Officer, Celia Haddock in the interests of transparency declared a Conflict of Interest in relation to Item 13.1 Chief Executive Officer - Interim Performance Review.

5. PUBLIC QUESTION TIME

Public Question Time commenced at 6:38pm and four questions were received.

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Gianfranco Stella asked the following questions:

1. Can Council please indicate what level of priority it gives to the many issues present in Footscray CBD? There is growing concern amongst residents that Council are not doing enough.

Response:

The Chief Executive Officer responded by noting that Footscray is our City's largest commercial district and remains a focus for Council's attention.

Council has undertaken several public realm improvements in the Footscray CBD in the past and plans to continue incremental upgrades subject to available budget.

Projects completed last financial year include upgrades to Byron Plaza with new lighting, seating and landscaping, Dalmahoy Street with a complete road reconstruction as a shared space with seating and tree planting and the installation of the Nicholson Street playspace, a temporary installation to attract families with small children to the area.

Works on upgrades to Blackstone Lane are almost complete with new landscaping and places for people to now congregate.

A new lighting installation in Nicholson Street, between Paisley and Irving Streets has also recently been installed via a grant from the State Government.

2. Are there any macro level reform plans being considered for the Footscray CBD to address these many issues: vacancies, homelessness, utilisation, safety and amenity?

Response:

The Chief Executive Officer responded by advising that Council is working with the State Government to centralise buses in the Footscray CBD along Irving Street, allowing direct connections between buses, trains and trams. Once buses are removed from Paisley Street, a complete reconstruction of the street can take place, with new drainage, extended footpaths and more greening. This project is subject to State Government funding for the relocation of buses.

Council is also working with the State Government on the upgrade of the Route 82 Tram, which will provide opportunities along the route for more pedestrian friendly streets and tree planting.

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Regarding homelessness and vacancies, these are issues currently being experienced across Melbourne and all M9 Councils, and indeed in many cities around the world.

Council acknowledges the cost of living pressures many in the community are experiencing and the subsequent impact this has on commercial vacancy rates and homelessness.

Council is engaging with State Government, who are responsible for providing support services through the Department of Families, Fairness and Housing, to ensure that services are provided in areas where they are needed. Council is also liaising with Victoria Police in terms of safety issues in the area, and continue daily cleansing and rubbish removal in Nicholson Mall.

Cr Sarah Carter joined the meeting at 6:42pm.

Abu Zaid asked the following questions:

1. I recently requested the Braybrook Library to add citizenship preparation classes to their activities but did not receive a satisfactory response. Many community members, including myself, are concerned about the citizenship test and would benefit greatly from such classes. I would appreciate it if the council could recommend the inclusion of Australian citizenship preparation classes at the Braybrook Library. Thank you for your attention to this matter.

Response:

The Chief Executive Officer responded by noting that Citizenship Preparedness Sessions have been previously held at Maribyrnong Libraries. Council currently does not have the internal expertise to offer this program however we are researching possible facilitators to reintroduce this service if possible.

Council has liaised with neighbouring Libraries and Melton City Libraries is the nearest library service currently offering similar sessions.

information on the Citizenship Test including practice test and information about the interview process can be obtained from the Department of Immigration website, and there are other private services that are available, predominantly through immigration lawyers.

2. JP services readily available at the library would greatly benefit community members who need documents certified or witnessed. This would enhance accessibility and convenience for many residents in Braybrook. I kindly ask the council to consider this request and facilitate the provision of JP services at our local library.

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Response:

The Chief Executive Officer responded by advising that Justice of the Peace services were previously available at Braybrook Library however the volunteer JP has now retired. Maribyrnong Libraries is currently investigating alternate JPs via the Department of Justice.

Currently the nearest Justice of the Peace Signing Stations are located at Footscray Police Station (Monday & Wednesday 10am-1pm, Monday & Thursday 6pm-8pm, Wednesday 5pm-7pm) or Sunshine Police Station (Monday, Tuesday and Thursday 6pm-8pm)

There are also a range of other authorised persons that can certify documents including statutory declarations such as pharmacists, ordained religious ministers who can perform marriage ceremonies, chiropractors, nurses, dentists, optometrists, school principals and many others.

For a full list of authorised persons residents can visit the Justice and Community Safety Website where you can also make an appointment with a Justice of the Peace in your suburb and/or language.

The Chair, Cr Cuc Lam, declared Public Question Time closed at 6:46pm.

6. CONFIRMATION OF MINUTES

6.1. Confirmation of Minutes of Council Meeting - 21 May 2024

To present for confirmation, the minutes of the Council Meeting held on 21 May 2024.

Council Resolution

That Council confirms the minutes of the Council Meeting held on 21 May 2024.

