



COUNCIL MEETING MINUTES

**Tuesday 21 November, 2023
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
12 December, 2023

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1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6.33pm.

The Chair, Councillor 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 Sarah Carter (*virtual - left meeting at 7.50pm*)
Councillor Anthony Tran (*virtual – left meeting at 7.50pm*)

IN ATTENDANCE

Chief Executive Officer, Celia Haddock
Director Community Services, Lucas Gosling
Director Corporate Services, Lisa King
Director Planning and Environment, Laura Jo Mellan
Acting Director Infrastructure, Craig Medcalf
Manager Governance and Commercial Services, Phil McQue
Manager Customer Engagement, Lauren McKenzie
Manager Community Development Positive Aging and Inclusion, Melissa Eastwood
Governance Officer, Jessica Abela

2. APOLOGIES

Nil.

3. LEAVE OF ABSENCE

Nil.

4. DISCLOSURES OF CONFLICTS OF INTEREST

Councillor Lam declared a general Conflict of Interest in relation to Item 9.4 Community Grants Program Funding Recommendations, due to being on the board of the Australian Vietnamese Women's Association.

Councillor Jorquera declared a General Conflict of Interest in relation to Item 9.4 Community Grants Program Funding Recommendations, due to being on the Management Committee of VietSpeak.

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 Annual Performance Review.

SUSPENSION OF STANDING ORDERS

A motion was moved by Councillor Thomas, seconded by Councillor Clarke, that Council suspend standing orders.

CARRIED

Standing Orders were suspended at 6.37pm

Councillor Lam and other Councillors acknowledged the passing of prominent community member and longstanding Friends of Maribyrnong Valley volunteer and President Judy Ingram.

RESUMPTION OF STANDING ORDERS

A motion was moved by Councillor Clarke, seconded by Councillor Thomas, that Council resume standing orders.

CARRIED

Standing Orders resumed at 6.43pm

5. PUBLIC QUESTION TIME

Public Question Time commenced at 6.43pm and Council received 28 questions.

The Chief Executive Officer advised that under clause 52.9 of Council's Governance Rules, like questions have been grouped together with a single response provided where appropriate.

Georgia Marett asked the following question

My question relates to the lack of EV charging points in Maribyrnong. Recently, I borrowed an EV from my parents to see what it would be like to have one of my own. I live in an apartment building that does not have an EV charging point in the car park so I could not charge the vehicle at home. When I looked for a nearby charging point I realised that there were none in Maribyrnong. This means that it is currently basically impossible for residents in Maribyrnong who do not have charging facilities at home to successfully operate an EV. What is Council's plan to increase the amount of EV charging points in our area?

Response: *The Director of Planning and Environment answered by advising that Council's Public EV Charging Infrastructure Policy enables Council to enter into agreements with third parties to install EV chargers on suitable Council owned sites, subject to due-diligence and procurement processes.*

Council has just commenced work on the first Public EV Charger site which will be located at the Raleigh Street carpark in Footscray near Middle Footscray Station. This site will feature two Super Chargers (150kw) and will allow up to 4 cars to charge simultaneously. These chargers will be the fastest chargers in the region. The chargers will be ready to use once the final connection to the power supply is completed by Jemena and anticipate this will be completed in late 2023.

Council is also currently evaluating a number of sites across the municipality for their suitability for public EV chargers however notes that public EV charging is not intended as a permanent charging point for private vehicles.

Jesse McNelis asked the following questions

1. On 19 February, 2019, Council acknowledged that we are in a state of climate emergency that requires urgent action by all levels of government. Given the six year time frame left to reach net zero emissions, does the council consider their current level of action proportional to the urgency of the situation?

Response: *The Director of Planning advised that Council is progressing the implementation of the Climate Emergency Action Plan (CEAP) and continuously working with the community and other stakeholders to address climate change.*

Implementation of the CEAP is well underway including 56 actions for the financial year 2022/23 currently in progress or complete. Some of the highlights include:

- *Planning for transitioning Council's facilities away from natural gas.*
- *Working to improve the efficiency of Council's largest energy consumer, the Maribyrnong Aquatic Centre.*
- *Working closely with the community to educate and mobilise community action through sustainability newsletter, My Smart Garden program and energy efficiency workshops and other programs and were also currently undertaking a climate risk assessment and developing a framework that will further help us address the Climate Emergency Action Plan (CEAP).*

2. The Climate Emergency Action Plan (2021-2025) included an action to "Review and update relevant transport infrastructure design standards and construction methodologies to ensure they prioritise zero emissions transport outcomes".

