

Council Meeting Minutes

8 August 2023

COUNCIL CHAMBER

Virtual Meeting

**HOBSONS
BAY CITY
COUNCIL**



OUR MISSION

We will listen, engage and work with our community to plan, deliver and advocate for Hobsons Bay to secure a happy, healthy, fair and sustainable future for all.

OUR VALUES

Respectful
Community driven and focused
Trusted and reliable
Efficient and responsible
Bold and innovative
Accountable and transparent
Recognised

Council acknowledges the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past and present.

CONDUCT OF COUNCIL MEETINGS

Meetings of Hobsons Bay City Council are to be conducted in accordance with Council's Governance Rules, which can be viewed at:

<https://www.hobsonsbay.vic.gov.au/Council/About-Council/Governance/Governance-Rules>

Members of the public attending Council meetings must abide by the standards of behaviour set out in section 13.3 of the Governance Rules. Any person engaging in disruptive or disorderly behaviour may be required by the Chairperson to leave the meeting in accordance with the Governance Rules.

Chairperson:

Cr Antoinette Briffa JP (Mayor)	Cherry Lake Ward
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Councillors:

Cr Diana Grima (Deputy Mayor)	Wetlands Ward
Cr Daria Kellander	Cherry Lake Ward
Cr Peter Hemphill	Strand Ward
Cr Jonathon Marsden	Strand Ward
Cr Pamela Sutton-Legaud	Strand Ward
Cr Matt Tyler	Wetlands Ward

Aaron van Egmond
Chief Executive Officer
Hobsons Bay City Council

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Minutes of the Council Meeting held on 8 August 2023 at 7.03pm.

Present

Chairperson

Cr Antoinette Briffa JP (Mayor)

Cherry Lake Ward

Councillors

Cr Diana Grima (Deputy Mayor)

Wetlands Ward

Cr Daria Kellander

Cherry Lake Ward

Cr Jonathon Marsden

Strand Ward

Cr Pamela Sutton-Legaud

Strand Ward

Cr Matt Tyler

Wetlands Ward

Officers

Mr Aaron van Egmond

Chief Executive Officer

Mr Sanjay Manivasagasivam

Director Infrastructure and City Services

Ms Penelope Winslade

Director Sustainable Communities

Ms Diane Eyckens

Manager Corporate Integrity and Legal
Counsel; Acting Director Corporate Services

Ms Evvie Lambrianidis

Acting Coordinator Governance and
Information Management

Miss Jessica Maunder

Acting Minute Secretary

1 Council Welcome and Acknowledgement

The Chairperson welcomed members of the public and acknowledged the Bunurong People of the Kulin Nation as the Traditional Owners of these municipal lands and waterways.

1.1 Virtual Meeting Protocols

Due to concerns for meeting security, this Council Meeting was conducted virtually in accordance with subsection 4.6 of the Hobsons Bay Governance Rules and livestreamed on the Council website at <https://webcast.hobsonsbay.vic.gov.au>

In accordance with section 66 of the *Local Government Act 2020*, particularly subsections 66(2)(b), 66(3) and 66(4), Council is permitted to close a meeting due to security concerns so long as arrangements have been made for the proceedings of the meeting to be viewed by members of the public as the meeting is being held. This may include provision to view the proceedings on the Internet, so by livestreaming the meeting, Council has complied with these requirements.

2 Apologies

The Chairperson called for apologies received from Councillors who are unable to attend this meeting.

Motion

Moved Cr Daria Kellander, seconded Cr Jonathon Marsden:

That Council accepts an apology from Cr Peter Hemphill.

Carried unanimously

3 Disclosure of Interest

In accordance with sections 127 and 128 of the *Local Government Act 2020* Councillors are required to disclose a general or material conflict of interest. A conflict of interest must be disclosed in accordance with rule 15.3 of the Hobsons Bay Governance Rules.

Disclosure must occur immediately before the matter is considered or discussed.

Cr Matt Tyler disclosed a non-material interest relating to Item 8.1.1 Chief Executive Officer's Report on Operations as it references the Daughters of the West program. Cr Tyler stated that through his work as Executive Director of the Men's Project [at Jesuit Social Services] he has been contracted in the past to deliver workshops for the related Sons of the West program, but he did not see this as a conflict of interest and did not intend to leave the meeting when the item was discussed.