Moved: Cr Bernadette Thomas

Seconded: Cr Anthony Tran

CARRIED

7. REPORTS FROM COMMITTEES

Nil

8. PETITIONS

Nil

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9. OFFICER REPORTS

9.1. Adoption of Annual Budget 2024/2025

The purpose of this report is to adopt the Annual Budget 2024/2025 and Striking of the Rate.

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Council Resolution

That Council:

1.
 - a) *Notes the Proposed Budget 2024/2025 Submissions;*
 - b) *Having considered the submissions received and those heard at the Budget Submission Hearing on 27 May 2024 resolves to include the following items in the 2024/2025 Annual Budget to receive funding for the 2024/2025 financial year:*
 - *\$30,000 for Western Chances (to support the Western Chances Scholarship Program);*
 - *\$40,000 for Vietnamese Community in Australia – Victoria Chapter (VCA-Vic) (to support the 2025 Tet Festival); and*
 - *\$10,000 for Maribyrnong River & Waterways Association (to support the employment of the Maribyrnong River Officer).*
 - c) *Thank all submitters and requests the Chief Executive Officer advise submitters in writing of the outcome of the Proposed Budget 2024/2025 submission process.*
2. *Adopts the Annual Budget 2024/2025 and the subsequent three years, as shown in Attachment 1;*
3. *Declares \$114,991,001 as the amount which Council intends to raise by general rates and charges.*
 - a) *The general rate be raised by the application of differential rates.*
 - b) *The following differential rates for the rating period commencing 1 July 2024 and ending 30 June 2025:*
 - General rate for rateable residential properties (100%) – 0.00257093 cents in the dollar of CIV*
 - General rate for rateable commercial properties (135%) – 0.00347100 cents in the dollar of CIV*
 - General rate for rateable industrial properties (160%) – 0.00411300 cents in the dollar of CIV*
 - General rate for rateable vacant land – residential (200%) – 0.00514200 cents in the dollar of CIV.*
 - General rate for rateable vacant land - commercial (300%) – 0.00771300 cents in the dollar of CIV.*
 - General rate for rateable vacant land - industrial (300%) – 0.00771300 cents in the dollar of CIV.*
 - General rate for cultural and recreational properties (100%) – 0.00257093 cents in the dollar of CIV.*
4. *Declares a Municipal Charge of \$20.00 for each rateable property for the rating period commencing 1 July 2024 and ending 30 June 2025;*

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5. *Declares a waste management service charge for waste collection and disposal on each rateable property and non-rateable properties, where the service is provided for the period commencing 1 July 2024 and ending 30 June 2025.*
 - a. *Waste Management charge 1 – 2 services \$292.30*
 - b. *Waste Management charge 2 – 3 services \$352.30*
6. *Grants a rebate to a maximum of \$223.30 to all City of Maribyrnong residents eligible to receive a concession through the State Government Municipal Rates Concession Scheme;*
7. *In recognition of the October 2022 Maribyrnong River flood event:*
 - a) *grants each owner of rateable land who meets the eligibility criteria in Part d below, a rebate of 50% on the 2024/2025 instalments of the Rates and Municipal Charge upon application (noting this rebate does not apply for the State Government Fire Service Levy).*
 - b) *grants this rebate to assist in the proper development of the municipal district.*
 - c) *notes that this rebate benefits the municipal community as a whole by financially supporting the restoration of flood affected properties;*
 - d) *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.*
 - e) *grants each owner of rateable land where the dwelling on the land was required to be demolished and who meets the eligibility criteria in Part d above a rebate of 50% on the vacant residential land rates provided a Certificate of Occupancy is obtained within 24 months of the completed building demolition.*
8. *In recognition of ongoing construction industry issues Grants to each owner of rateable land who meets the eligibility criteria a rebate of 50% on residential vacant land whose current differential is 200% to residential ratepayers where:*
 - a) *a Certificate of Occupancy Permit has been issued within 18 months of the completed building demolition; or*
 - b) *the development has been impacted by a construction company being placed into administration and a Certificate of Occupancy Permit has been issued within 48 months of the completed building demolition (noting this rebate does not apply for the State Government Fire Service Levy).*

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9. *Notes that interest on unpaid rates will be charged in accordance with section 172 of the Local Government Act 1989 (currently 10%).*

Moved: Cr Anthony Tran
Seconded: Cr Simon Crawford

CARRIED

9.2. Existing Footscray Hospital Advocacy Plan

To present the results of recent community engagement on the draft and seek adoption of the finalised Existing Footscray Hospital Advocacy Plan 2024.