Can Council give examples of how they are prioritising zero emissions transport outcomes over transport that creates emissions?

Response: *The Chief Executive Officer responded by advising that there are a number of actions underway.*

- *Commenced work on a revised Integrated Transport Strategy.*
- *Environmentally sustainable design guidelines for Council assets under preparation.*
- *Investigations in to alternative materials for the construction of infrastructure such as roads.*

3. Given that we have the limited road space that we have and the large proportion of that space that is dedicated to on-street parking for emissions generating transport, does the council believe it's possible to prioritise zero emissions transport over emissions generating transport without removing a significant amount of on-street parking?

Response: *The Chief Executive Officer answered by stating that Council cannot on its own address the emission generated from transport. However, Council is undertaking a number of actions to help reduce transport emissions, noting that even cleaner vehicles will still require parking including:*

- *Maintaining our commitment to growing active transport within the municipality.*
- *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.*

Rod Swift asked the following questions

1. How has Council pursued LGBTIQA+ accreditation service standards in line with action 4.1.1 of the LGBTIQA+ Strategy and Action Plan?

Response: *The Director Community Services responded by advising that Council uses the Gender Impact Assessment Toolkit to assess gender impacts on the development of Policy, Programs and Services delivered by Council.*

The toolkit provides Council with the steps to conduct gender impact assessments. Progress Reports on the implementation are due to the Public Sector Gender Equality Commissioner in February 2024 and Council is currently developing this report.

With respect to accreditation service standards, Council will continue to explore their accreditation service standards that are appropriate for local government.

We have been exploring those developed by LGBTIQA+ peak bodies and are also considering the Australian Workplace Equality index (AWEI).

Whilst not a formal accreditation program, Council did also support the roll out of the Welcome Here program to assist businesses who wish to identify as a safe place for community.

2. Of the 28 gender impact assessments Council completed in 2022/23, how many raised LGBTIQA+ human rights and what rights in particular?

Response: *The Director Community Services responded by advising the GIA process takes into consideration the concept of equity and access under Victoria's Charter of Human Rights and Responsibilities, however the process itself, or the template used to conduct a GIA, does not ask for any specific Human Rights to be identified.*

The GIA process calls for an intersectional approach when assessing a project or policy and directs teams to consider the impacts of gender, aboriginality, race and a list of other things and takes into consideration our obligations to these groups under the Gender Equality Act (2020) and Charter of Human Rights and Responsibilities (2006). The GIA's do help Council to assess a range of considerations that are important to the LGBTIQA+ community such accessibility, body autonomy, and safety.

3. Could Council please provide an update on the development of an evaluation plan in line with action 4.4.2 of the LGBTIQA+ Strategy and Action Plan?

Response: *The Director Community Services responded by stating the LGBTIQA+ Community Report Card for 2022-2023 has been developed and published on Council's website and this informs the community of how Council is implementing the actions in the LGBTIQA+ Strategy & Action Plan 2022-2026. The link to this report will be included in the Minutes of tonight's meeting.*

The Report Card will be provided for every year of the plan. The strategy as a whole will also go through a formal evaluation towards the end of the plan period to evaluate learnings with the view to including them in future strategic plans.

Click to view LGBTIQA+ Strategy & Action Plan 2022-2026 > [LGBTIQA+ People, Families and Communities - Maribyrnong](#)

Robert Asquith asked the following questions

Maribyrnong Bicycle Strategy 2020-30 Strategy 2 is to "improve/introduce bicycle facilities as roads are maintained or renewed" with a target that the "number, length and quality of bicycle facilities increased over ten years; incorporating additional space and priority for riders as well as increased protection from motor vehicles."

The Tasks are: "Measure and publish Community satisfaction through Annual Community Survey" and "Record in the table of assets the: Facilities that are established through the road maintenance program; Road maintenance projects that did not improve conditions, along with a rationale".

1. Can Council explain how the Annual Community Survey, which irrelevantly asks only for satisfaction of "on and off road bike paths" accomplishes this Task?

Response: *The Director Corporate Services responded by advising the Annual Community Survey seeks to gauge the level of satisfaction with a broad range of services Council delivers from a representative sample of 800 randomly selected respondents.*

Respondents can provide cycling related feedback in response to a number of questions – including services that are most important to them, services they are most or least satisfied with, and the three key issues of the moment for Council to address for example.

There is also a specific question relating to satisfaction of "on and off road bike paths" to help gauge satisfaction with the number, length and quality of bicycle facilities provided, at a particular point in time, compared to the same time the previous year.