4 Confirmation of Minutes

4.1 Confirmation of Minutes

Confirmation of the minutes of the Council Meeting of Hobsons Bay City Council held on 11 July 2023 (copy previously circulated).

Motion

Moved Cr Jonathon Marsden, seconded Cr Pamela Sutton-Legaud:

That Council confirms the minutes of the Council Meeting of Hobsons Bay City Council held on 11 July 2023.

Carried unanimously

5 Public Question Time

Helen Sinnema

Q Why is Council so determined to remove up to 100 Hobsons Bay community members from their homes at Techno Park?

A Techno Park is zoned Industrial 1. Accommodation is a prohibited use within an Industrial 1 Zone. The site is also immediately adjacent to a Major Hazard Facility, an operational and licensed petrochemical facility. The area is also identified as a state significant as an industrial zone.

Q The notice from Council dated July 21 says that “Council agrees to take no further enforcement steps until you have had an opportunity to share with us your personal situation and circumstances,” and “We are hoping to hear from you by the end of August 2023.” What punitive action will Council take against occupants who continue to defy the order after that date?

A Council’s enforcement obligations are set out in the Planning and Environment Act. Council will seek to support people to find appropriate solutions before considering punitive action.

Q Council sent the original eviction notice to real estate agents and landlords. Some did as Council directed and evicted their tenants on that same day. Did Council also send the July 21 notice promising a pause on enforcement steps to real estate agents and landlords to ensure nobody else becomes homeless during this pause?

A Council’s notice to owners and occupants in May 2023 advised them that Council had become aware of unlawful residential uses at Techno Park, and asked them to cease any unlawful residential uses. The notice included an offer of up to six months to relocate and invited people to contact Council to discuss their circumstances and needs.

Council also wrote to all real estate agents registered in Hobsons Bay, reminding them that residential uses at Techno Park are unlawful, and advising of the letters to owners and occupants and the option for up to six months. Council has historically contacted real estate agents when it has been made aware of misleading advertising in relation to property sales at Techno Park.

Rental agents act on the authority of property owners, and Council wrote to all owners.

Farida Fleming

Q Council has said it is not safe to live at Techno Park because of the proximity to a Major Hazard Facility (MHF). Is it Council's position that residents of Waterline Place, who live in the same proximity to the MHF at Point Gellibrand, are unsafe? What about the residents of the 450 homes in the inner advisory area of the MHF in Spotswood?

A Waterline Place is a different situation to Techno Park. It is much further from an MHF than Techno Park. When the plans were endorsed, only a portion of the Waterline Place site fell within the outer WorkSafe safety areas, although with the latest (released in 2022) more restrictive WorkSafe guidance, a small part of the site now falls within an inner advisory area. All of Techno Park has been within the inner safety area since the WorkSafe guidance was first released.

When Waterline Place was developed, the MHF and WorkSafe were consulted in detail. The plans included substantial risk management and safety features – including building designs and emergency management procedures.

Juan Camilo Riano Rodriguez

Q Council told Techno Park occupants they were being evicted based on advice from WorkSafe, but WorkSafe has said that Council hasn't sought any advice from WorkSafe on the matter. How does Council explain these contradictory accounts?

A Council's FAQs to tenants in May 2023 incorrectly stated that WorkSafe had made this notification. Council was in fact contacted by Mobil advising that the EPA had contacted them about odour complaints from residents of Techno Park.

Irrespective of the agency which notifies of a breach of the Planning Scheme, Council has an obligation to investigate.

Council regularly discusses MHFs with WorkSafe.

Q If Council has an obligation to remove people residing on industrially zoned land, why didn't Council act to remove the Hobsons Bay Caravan Park, which housed community members on industrially zoned land for more than 30 years?

A The caravan park operated with an applicable planning permit.

Q Did Council send the eviction notices to Techno Park owners and occupants in an attempt to extinguish their existing use rights?

A Council sent a notice to all owners and occupants at Techno Park to enforce the Planning Scheme.

Lara Week

Q Council's Governance rules state that in the performance of its role, Council must ensure that "priority is to be given to achieving the best outcomes for the municipal community, including future generations."

Can you explain how Council decided that evicting Techno Park residents achieves the best outcome for the Hobsons Bay community, including future generations?