Council Resolution

That Council:

1. *Note the engagement with the community between 25 March and 21 April regarding the draft Existing Footscray Hospital Advocacy Plan, shown at Attachment 2;*
2. *Adopt the Existing Footscray Hospital Advocacy Plan 2024 (the Plan), shown at Attachment 1, as Council's formal position for the future use and development of the current Footscray Hospital site;*
3. *Note that the recommendations contained in the Plan will direct the future use and development of the Council owned 1.5 hectare southern carpark;*
4. *Request that the Mayor write to the Premier of Victoria, Minister for Planning, Minister for Health, Member for Footscray and Western Metropolitan Region MPs seeking to meet to discuss the Plan and how best Council can work with the State to deliver on the Plans objectives; and*
5. *Note that officers will use the Plan to advance discussions with State representatives regarding Council's objectives and ambitions for the site.*

Moved: Cr Simon Crawford
Seconded: Cr Bernadette Thomas

CARRIED

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9.3. Council Submission to State Government Consultation on Developing a Plan for Victoria

To seek endorsement of a submission to the Victorian Government on Developing a Plan for Victoria; a long term vision for the State over the next 30 years.

Council Resolution

That Council:

1. *Endorse the submission, as shown in Attachment 1, to the State Government's consultation on Developing a Plan for Victoria;*
2. *Request that the Mayor write to the Minister for Planning providing a copy of Council's submission; and*
3. *Authorise the Manager City Development to provide a copy of Council's submission to the Department of Transport and Planning and liaise with Department staff to advocate for Council's position in the submission.*

Moved: Cr Anthony Tran
Seconded: Cr Bernadette Thomas

CARRIED

9.4. Footscray Park Update - Playspace and Thomson Water Gardens

To provide an update on the Playspace and Thomson Water Gardens at Footscray Park.

Council Resolution

That Council notes the June 2024 progress on the Footscray Park Playspace and Thomson Water Gardens, in accordance with the 12 December 2023 Council resolution.

Moved: Cr Anthony Tran
Seconded: Cr Simon Crawford

CARRIED

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9.5. Proposed Lease Agreement - Yarraville Footscray Bowling Club Inc.

To present the key terms of the proposed draft lease between Maribyrnong City Council and Yarraville Footscray Bowling Club Inc. and to seek endorsement to commence the public notice period.

Council Resolution

That Council:

1. *Pursuant to section 115 of the Local Government Act 2020:*
 - a. *Authorise the Chief Executive Officer or their delegate to commence the required statutory procedures to consider entering into the lease;*
 - b. *Authorise the commencement of the community engagement process in accordance with Council's Community Engagement Policy, pursuant to section 115 of the Act, involving a public notice of the proposed lease in a local newspaper, on Council's website and sent to surrounding properties.*
 - c. *Note that the proposed lease terms are as set out below:*
 - i. *Tenant: Yarraville Footscray Bowling Club Inc.*
 - ii. *Premises: 339A Francis Street, Yarraville*

Key Lease Terms during the Initial Term:

 - iii. *Term: 8 years*
 - iv. *Permitted Use: Lawn bowls, restaurant, café & gaming facility*
 - v. *Rental: \$68,104 per annum plus GST*
 - vi. *Rental Increases: three percent increase per annum*
 - vii. *Rent Reimbursement: In the event that the Tenant carries out capital works which provide a direct community benefit to support lawn bowls activities, the Tenant will be eligible to apply for a rent reimbursement equal to 10 percent of the capital expenditure capped at 50 percent of the total annual rental cost*
 - viii. *The requirement for the Tenant to develop and provide to Council for approval, on or before the second anniversary of the Commencement Date, a transition plan to remove gambling from the premises by 2032, and adhere to the transition plan during the term.*

Key Lease Terms during the Further Term, which exclude gaming from the Premises:

 - ix. *Further Term: 5 years*
 - x. *Permitted Use: Lawn bowls, restaurant & café*
 - xi. *Rental: Community subsidised rental, to be determined based on criteria within Council's Lease and Licence Policy*
 - xii. *Rental Increases: three percent increase per annum*

or such other or alternate terms as determined to be reasonably necessary by Council's Chief Executive Officer to conclude negotiations with the Tenant on the proposed lease.
 - d. *Note that the public notice is for a minimum period of 28 days and provides the option for any submitters to request as part of their written submission to be heard by a committee consisting of the whole of Council on 5 August 2024 at 6:30pm, if required.*

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2. *Note that once all submissions forming part of the community engagement process pursuant to section 115 of the Act have been considered, a further report will be presented to Council to decide whether or not to enter into the proposed lease.*

Moved: Cr Bernadette Thomas
Seconded: Cr Simon Crawford

CARRIED

9.6. Municipal Association of Victoria - August 2024 State Council Motions

The purpose of this report is to consider motions for submission to the Municipal Association of Victoria State Council meeting being held in August 2024.

Council Resolution

That Council approve the motions for submission to the May 2024 State Council of the Municipal Association of Victoria, as shown in Table 1 of this report.