Because the Annual Survey is a representative sample, the results provide important insight but it is only one measure, not the sole measure Council considers.

For example, in the past 12 months additional conversations have also been held with our community on Cycling in our City and the Bicycle Infrastructure Plan, as well as specific engagement on the Melon Street Bicycle Project, the Barkly Village Streetscape Improvements Plan and the Dempster Street infrastructure upgrades, which adds to Council's understanding of community thinking in relation to cycling infrastructure. Further dialogue is proposed on the north-south cycling corridor in 2024.

2. Can Council provide an update on the current progress of increasing the number, length, and quality of bicycle facilities associated with road renewal and maintenance?

Response: *The Chief Executive Officer responded by advising that Council has a number of Strategy documents and they 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. 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. Please note that these are factors affecting our strategic choices.

Major periodic maintenance and road resurfacing works provides increased safety and ride quality for all road users.

All road resurfacing projects provide an opportunity to review line marking for all road users including pedestrian crossings, traffic lanes, bike lanes and on-road parking.

Council continues to plan, design and deliver projects identified in its Bicycle Strategy, whilst meeting the requirements of its Road Management Plan.

The actual spend on Council's Active Transport since the financial year 2019/2020 is approximately \$4.1M.

As part of the Pop-up Bike Lanes Program, the State Government has trailed up to 20kms of new and improved pop-up bike routes around Footscray, Seddon, and Yarraville.

As part of Council's distributor road renewal program, 9km of road are being upgraded to improve road surface quality and line marking of cycling lanes such as the recently implemented along Somerville Road where the bike lane was improved with the inclusion of a chevron buffer of 0.5m.

EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Councillor Clarke, seconded by Councillor Thomas, that Council extend Public Question Time for a further 15 minutes.

CARRIED

Public Question Time was extended at 6.58pm

Edward Merrifield asked the following questions

1. What was the total cost for the swearing in the Mayor for drinks and finger food for select few invited and not the residents in breakdown form?

Response: *The Director Corporate Services responded by advising that Council has traditionally recognised the conclusion of each Mayoral term with a civic reception. This is an opportunity to formally welcome the new incumbents into the roles and farewell and thank the previous Mayor and Deputy Mayor for their service.*

Following the election on Wednesday 8 November, Council hosted an event which was attended by guests including our Citizens of the Year, local MP's and community representatives.

The total cost of the event was \$6,700 which included catering, equipment hire and entertainment. Apart from the civic awards and citizenship ceremonies, this is the only civic function hosted by Council annually.

2. What was the costs to Christmas decorations for Stony Creek Ward in Barkly Street Footscray as there are no change to last year and this year?

Response: *The Director Planning and Environment responded by stating the total budget for new Christmas decorations across the municipality this financial year is \$20,200. We do not have a breakdown by ward.*

Existing Christmas decorations from previous years are recycled year on year until we need to replace them. This is consistent with Council's Climate Emergency and Zero Waste goals.

3. Maribyrnong City Council does not collect Hardwaste for DFFH why not?

Response: *The Chief Executive Officer advised that Council provides waste services to residential and commercial rateable properties.*

DFFH housing that are eligible for Council services and pay the waste management service charge are provided kerbside collections (weekly garbage and fortnightly recycling/FOGO bin service) as well as one annual hard waste collection.

DFFH housing that do not have the Council provided service would have private arrangements for kerbside and hard waste collection as any ineligible tenement would need to arrange.

Council also responds to dumped rubbish requirements across the municipality.

Orla McEvoy submitted three questions

Response: *Council has received 3 questions from Orla McEvoy.*

The Chair advised that these questions will not be read out under Clause 52 of Council's Governance Rules.

Council received 12 questions in relation to the property 159 Suffolk Street, West Footscray with a single response provided to all questions.

Jonathan Woods asked the following questions

1. How will Maribyrnong City Council guarantee our general amenity of the neighbourhood surrounding 159 Suffolk Street?
2. Why hasn't City Council enforced General Purposes Local Law 2015 of the Maribyrnong City Council against 159 Suffolk Street, for penalties including but not limited to:
 - Part 4 Use of Land section 16 (1)(a)(b)(c)(d) Penalty: 20 penalty units
 - Part 4 Use of Land section 16 (2)(a)(b)(c) Penalty: 20 penalty units
 - Part 17 Management of Drains Section 53 Maintenance of Drains (1)(a)(b)(c) Penalty: 20 penalty units
 - Part 17 Management of Drains Section 54 Tapping into Drains (a)(b)(c) Penalty: 20 penalty units
 - Part 19 Noise Section 63 (1) (4)(a)(b)(c)(d)(e) Penalty: 20 penalty units.
3. If Maribyrnong City Council cannot provide general amenity to our community and enforce local law at 159 Suffolk Street, will Council support the matter being raised with the Victorian Ombudsman for maladministration?