A Council never undertakes planning enforcement lightly, but at Techno Park the rules and safety case are very clear: residential uses are prohibited. Knowing this, it would be inappropriate for Council to facilitate residential uses at Techno Park, for current and future generations. Council wants to see owners and occupants at Techno Park move to safe, secure, and legal housing. The local partners Council is working with are keen to facilitate this.

Q Could you please explain, as simply as possible, what Council anticipated would happen when you sent notices to up to 100 Techno Park owners and occupants instructing them to immediately cease living in Techno Park?

A In writing to owners and occupants, Council sought to (1) ensure that owners and occupants were aware that residential uses are unlawful and must cease, (2) confirm the actual uses in place across the estate, and (3) invite people who were involved in unlawful uses to make contact and work through their circumstances with Council. The May letter offered up to six months to relocate.

Having heard from a range of stakeholders, and now understanding that there may be up to 100 people living at Techno Park, Council wrote again in mid-July offering people more time, access to any services they need, and inviting them again to make contact with Council to help determine how best to assist people to move to safe, secure and legal housing.

Q If all Techno Park residents leave as instructed, what does Council anticipate will happen to the vacant properties?

A The properties at Techno Park are zoned industrial and intended for industrial and commercial use.

Prior to their sale to private owners in the 1980s, building permits were issued for their conversion to commercial use. The zoning of the properties is clearly indicated on the section 32 sale of land contracts that all owners would have needed to sign to purchase their property.

Many properties at Techno Park are already in use as commercial businesses which fall within the uses that are lawful within an Industrial 1 zone.

Owners may use their properties for any permissible purposes within the Industrial 1 planning zone.

Rowena Joske

- Q The Altona North Comprehensive Development Plan (CDP) requires that development staging must provide the delivery of street links between properties, constructed to the property boundary.**

Mirvac's proposed functional layout plan for stage 9 of their development (Attachment 7.2.1.2 of the 20 June Council agenda) indicates that the street link to the boundary for the access road that should be on the west side of Fabric Drive just south of Clementine Street, as required under Plan 1 and Plan 5 of the CDP, is not included in Mirvac's proposed plan.

Will this required street link to the boundary need to be included in Mirvac's plan before it is endorsed on behalf of Council?

- A** The Fabric Drive road reserve adjoins the eastern boundary of the land to the west of the Mirvac land. The design of Fabric Drive has not yet been finalised for Stage 9 of the Mirvac development. Council will ensure that the final design does not prejudice the future delivery of the road connection to the west.

- Q If Mirvac is not required to deliver this street link to their boundary, why not?**

- A** The precise location of this future road link is currently unknown and will not be known until a planning application for the adjoining land is received. Council will ensure the location of this road is generally in accordance with that shown on Plans 1 and 5 in the Comprehensive Development Plan (CDP), and that the objectives of the CDP are met.

- Q If Mirvac is not required to deliver this street link now, who will cover the cost of rebuilding this section of Fabric Drive in the future?**

- A** The developer of the land to the west will construct any future road connections to Fabric Drive. This will require modifications to Fabric Drive, but not the complete removal of sections of Fabric Drive.

Monika Pedzinski

- Q Regarding planning permit PA1839365 for the partial demolition of the Masonic Hall in Newport and construction of a five-storey building, the permit currently requires the owner to commence works by 27 June 2024.**

Please can Council advise when plans will be endorsed and shared with the community? There are less than 12 months remaining before works need to commence.

- A** The planning permit for the Newport Masonic Hall development was issued in 2019 after a VCAT review. The planning permit contains several conditions requiring detailed documentation to be approved prior to endorsement of plans or commencement of works.

Although the applicant has satisfied some of the preparatory conditions of the planning permit, they have not yet formally submitted revised architectural plans for endorsement.

The responsibility for preparing and lodging plans for endorsement lies with the permit applicant, and Council cannot control when the applicant submits the plans.

Matthew Rodd

Q Could Council please advise annual expenditure on dog parks and dog-related infrastructure, cycling infrastructure and children's playgrounds?

A The implementation of upgrades to children's playgrounds and dog parks are guided by the Hobsons Bay Open Space Strategy 2018.

For example, in 2022-23, Council spent:

- \$1.4 million on the planning, design and implementation of playground upgrades throughout the municipality
- \$800,000 on cycling infrastructure project
- \$25,000 on dog-related infrastructure at Brooklyn Reserve Dog Park

This investment is in addition to significant funding Council has recently invested in dog park upgrades at PA Burns Reserve, and funding that will be spent in 2023-24 on a dog park within the new southern open space area Bruce Comben Reserve in Altona Meadows.