Moved: Cr Bernadette Thomas
Seconded: Cr Anthony Tran

CARRIED

9.7. City Sustainability Council Plan 2021-2025 Annual Update

To provide a progress report against the Climate Emergency Strategy, Towards Zero Waste Strategy and Air Quality Improvement Plan.

Council Resolution

That Council note the progress of the Council Plan 2021-2025 Actions 1.1.1 – 1.1.4, 1.2.1, 1.2.3 and 2.4.1 in the 2023/24 financial year.

Moved: Cr Bernadette Thomas
Seconded: Cr Simon Crawford

CARRIED

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9.8. City Futures Council Plan 2021-2025 Annual Update

To provide an annual progress report on the implementation of actions in the Council Plan 2021-25 as they relate to Council's economic development, smart cities and tourism and visitation programs.

Council Resolution

That Council note the progress of the Council Plan 2021-2025 Actions 2.3.1, 2.3.2, 2.3.3, 2.3.4, 3.2.7 and 4.2.1 in the 2023/24 financial year.

Moved: Cr Anthony Tran
Seconded: Cr Bernadette Thomas

CARRIED

Cr Crawford left the meeting at 7:50 pm.
Cr Crawford returned to the meeting at 7:51 pm.

Cr Jorquera left the meeting at 7:56 pm.
Cr Jorquera returned to the meeting at 7:59 pm.

9.9. Community Services Council Plan 2021-2025 Annual Update

To provide an annual progress report on the implementation of actions in the Council Plan 2021-25 as they relate to the Community Services Directorate.

Council Resolution

That Council notes the progress of Council Plan 2021-2025 Actions 2.1.1, 3.2.4, 3.4.1, 3.5.1, 3.5.2, 4.2.3 and 5.1.2 in the 2023/24 year.

Moved: Cr Bernadette Thomas
Seconded: Cr Anthony Tran

CARRIED

Cr Carter retired from the meeting at 8:01pm.

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9.10. 2025 Council Meeting Schedule

This report outlines the proposed Council and Delegated Committee 2025 meeting schedule.

Council Resolution

That Council adopt the 2025 Council and Delegated Committee Meeting Schedule, as shown in Table 1.

Moved: Cr Simon Crawford
Seconded: Cr Bernadette Thomas

CARRIED

9.11. Governance Report - May 2024

The purpose of this report is to receive and note the record of informal meetings of Councillors and Councillor delegates for May 2024, and other compliance and governance matters as they arise.

Council Resolution

That Council notes the May 2024 Governance Report containing the record of informal meetings of Councillors and Councillor delegates, to be made available on Council's website for the term of the current Council.

Moved: Cr Bernadette Thomas
Seconded: Cr Anthony Tran

CARRIED

10. NOTICES OF MOTION

Nil

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11. COUNCILLOR QUESTION TIME

Councillor Question Time commenced at 8:01pm.

Cr Bernadette Thomas asked the following question:

In reference to Notice of Motion 2023/11 – Supporting Peace in Gaza and Palestine, can the Chief Executive Officer please provide an update on whether Council has written to the Prime Minister, and a further report being presented to Councillors to explore options to cancel contracts with companies that support Israel's illegal occupation of Palestine or profit from it.

Response:

The Chief Executive Officer confirmed that the Mayor has written to the Prime Minister and also to the Minister for Foreign Affairs and that no response has been received. The report regarding exploring options to cancel contracts is complex and is currently being prepared by Council Officers. The Director Corporate Services noted that the report is expected to be presented to Councillors within the term of this Council.

The Chair, Cr Cuc Lam, declared Councillor Question Time closed at 8:05pm.

12. URGENT BUSINESS

Nil.

13. CONFIDENTIAL BUSINESS

13.1. Chief Executive Officer - Interim Performance Review

Item 13.1 is considered confidential under section 66(2)(a) of the *Local Government Act 2020* on the grounds specified in the definition of Confidential Information in Section 3(1):

- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

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Council Resolution

That Council resolve to close the meeting to the public pursuant to Section 66(2)(a) of the Local Government Act 2020 to discuss Item 13.1 Chief Executive Officer – Interim Performance Review, as it relates to personal information, which if released would result in the unreasonable disclosure of information about the affected person and or their personal affairs.

Moved: Cr Simon Crawford
Seconded: Cr Anthony Tran

CARRIED

CLOSURE OF PUBLIC MEETING

The Chair, Cr Cuc Lam, declared the meeting closed to members of the public at 8:06pm for consideration of Agenda Item 13.1.

REOPENING OF MEETING

The meeting was opened to the public at 8:12pm.

The Chair, Cr Cuc Lam, advised that in accordance with the confidential resolution, there were no items for release to the public.

14. MEETING CLOSURE

The Chair, Cr Cuc Lam, declared the meeting closed at 8:13pm.

To be confirmed at the Council Meeting
23 July, 2024.

Chair, Cr Cuc Lam