Luke O'Neill asked the following questions

1. The property at 159 Suffolk Street is not fit for occupation, does not meet basic standards with relation to windows, floor and stormwater compliance, and certainly doesn't meet Victorian rental standards, and yet there are tenants residing at the property. At what stage does Council move to condemn the property due to safety concerns as well as illegal and unsafe structures and waste?
2. How can Council ensure continued compliance with council directives, and the permanent application of local law in relation to 159 Suffolk Street, to ensure that neighbours do not continue to suffer the loss of quiet enjoyment and feel unsafe in their community?

What can Council do to enable or support VicPol and authorities to act on criminal activity - which adversely affects the enjoyment of life for other residents - by the property's owner and residents once and for all?

3. Residents have voiced their concerns about the corner of Suffolk St and Montgomery Street. Specifically, about 159 Suffolk Street, the owner, and residents and visitors to that property. Multiple Council officers and Police representatives, let alone residents, have acknowledged that this situation is not reasonable or acceptable by anyone's standards.

What is the plan to address this problem with amenity and safety; what are the steps to take, who is the responsible officer or Department, and what is the timeline?

Melinda Ballard asked the following questions

1. Firstly, we have received one question from Melinda Ballard that contains personal details about 159 Suffolk Street which will not be read out.
2. When does Council pursue punitive damages for ongoing & blatant flouting of local laws by a property owner, and why should we as ratepayers have to continue to suffer the consequences and foot the bill, when homeowners openly show disregard to any non-punitive action? Who makes the decision to waive a penalty and pass the cost on to the ratepayer?

3. Cr Lam, drugs and alcohol are stated priorities for you, and both are impacting safety on Suffolk Street. Residents are suffering loss of quiet enjoyment and a feeling of safety in our community. The fundamental issue is that every disturbance or breach at 159 Suffolk Street is treated as an isolated incident. This approach does not accurately reflect the situation.

What can Council do to improve safety and amenity – by collating information, engaging stakeholders across civil and criminal law, providing oversight, advocacy and liaison - to address the impact of constant disturbances, and act on the problems, owner and property?

Kate Wills asked the following questions

1. Cr. Thomas, you were elected to council on the basis of prioritising 'Meaningful engagement with the community on important issues that impact on the lives of residents'. 207 residents in the local area have expressed how important it is to improve safety on Suffolk Street, signing a petition calling for council to address amenity and safety in the area.

Do you consider 207 signatures to be demonstrative of an important issue impacting the lives of residents? Are you already, or do you plan to meet with Victoria Police about the issue, and do you regularly meet with local police to discuss community safety?

2. Could Council please review a recent decision not to remove the massive tree situated immediately in front of 159 Suffolk Street? This tree fully obscures the street light on the corner and creates a dark, sheltered area which makes it a great space for drug dealing, loitering, domestic violence and other unsavoury activity. It also makes the area feel unsafe at night because of the people who linger there. Given that there's a lot of antisocial activity on the corner of Suffolk and Montgomery Streets, it would be great if Council would help to resolve these issues by considering other options for this nature strip.
3. Suffolk Street residents are tired of the fact that after multiple years of disturbance at Suffolk/Montgomery Streets, there is no resolution. Everybody tells us that it's not right that we should have to put up with what's happening, and yet nothing is being resolved in a permanent way.

Will Council provide us with one, accountable, single point of contact who can speak to us with a guaranteed response, as well as speaking to Victoria Police, EPA, the Fire Brigade and other stakeholders, to help advocate for stronger action? All of these organisations are wasting resources regularly attending incidents at this location.

Response: *The Chief Executive Officer responded that due to Privacy Laws, Council is not able to provide specific details in regards to any investigations or infringements undertaken or issued by Council in regards to an individual or property.*

However, I can generally advise that Council has and will continue to investigate and action requests and complaints where appropriate in relation to 159 Suffolk Street Footscray, which are under the remit of Council's General Purpose Local Law.

As a general observation, Council encourages the community to report all matters of community safety or suspected illegal activity to Victoria Police for attention.

Council received two questions in relation to its policy on purchase of products and services including one question from Alana Kingston and one question from Jonathon Koop. Council provided a single response to these questions.

