

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



COUNCIL MEETING MINUTES

**Tuesday 10 September, 2024
6.30pm**

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

MEMBERSHIP

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

To be confirmed at the Ordinary Council Meeting
15 October, 2024

UNCONFIRMED MINUTES

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1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.33pm.

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

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

PRESENT

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

IN ATTENDANCE

Chief Executive Officer, Celia Haddock
Director Community Services, Lucas Gosling
Director Planning and Environment, Mike McIntosh
Director Infrastructure Services, Patrick Jess
Director Corporate Services, Lisa King
Manager Governance and Commercial Services, Phil McQue
Manager Finance, Mark Connor
Governance Officer, Jessica Abela
Coordinator Governance, Christopher Southavong

2. APOLOGIES

Nil.

3. LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF CONFLICTS OF INTEREST

The Chief Executive Officer, Celia Haddock in the interests of transparency disclosed a Conflict of Interest for Agenda Item 13.1 Chief Executive Officer – Annual Performance Review.

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5. PUBLIC QUESTION TIME

Public Question Time commenced at 6.35pm and 19 question was received.

Council received several questions relating to the Bluestone Laneway between Henry, Edward and Pilgrim Street. As per Governance Rule 52.9 these questions have been grouped with a single response provided.

Gaye Yee asked the following questions:

1. My questions relate to the works on the laneways between Henry, Edward and Pilgrim Street. Can Council explain why the letter to residents dated 22 May 2023 did not mention that the Pilgrim Street laneway was also in scope for the planned works. The letter states the 'two laneways that connect through to Henry Street. Well the two laneways which connect to Henry Street are in fact from James Street and Edward Street. Not Pilgrim Street. Can council explain why this letter omitted the Pilgrim Street laneway?
2. Council specifies a neighbourhood character guideline for Seddon. The first sentence states 'The low-scale intimacy of the streetscapes and the sense of history will be maintained and strengthened throughout this precinct.' How does replacing a bluestone laneway with asphalt meet this statement?
3. Can Council explain their decision to use asphalt rather than remediate existing bluestone pitched laneways, in the context of the contribution of asphalt, to urban heat islands. This decision is particularly alarming given that hot summers are a certainty now due to climate change and in Australia, heat kills more people than bushfires, cyclones and other natural disasters combined.

Benjamin James asked the following questions:

1. Can Council confirm their position on maintenance and conservation of 100% bluestone pitched laneways located in non-heritage overlay areas? These laneways are important as they demonstrate 19th and 20th century road construction and are symbolic of Footscray's past dominance of the Victorian the quarry industry.
2. In relation to laneways can council provide the cost difference between replacing with asphalt compared to reseating the existing bluestone?

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Rachel Stevens asked the following questions:

1. I am saddened to see the laneway of Pilgrim Street which is bluestone will be replaced with asphalt and that works have already started. Given there is a petition signed by residents who use the laneway requesting that bluestone is not replaced with asphalt, will council order a cease work for the laneway until the matter is resolved? Each bluestone in that lane is unique and would have been split and laid by hand. To replace this with asphalt is embarrassing.
2. I am a user of the laneway between Edward and Pilgrim Street which is being replaced with asphalt. What safety features will be utilised in the laneway? I am worried that replacing the bluestone with asphalt will mean pedestrians will be less likely to hear oncoming vehicles and losing the calming influence of bluestone will lead to vehicles speeding.

Karyn Amelia asked the following questions:

1. Can Council explain its inconsistent approach to maintaining bluestone laneways in non-heritage overlays? For example a bluestone laneway off Alfred Street in Seddon was recently renewed by installing stormwater system and the bluestone pitchers were mortared and reset meanwhile, the 100% bluestone pitcher laneway in the next block will be asphalted over. Both laneways fall in non-heritage overlay areas.
2. In relation to laneway surfacing materials can council explain why they chose to pour new asphalt instead of reusing bluestone pitchers? An example are the works occurring in Pilgrim/Henry/Edwards Streets Seddon now. The laneway is currently 100% bluestone pitcher.

Response:

The Director Infrastructure Services advised that Council is responsible for the management of more than 500 laneways.

The laneways being referred to run both parallel and perpendicular between Edwards Street and Henry Street and at one end is connected to Pilgrim Street in Seddon. When it comes to maintaining, renewing, or upgrading these assets, Council adopts a balanced approach that seeks to meet the broad needs of our community.

This includes factors such as providing fit for purpose infrastructure, accessibility, ongoing maintenance requirements, heritage value, and indeed cost, noting that reconstructing only with Bluestone may cost 3 times more than the chosen treatment.