Alana Kingston asked the following question

1. Does Council have a screening process or policy on whether it purchases services or products from companies who are complicit in war crimes or operating from Israeli settlements that are illegal under international law, or can council put in place a policy to ensure that it is not purchasing from unethical and illegal suppliers?

Jonathon Koop asked the following question

1. Does Council have a screening process or policy in place for whether it purchases products or services from companies who are involved in activities that are illegal under international law?

Response: *The Director Corporate Services advised Council's procurement activities are conducted in accordance Council's Procurement Policy and associated procedures, relevant Australian Standards, Commercial Law and the Local Government Act 2020.*

Council's Procurement Policy also complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

EXTENSION OF PUBLIC QUESTION TIME

A motion was moved by Cr Michael Clarke, seconded by Cr Bernadette Thomas, that Council extend Pubic Question Time for a further 15 minutes.

CARRIED

Public Question Time was extended at 7.14pm.

Council received two questions in relation to Council's position on agenda item 10.1 Notice of Motion, including one question from Alana Kingston and one question from Marion Attwater. Council provided a single response to these questions.

Alana Kingston asked the following question

1. Will Council be raising the Palestinian flag at its main office building in Footscray to show solidarity with Palestine and local members of the Palestinian community at this heavy time when over 13,000 Palestinian people have been killed by Israel in recent weeks?

Marion Attwater asked the following question:

1. Considering what has happened to some Councillors at Merri-bek Council who voted against (or abstained from) a recent notice of motion about the war in Gaza, doesn't the notice of motion at item 10.1 in tonight's agenda have the potential to be prejudicial and/or harmful? Why wasn't this notice of motion declined by the CEO under the Governance Rules?

Response: *The Chief Executive Officer responded by stating she accepted Notice of Motion 2023:11 Supporting Peace in Gaza and Palestine in accordance with Clause 22 of Council's Governance Rules.*

This item is listed for consideration by Council at Item 10.1 on the 21 November 2023 Council Agenda.

The Chair, Councillor Lam, declared Public Question Time closed at 7.15pm.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

6.1. Confirmation of the Minutes of the Council Meeting - 17 October 2023

To present for confirmation, the minutes of the Council Meeting held on 17 October 2023.

Council Resolution

That Council confirms the minutes of the Council Meeting held on 17 October 2023.

Moved: Cr Michael Clarke
Seconded: Cr Bernadette Thomas

CARRIED

6.2. Confirmation of the Minutes of the Council Meeting - 8 November 2023

To present for confirmation, the minutes of the Council Meeting held on 8 November 2023.

Council Resolution

That Council confirms the minutes of the Council Meeting held on 8 November 2023.

Moved: Cr Bernadette Thomas
Seconded: Cr Simon Crawford

CARRIED

6.3. Confirmation of the Minutes of the Special Council Meeting - 8 November 2023

To present for confirmation, the minutes of the Special Council Meeting held on 8 November 2023.

Council Resolution

That Council confirms the minutes of the Special Council Meeting held on 8 November 2023.

Moved: Cr Michael Clarke
Seconded: Cr Simon Crawford

CARRIED

7. REPORTS FROM COMMITTEES

Nil

8. PETITIONS

8.1. Petition: Bring Back our Footscray Street Traders

To table a Petition: 'Bring back our Footscray Street Traders'.

Council Resolution

That Council:

- 1. Receives and notes the Petition: Bring Back our Footscray Street Traders; 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

8.2. Petition: Paintback Proposal Objection

To table a petition: 'Paintback Proposal Objection'.

Council Resolution

That Council:

- 1. Receives and notes the Petition: Paintback Proposal Objection'; and*
- 2. Requests the Chief Executive Officer to consider the petition and determine the appropriate response.*

Moved: Cr Bernadette Thomas
Seconded: Cr Simon Crawford

CARRIED

8.3. Petition: Eliminate Illegal Activity and Public and Private Nuisance on Suffolk Street and Surrounds

To table a petition: 'Eliminate Illegal Activity and Public and Private Nuisance on Suffolk St and Surrounds'.

Council Resolution

That Council:

- 1. Receives and notes the Petition: Eliminate Illegal Activity and Public and Private Nuisance on Suffolk Street and Surrounds; 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

CHANGE OF ORDER TO BUSINESS

As provided for under Clause 19 of Council's Governance Rules, the Chair, Cr Lam sought and received the consent of the meeting to amend the order of business to move Item 10.1 Notice of Motion: 2023:11 Supporting Peace in Gaza and Palestine forward to be considered before Item 9 – Officer Reports.

10. NOTICE OF MOTION

10.1. Notice Of Motion: 2023:11 Supporting Peace in Gaza and Palestine

Council Resolution

That Council:

- 1) Mourns the tragic and horrific loss of civilian lives in the current conflict and condemns all attacks that target civilians.*
- 2) Recognises that the constant bombing and the total siege of Gaza is traumatising for many Maribyrnong residents who have relatives in the region or have come from war-torn countries. We express our sympathy and solidarity with these communities.*
- 3) Notes that the current conflict did not begin on 7 October 2023 – it began with the Occupation of Palestine, and the forced displacement of millions of Palestinians from their homelands as a result.*

- 4) *Condemns the words of senior Israeli politicians and military officials that seek to dehumanise Palestinians in Gaza to justify their war crimes. For example:*
 - *On 8 October 2023, Nissim Vaturi, member of the Knesset for the far right and governing coalition party, Likud, called for “erasing the Gaza Strip from the face of the earth. Those who are unable will be replaced.”*
 - *On 9 October 2023, Israeli Defence Minister, Yoav Gallant, stated: “We are imposing a complete siege on [Gaza]. No electricity, no food, no water, no fuel – everything is closed. We are fighting human animals, and we act accordingly”.*
- 5) *Notes that many global organisations and institutions, including Amnesty International, United Nations Special Rapporteurs, and the UN’s Independent International Commission of Inquiry on Occupied Palestinian Territory, have documented systematic evidence of war crimes committed by Israel and its army against Palestinians, including:*
 - a) *sustained bombing of residential neighbourhoods*
 - b) *the bombing of schools, health facilities, mosques and churches where civilians are sheltering*
 - c) *the use of white phosphorous (a chemical weapon which burns the skin)*
 - d) *the denial of food, water, fuel, electricity, internet, and medical supplies to the people of Gaza.*
- 6) *Notes that 800 scholars of international law, conflict studies, Holocaust and Genocide Studies declared in a public statement on 15 October:*

“We are compelled to sound the alarm about the possibility of the crime of genocide being perpetrated by Israeli forces against Palestinians in the Gaza Strip.”
- 7) *Writes to the Prime Minister and Foreign Minister calling on the Australian government to:*
 - a) *Strongly condemn the war crimes being carried out by Israel against the Palestinians in Gaza.*
 - b) *Call for an immediate ceasefire and end to Israel’s indiscriminate bombing.*
 - c) *Call for the immediate lifting of the siege on Gaza to allow Palestinians in Gaza to have unlimited access to food, water, fuel, electricity, medical supplies and construction materials to repair damaged homes and civilian infrastructure.*
 - d) *Advocate for all Palestinian and Israeli hostages to be released.*
 - e) *Advocate for a political resolution to the decades-long conflict which includes an end to Israel’s illegal Occupation of Palestine in order for there to be a just and sustainable peace.*
 - f) *End all military, economic, political and diplomatic ties with the state of Israel until it complies with its obligations under international law.*
- 8) *Notes that boycotts, divestment and sanctions are legitimate, non-violent tactics used by individuals and organisations to pressure foreign governments over human rights abuses and war crimes, including Israel’s brutal and illegal colonisation of Palestine.*

- 9) *Receives a report to explore options for Council to cancel contracts with companies that support Israel's illegal occupation of Palestine or profit from it, especially companies which supply equipment to the Israeli Defence Force.*
- 10) *Commits to raising the Palestinian flag at the Braybrook Community Hub in the week following December 10, which marks International Human Rights Day.*
- 11) *As a diverse, multi-cultural, and multi-faith community, Maribyrnong City Council deplores and actively stands against all forms of racism, including Islamophobia and Anti-Semitism.*

Moved: Cr Jorge Jorquera
Seconded: Cr Bernadette Thomas

CARRIED

The Chair, Cr Cuc Lam called for a **DIVISION**.

Councillors Simon Crawford, Jorge Jorquera, Bernadette Thomas and Anthony Tran voted **FOR** the motion.

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

CARRIED

Councillors Carter and Tran retired from the meeting at 7.50pm.

Councillor Crawford left the meeting at 7:51 pm.

9. OFFICER REPORTS

9.1. Quarterly Performance and Financial Report - Period Ending 30 September 2023

The purpose of this report is to present the Quarterly Performance and Financial Report for the period ending 30 September 2023.

Council Resolution

That Council:

- 1. Notes the 2023/2024 First Quarter Performance and Financial Report; and*
- 2. In accordance with Section 169 of the Local Government Act 1989, grants a Council Pension rebate of \$217.30 which varies the rebate resolved upon in the Annual Budget by \$6.30 per eligible recipient.*

Councillor Crawford returned to the meeting at 7:53 pm.