In the case of these particular laneways there are no heritage overlay requirements that apply to their upkeep. However, the chosen hybrid construction methodology of a bluestone centre channel with asphalt either side seeks to balance historical value with functionality and affordability.

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John Chadderton asked the following questions:

1. Vapes are a toxic cocktail. There are no suitable recycling facilities in Maribyrnong for them so they go to landfill. The City of Casey has 3 free vape recycling stations for public use for single-use and reusable vapes - <https://recyclingnearyou.com.au/vapes>. Some council areas in Melbourne use RecycleSmart for recycling pick-up services. Some councils pay for this service so it is free for their residents. Will MCC implement a free Vape recycling program to prevent Vapes from poisoning our environment?

Response:

The Director Planning and Environment Services noted that vapes pose a significant threat to public health and the safety of our waste collection drivers and staff at sorting facilities. In spite of bans, vapes continue to be readily available and without product stewardship schemes in place, they inevitably end up in our kerbside bins, public bins, and waterways. Due to the hazardous nature of vapes, the cost of providing recycling services for these items is high.

Council is currently working with other councils and industry groups on assessing long term management of difficult-to-recycle materials including vapes. The current disposal option is to treat vapes as e-waste, however e-waste processors have not confirmed the viability of processing vapes. We will continue to investigate opportunities as they become available.

Tim Candler has asked three questions, A single response has been provided for questions one and two:

1. The condition of Summerhill Road poses a safety risk to residents. The surface is narrow and uneven. The 40km limit is inadequately signed and ignored by motorists. There are no traffic calming measures. Despite “no truck” signs, large trucks regularly squeeze through knocking branches on to the road. The intersection of Summerhill and Suffolk/Dongola is a busy pedestrian link and is very dangerous. There’s no pedestrian crossing and no “keep clear” markings. There are daily near misses and someone is going to be killed. When will public consultation in relation to the “facelift” commence. What traffic calming measures are planned by council?
2. In June 2023 the then Mayor Sarah Carter announced that five high traffic roads across the municipality would receive a face lift with Summerhill Road resurfacing scheduled to start in September 2023. Despite Maribyrnong City Council including funding for improvements to Summerhill Road in the 2022, 2023 and 2024 annual budgets, the overdue resurfacing of Summerhill Road is yet to commence. The condition of Summerhill Road is dire, deteriorating rapidly, and is well accepted to be one of the worst in the inner west. When will the crucial resurfacing work of Summerhill Road be completed? Before the completion of the new Council chambers???

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Response for question 1 & 2:

The Director Infrastructure Services advised Council has funded the reconstruction of Summerhill Road between Ballarat Road and Essex Street in the 2024/25 Financial Year. The works have commenced with targeted kerb and channel and footpath replacement between Ballarat Road and Eden Street. Further patching and asphalt resurfacing will proceed following procurement of a suitable contractor.

The timing for the reconstruction of Summerhill Road between Eden Street and Essex Street has been impacted by the development on the Lyon's Club site with trucks and cranes requiring access. The works on this section of Summerhill Road are scheduled for commencement at the start of 2025 following procurement of a suitable contractor.

A new pedestrian crossing is planned for this section of road as an integral part of the detailed design.

Council will continue to monitor the surface of the road and maintain in line with its Road Management Plan. We will also investigate the safety concerns identified in this question.

EXTENSION OF PUBLIC QUESTION TIME

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

CARRIED

Public Question Time extended at 6.50pm.

3. Maribyrnong Council was audited as part of the Victorian Government's Maintaining Local Roads Report which was tabled to the Victorian Auditor General's office in March 2021. One of the key recommendations which was accepted by all audited councils is as follows:
"4. To provide communities with detailed information on service levels for road maintenance and collect their feedback at least once every two years."
In line with this recommendation what detailed information has been provided to residents the residents of Summerhill Road, Footscray regarding the service level of the road and what feedback has Council sought from residents.

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Response:

The Director Infrastructure Services noted that levels of service for all asset classes were part of the conversation with our community during engagement on the development of the 10 year Asset Plan in the first half of 2022.

There is a section in the endorsed Asset Plan specific to levels of service which references the individual asset management plans that define the level of service response times for the four classes.

This was one of the key focuses of focus group conversations on the draft plan in April and May of 2022 with the Asset Plan working group. The Asset Plan is available on our website for public viewing.

Council is currently re-engaging on the 10-year Asset Plan with levels of service again part of the conversation with the community generally and specifically with a panel as part of required deliberative engagement.

Council also engages with a representative cohort of our community in the Annual Survey each year where they are able to comment on the current levels of service across a number of services surveyed – including roads.

Victoria Waedt asked the following questions:

1. What progress has Council made in addressing and protecting its residents from the adverse effects of air and noise pollution caused by industry in West Footscray?

Response:

The Director Planning and Environment Services advised that Council has developed an Air Quality Improvement Plan to address the environmental concerns brought about by the poor air quality in the City, and the impact on the health of the Maribyrnong community.

The implementation of the Plan will contribute to improved outcomes for the Maribyrnong environment and the health of residents, both now and in the future. The Plan is one of the first of its kind adopted by any local authority in Victoria and is available for download on Council's website. A progress report was presented to Council on 18 June 2024 with the report also available on Council's website

2. Would Council consider re-zoning industrial areas in West Footscray to address the high concentration of industry in this area, improve quality of suburb and increase housing availability?

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Response:

The Director Planning and Environment Services advised that Council developed a plan, the Maribyrnong Economic and Industrial Development Strategy (2011) to guide sustainable economic and industrial development in the City. The plan formed the basis of Amendment C108 to the Maribyrnong Planning Scheme. The Strategy and Amendment were adopted by Council on 17 November 2015.

The plan designates all industrial land into one of two categories being Core Employment Areas or Strategic Redevelopment Sites.

The Strategy is consistent with Plan Melbourne, which designates Tottenham and parts of West Footscray as being State Significant Industrial Land which are designated for employment.

The Strategy is available on Council's website.

3. Would Council consider development of mix-asset facilities on Sunshine Road (Goldborough Mort Wool store house for example), similar to the recently completed apartment complex in Spotswood?

Response:

The Director Planning and Environment Services advised that the industrial precinct on Sunshine Road is a Core Employment Area and identified in Plan Melbourne as State Significant Industrial Land. The zoning allows for a mix of industrial, commercial and creative industries but would not allow residential development.

Christopher Xuereb has submitted three questions for this evening's Council Meeting, the third question is in the form of a statement. Whilst Council's Governance Rules allow for the provision of public questions, it does not provide for statements to be made, and the third question will not be read out at the meeting.

Christopher Xuereb's questions are as follows with a single response provided:

1. In regards to bicycle strategy 2020-2030 why did Council decide to withdraw the funds for financial year (2022-2023) which were needed to continue the progression of the vital Footscray to Highpoint bicycle path?
2. One of the questions being asked in the new Integrated Transport Strategy survey is whether a North/South bicycle path is needed however a North/South link plan already exists in the bicycle Strategy 2020-2030. Why is it then the Council are showing hesitation towards this project?

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Response:

The Director Infrastructure Services clarified that there was not a withdrawal of funding as suggested. The Bicycle Strategy 2020-2030 is a high level document that identified potential major projects including a north-south cycling route from Footscray to Highpoint/Defence site in Maribyrnong.

This is a particularly complex route and more recently Council approved to undertake a North-South Cycling Options Study as of developing the wider Integrated Transport Strategy to determine the most feasible options.

The Chair, Cr Cuc Lam declared Public Question Time closed at 6.55pm.

6. CONFIRMATION OF MINUTES

6.1. Confirmation of Minutes of Special Council Meeting - 13 August 2024

To present for confirmation, the minutes of the Special Council Meeting held on 13 August 2024.

Council Resolution

That Council confirms the minutes of the Special Council Meeting held on 13 August 2024.

Moved: Cr Bernadette Thomas
Seconded: Cr Simon Crawford

CARRIED

6.2. Confirmation of Minutes of Council Meeting - 20 August 2024

To present for confirmation, the minutes of the Council Meeting held on 20 August 2024.

Council Resolution

That Council confirms the minutes of the Council Meeting held on 20 August 2024.

Moved: Cr Simon Crawford
Seconded: Cr Michael Clarke

CARRIED

7. REPORTS FROM COMMITTEES

Nil

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8. PETITIONS

8.1. Petition: Bluestone Laneway between Pilgrim, Henry and Edward Street, Seddon

The purpose of this report is to table a petition received in relation to the laneway running between Pilgrim, Henry and Edwards Street, Seddon.