Moved: Cr Michael Clarke
Seconded: Cr Simon Crawford

CARRIED

9.2. Footscray Park Update - Thomson Water Gardens and Playspace

To recommend proposed works and planning to address risks associated with the Thomson Water Gardens and Regional Playspace within Footscray Park, following the Coronial Investigation into two separate drowning incidents in the Thomson Water Gardens.

OFFICER RECOMMENDATION

That Council:

- 1. Approve the restoration of the Footscray Park Regional Play Space;*
- 2. Approve the immediate reopening of the Heritage Gardens, excluding the Thomson Water Gardens (Footscray Park Ponds);*
- 3. Pending Heritage Victoria approval, note that the Thomson Water Gardens not be re-filled with water immediately, and approve works to address any safety issues relating to fall heights; and*
- 4. Refer the future of Thomson Water Gardens and Footscray Play Space to be considered as part of a consultation and engagement process with community and key stakeholders, and report back to Council on a proposed solution noting their heritage status.*

Moved: Cr Michael Clarke
Seconded: Cr Jorge Jorquera

The motion was not put to the vote and the motion lapsed.

9.3. Footscray Community Arts Masterplan

The purpose of this report is to seek Council's in-principle support for the Footscray Community Arts Masterplan, in its capacity as Landlord for the premises on which the Masterplan is located.

Council Resolution

That Council:

- 1. Note, and support in-principle, the Footscray Community Arts Masterplan Stage 1 and Stage 2 Option C;*
- 2. Note that in its capacity as Landlord, Council officers will need to consent to the Footscray Community Arts precinct alterations, in accordance with the conditions of the lease; and*
- 3. Note that a future report will be presented to Council once detailed design works are completed for further consideration and endorsement.*

Moved: Cr Bernadette Thomas

Seconded: Cr Simon Crawford

CARRIED

9.4. Community Grants Program - Funding Recommendations

To present to Council for consideration the 2023-2024 Community Grants Program funding recommendations.

Council Resolution

That Council endorse the recommendations as shown in the 2023 Community Grants Program - Recommendations Report excluding

- *Australian Vietnamese Women's Association*
- *VietSpeak*

Moved: Cr Simon Crawford
Seconded: Cr Bernadette Thomas

CARRIED

Due to a general Conflict of Interest, the Chair, Councillor Lam left the meeting at 8:18 pm.

The Deputy Mayor, Councillor Clarke assumed the Chair.

Council Resolution

That Council endorse the recommendation to fund the Australian Vietnamese Women's Association as shown in the 2023 Community Grants Program Report.

Moved: Cr Simon Crawford
Seconded: Cr Bernadette Thomas

CARRIED

Councillor Lam returned to the meeting at 8:23 pm and re-assumed the Chair.

Due to a general Conflict of Interest, Councillor Jorquera left the meeting at 8:22 pm.

Council Resolution

That Council endorse the recommendation to fund Vietspeak as shown in the 2023 Community Grants Program Report.

Moved: Cr Simon Crawford
Seconded: Cr Bernadette Thomas

CARRIED

Councillor Jorquera returned to the meeting at 8:27 pm.

9.5. Social Justice Framework

This report presents Council with the draft Social Justice Framework and seeks approval to commence community consultation.

Council Resolution

That Council:

1. *Note the review undertaken to develop the draft Social Justice Framework; and*
2. *Approve the draft Social Justice Framework for community consultation in November 2023.*

Moved: Cr Bernadette Thomas
Seconded: Cr Michael Clarke

CARRIED

9.6. Councillor Committee and Advisory Group Appointments - 2023/24

This report considers Councillor appointments to Committees and Advisory Groups for the 2023/24 period.

Council Resolution

That Council:

1. *Approves the following Councillor appointments for all Committees and Advisory Groups, effective from 21 November 2023:*
 - a) *Councillor Simon Crawford as Chairperson to the Active and Healthy Ageing Community Advisory Committee and Councillor Jorge Jorquera as Deputy Chairperson to the Active and Healthy Ageing Community Advisory Committee.*
 - b) *Councillor Michael Clarke as representative to the Brooklyn Community Reference Group.*
 - c) *The Mayor, Councillor Cuc Lam, Councillor Michael Clarke, Councillor Simon Crawford and Councillor Bernadette Thomas as representatives to the Chief Executive Officer Employment Matters Advisory Committee.*
 - d) *The Mayor Councillor Cuc Lam, Councillor Anthony Tran from the River Ward, Councillor Bernadette Thomas from the Stony Creek Ward and Councillor Michael Clarke from the Yarraville Ward as members to the Civic Awards Judging Panel.*
 - e) *Councillor Michael Clarke as Chairperson to the Disability Advisory Committee and the Mayor, Councillor Cuc Lam as Deputy Chair to the Disability Advisory Committee.*
 - f) *Councillor Michael Clarke as Chairperson to the Maribyrnong First Nations Advisory Committee and Councillor Simon Crawford as Deputy Chairperson to the First Nations Advisory Committee.*
 - g) *Councillor Bernadette Thomas and Councillor Sarah Carter as Gender Equity Ambassadors.*
 - h) *Councillor Michael Clarke as representative to the Heritage Advisory Committee and Councillor Jorge Jorquera as substitute to the Heritage Advisory Committee.*
 - i) *Councillor Bernadette Thomas and Councillor Sarah Carter as representatives to the LGBTQIA+ Advisory Committee.*
 - j) *The Mayor, Councillor Cuc Lam and Chief Executive Officer as representatives to the M9 Committee and Councillor Michael Clarke as substitute to the M9 Committee.*
 - k) *Councillor Jorge Jorquera as representative to the Maribyrnong Active Transport Advisory Committee and Councillor Simon Crawford as substitute to the Maribyrnong Active Transport Advisory Committee.*

- l) *Councillor Bernadette Thomas as representative to the Metropolitan Transport Forum, Councillor Simon Crawford as substitute to the Metropolitan Transport Forum, and the Director Infrastructure Services as the staff representative.*
 - m) *The Mayor, Councillor Cuc Lam as representative to the Municipal Association of Victoria and Councillor Michael Clarke as substitute to the Municipal Association of Victoria.*
 - n) *Councillor Bernadette Thomas as representative to the Victorian Local Governance Association and the Mayor, Councillor Cuc Lam as substitute to the Victorian Local Governance Association.*
 - o) *Councillor Sarah Carter as representative to the Western Melbourne's Tourism Board and the Mayor, Councillor Cuc Lam as substitute to the Western Melbourne's Tourism Board.*
 - p) *Councillor Sarah Carter as representative to the Youth Advisory Committee.*
2. *Note that the Maribyrnong Arts Ambassador Committee is currently subject to review, and therefore no appointments be made pending a further report to Council.*

Moved: Cr Bernadette Thomas
 Seconded: Cr Michael Clarke

CARRIED

9.7. Submission to the "Modernising Car and Bicycle Parking Requirements in Victoria" Discussion Paper

To present for consideration a draft submission to the State Government's discussion paper regarding modernising car and bicycle parking requirements.

Council Resolution

That Council endorse Council's submission to the State Government's Discussion Paper "Modernising car and bicycle parking requirements in Victoria".

Moved: Cr Bernadette Thomas
 Seconded: Cr Simon Crawford

CARRIED

9.8. Councillor Support and Expenses - July to September 2023

To present the Councillor Support and Expenses for the July 2023 to September 2023 period.

Council Resolution

That Council notes the Councillor Support and Expenses Report for the July 2023 to September 2023 period, to be made available via Council's website for the term of the Council.

Moved: Cr Michael Clarke
Seconded: Cr Simon Crawford

CARRIED

9.9. Governance Report - October 2023

The purpose of this report is to receive and note the record of informal meetings of Councillors and Councillor delegates' for October 2023 and other governance matters.

Council Resolution

That Council:

- 1. Notes the October 2023 Governance Report containing the record of informal meetings of Councillors and Councillor Delegates' Reports, to be available on Council's website for the term of the current Council; and*
- 2. Resolves to rescind the Sponsorship, Partnerships and Grants Policy.*

Moved: Cr Michael Clarke
Seconded: Cr Simon Crawford

CARRIED

10. COUNCILLOR QUESTION TIME

Nil.

11. URGENT BUSINESS

Nil.

12. 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 on the grounds specified in the definition of Confidential Information in Section 3(1)(f) of the Local Government Act 2020.

Moved: Cr Michael Clarke
Seconded: Cr Simon Crawford

The Chair, Councillor Lam, declared the public meeting closed at 8.48pm.

The meeting was closed to the public for consideration of Item 13.1 Chief Executive Officer Annual Performance Review

The Chair, Councillor Lam, declared the public meeting open at 8.56pm.

13. MEETING CLOSURE

The Chair, Councillor Lam declared the meeting closed at 8.56pm.



To be confirmed at the Council Meeting
12 December, 2023.

Chair, Councillor Lam