Council Resolution

That Council:

- 1. Receives and notes the Petition: Bluestone Laneway between Pilgrim, Henry and Edward Street, Seddon; and*
- 2. Requests the Chief Executive Officer to consider the petition and determine the appropriate response.*

Moved: Cr Michael Clarke
Seconded: Cr Simon Crawford

CARRIED

9. OFFICER REPORTS

9.1. In Principle Approval of the Performance and Financial Statements for the 2023/2024 Financial Year

To seek in principle approval of the Performance Statement and Financial Statements (the statements) prepared for the 2023/2024 financial year and for Council to appoint two Councillors to certify these statements after completion of the review by the Auditor-General.

Council Resolution

That Council:

- 1. Approves, in-principle, the 2023/2024 Performance Statement and Financial Statements.*
- 2. Authorises Councillor Michael Clarke and Councillor Cuc Lam to certify the 2023/24 Performance Statement and Financial Statements.*

Moved: Cr Michael Clarke
Seconded: Cr Simon Crawford

CARRIED

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9.2. Quarterly Performance and Financial Report - Period ending 30 June 2024

To present the Quarterly Performance and Financial Report for the period ending 30 June 2024.

Council Resolution

That Council notes the Quarterly Performance and Financial Report for the period ending 30 June 2024.

Moved: Cr Simon Crawford
Seconded: Cr Anthony Tran

CARRIED

9.3. Memorials in Public Open Space

To seek Council endorsement for the placement of memorials within Council managed and maintained public open space recognising the contributions of Peter Anderson and Judy Ingram to the Maribyrnong community.

Council Resolution

That Council endorse the placement of two memorials within Open Space to reflect their significant contribution to the Maribyrnong community:

- *Peter Anderson*
- *Judy Ingram*

Moved: Cr Michael Clarke
Seconded: Cr Simon Crawford

CARRIED

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9.4. Proposed Relocation of Yarraville Library

To seek Council endorsement on the future location of the Yarraville Library branch.

Council Resolution

That Council:

- 1. Resolves to relocate the Yarraville Library branch from Wembley Avenue, Yarraville to the Bradmill precinct at 341-351 Francis Street Yarraville.*
- 2. Refers the proposed capital and operating expenditure impacts for consideration in future budgets.*

Moved: Cr Michael Clarke
Seconded: Cr Anthony Tran

CARRIED

9.5. Cowper Street Capital Improvement Project - Contract Variation

To seek Council approval for a contract variation for the Cowper Street Capital Improvement Project (Contract No.1256-24) to address design changes, site latent conditions, additional contamination issues, and the expanded scope of works to include a new retaining wall along the 210-204 Whitehall Street properties in Footscray.

Council Resolution

That Council:

- 1. Authorise a variation to Contract No. 1256-24 Cowper Street Capital Improvement Project, to allow the total contract sum to be increased from \$6,908,909.64 (ex GST) up to \$9,801,909.64 (ex GST);*
- 2. Authorise the Chief Executive Officer to approve variations within budget, if required above the current delegated total cumulative value of \$750,000 (inclusive of GST) for Contract No 1256-24 - Cowper Street Capital Improvement Project.*

Moved: Cr Anthony Tran
Seconded: Cr Michael Clarke

CARRIED

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9.6. Footscray Park Advisory Committee

To seek Council endorsement of the community and stakeholder group representatives for the Footscray Park Advisory Committee.

Council Resolution

That Council:

1. *Appoints the following community representatives to the Footscray Park Masterplan Advisory Committee:*
 - a. *Jonathan Baker*
 - b. *Lloyd O’Hanlon*
 - c. *Marika Gengler*
 - d. *Joyce Watts*
 - e. *Anna Matasic*
2. *Notes that a representative from each of the stakeholder groups identified in the Terms of Reference will be appointed to the Footscray Park Masterplan Advisory Committee; and*
3. *Notes that a councillor representative will be appointed when Councillor Committee and Advisory Group appointments are considered in late 2024.*

Moved: Cr Simon Crawford

Seconded: Cr Bernadette Thomas

CARRIED

9.7. Footscray Cemetery Trust

To provide Council, as Trustee for the Footscray Cemetery, relevant statutory documentation pertaining to the 2023-24 financial year operations for consideration and adoption, prior to submission to the Department of Health.

Council Resolution

That Council, as the trustee for the Footscray Cemetery Trust, resolve to:

1. *Endorse the Abstract of Accounts for the 2023-24 financial year, in accordance with Cemeteries and Crematoria Act 2003, as shown in Attachment One, and authorise that the document be duly executed by two members of the Trust and the Trust Secretary.*
2. *Note an increase to fees and charges for Footscray Cemetery by 3.8% as advised by Department Health and Human Services in accordance with the Cemeteries and Crematoria Act 2003.*

Moved: Cr Michael Clarke

Seconded: Cr Anthony Tran

CARRIED

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9.8. Governance Report - August 2024

The purpose of this report was to receive and note the record of informal meetings of Councillors and Councillor delegates' for the period August 2024 as well as other statutory compliance and governance matters as they arise.

Council Resolution

That Council notes the Governance Report containing the record of informal meetings of Councillors and Councillor Delegates' Reports for August 2024 which will be made available on Council's website for the term of the current Council.

Moved: Cr Bernadette Thomas
Seconded: Cr Michael Clarke

CARRIED

10. NOTICES OF MOTION

10.1. Notice Of Motion 2024/11: Road and Pedestrian Safety on Hopkins Street

Council Resolution

That Council:

- 1. Acknowledges the safety concerns regarding the stretch of footpath on the southern side of Hopkins Street, between Moreland and Whitehall Streets. The extreme narrowness of the footpath, lack of an indented bus stop and extremely tight space at the Whitehall crossing lights, makes this an especially dangerous stretch for pedestrians. A fatal accident has already occurred in this space, and children from the adjacent primary school have to daily negotiate these dangers;*
- 2. Notes that in correspondence with the school, the Department of Transport has declined to negotiate the possibility of buying some space from the adjacent primary school to widen the footpath and build a proper indented bus stop;*
- 3. Acknowledges the support of the Minister for Roads and Road Safety for the speed reduction on this section of Hopkins Street; and*
- 4. Urges the Minister for Roads and Road Safety to direct the Department to give further consideration to the possibility of widening the footpath and adding an indented bus stop in this location.*

Moved: Cr Jorge Jorquera
Seconded: Cr Bernadette Thomas

CARRIED

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10.2. Notice Of Motion 2024/12: Counting the LGBTQIA+ Community in the Census

Council Resolution

That Council:

1. *Reaffirms its support for the members of the Maribyrnong LGBTQIA+ community, the implementation of the LGBTQIA+ Strategy and Action Plan and the work of the Maribyrnong LGBTQIA+ Community Advisory Group.*
2. *Notes that:*
 - a) *Recent media reports confirmed that the 2026 Census would not contain questions about gender identity or sexuality.*
 - b) *Subsequent media reports confirmed that the Prime Minister has stated that there will be a single question included in the 2026 Census on LGBTQIA+ identity.*
 - c) *Key advocacy groups have urged the government to include the proposal for new test questions that were contained in the review of the Census undertaken by the Australian Bureau of Statistics in December 2023.*
 - d) *The original decision, discussions in the media and subsequent change of decision have been distressing for Maribyrnong's LGBTQIA+ community.*
3. *Through the Mayor, writes to the Honourable Anthony Albanese, Prime Minister and The Honourable Dr Jim Chalmers, Treasurer, urging them to listen to the voices of the LGBTQIA+ community and include a range of new test questions as determined by the Australian Bureau of Statistics – of gender identity and sex characteristics – to enable the LGBTQIA+ community to be counted in the 2026 Census.*

Moved: Cr Bernadette Thomas
Seconded: Cr Simon Crawford

CARRIED

11. COUNCILLOR QUESTION TIME

Nil.

12. URGENT BUSINESS

Nil.

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13. CONFIDENTIAL BUSINESS

13.1. Chief Executive Officer - Annual 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.

Council Resolution

That Council resolve to close the meeting to the public pursuant to Section 66(5) of the Local Government Act 2020 to discuss Item 13.1 Chief Executive Officer – Annual Performance Review.

Moved: Cr Michael Clarke
Seconded: Cr Anthony Tran

CARRIED

CLOSURE OF MEETING TO THE PUBLIC

The Chair, Cr Cuc Lam, declared the meeting closed to the public at 8:00pm for consideration of Agenda Item 13.1 Chief Executive Officer – Annual Performance Review.

REOPENING OF MEETING TO THE PUBLIC

Council Resolution

That Council resolve to open the meeting to the public.

Moved: Cr Michael Clarke
Seconded: Cr Anthony Tran

CARRIED

The Chair, Cr Cuc Lam declared the meeting opened to the public at 8:04pm and advised that in accordance with the confidential Council resolution, there were no items for release to the public.

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

14. MEETING CLOSURE

The Chair, Cr Cuc Lam, declared the meeting closed at 8.05pm.

To be confirmed at the Ordinary Council Meeting
15 October, 2024.

Chair, Cr Cuc Lam