The continued delivery of projects in these three asset classes are included in Council's draft five-year capital works program.

Desma Raymond

Q Can you please explain why Council doesn't allow people to make in-person presentations to Council on agenda items?

A Public participation during Council meetings is covered by section 13.2 of the Governance Rules.

6 Councillor Questions

Cr Matt Tyler asked for an explanation of what is involved in a Planning Scheme amendment and what needs to be considered when deliberating on a Planning Scheme amendment.

Ms Pene Winslade, Director Sustainable Communities, said that a Planning Scheme amendment is often prepared by a council but it must always have the Minister for Planning's approval at key steps, which are set out in the *Planning and Environment Act 1987*. The Minister always needs to approve the commencement of a Planning Scheme Amendment process.

Ms Winslade explained that the Planning Scheme amendment needs to be based on a detailed strategic planning justification and, if the Minister approves, it goes through an extensive community consultation and the council finalises the proposed amendment. The proposed amendment then goes back to the Minister for Planning, who convenes a Planning Panel that assesses the process, the feedback and the proposal and makes a recommendation to the Minister about the amendment, and the Minister then needs to endorse that change.

Ms Winslade added that sometimes the state government will step in and take over part of role that Council plays, giving the examples of Precinct 15 in Altona North where the Victorian Planning Authority ran much of that process, and a fast-track process around some developments in Precinct 17 in Spotswood during the COVID-19 pandemic.

Ms Winslade concluded by saying that all considerations around a planning scheme amendment come back to the strategic planning justification, which includes the long-term policy documents, planning policy documents, documents like Plan Melbourne and Council's own planning policies, which support the proposed medium and long term direction.

Cr Matt Tyler asked whether Council has any understanding of how Mobil is planning to use their facility, particularly the part of the facility closest to Techno Park.

Ms Pene Winslade, Director Sustainable Communities, said that while only Mobil knows its own long-term plans and Council only knows what is made available to it, Mobil made a statement in the media last month noting that the tanks immediately adjacent to Techno Park were in use. The facility also has an active current WorkSafe licence, so volumes in those tanks can change at any time.

Ms Winslade added that Mobil announced recently that it was decommissioning the activities on the other side of Kororoit Creek Road, but also that it will continue to use all the storage tanks and the site for storage purposes for the foreseeable future, and this probably relates to its obligations under federal legislation to guarantee security of fuel supply.

Cr Matt Tyler asked for an update on the supports that are being provided to occupants of Techno Park in light of the current situation.

Ms Pene Winslade, Director Sustainable Communities, said that following Council's initial letter in May, Council received a number of calls, and referrals were made to service providers and agencies like Housing Victoria.

Ms Winslade said that Council's more recent July letter strongly invited people to contact Council to advise how they want to engage with Council and to identify any supports that they might need, and highlighted that Council has a range of local services, including local providers who are ready to help with everything from emergency food relief, helping to get a higher prioritisation for applications with Victorian housing register applications, and a wide range of other things that people might need to get themselves into secure housing.

Cr Daria Kellander asked for an update on the Cherry Lake chemical spill and whether any fines or rulings have been made against Melbourne Transport and Warehousing in relation to this matter?

Ms Diane Eyckens, Manager Corporate Integrity and Legal Counsel, said that in October 2022, the EPA filed charges against MTAW Group Pty Ltd (trading as Melbourne Transport and Warehousing) in relation to the spill under the general environmental duties provisions of the *Environment Protection Act 2017*. At that time, it was alleged that the company failed to take all reasonable practicable action to reduce the risk of a spill or leak of dangerous goods stored at the Laverton North site. Ms Eyckens said that the EPA has partnered with Council's agency and with other agencies in order to rectify the spill and work with the recovery of the waterway.

Ms Eyckens clarified that under the Environment Protection Act, the EPA alleged that the company had failed to act to minimise the risk of harm to human health and the environment, and the EPA has laid charges to this effect and there has been a maximum penalty put against the company of \$1.8 million.

Ms Eyckens said she was not certain as to the progress of the charges, but Council officers are asking the EPA for further details.

Cr Daria Kellander noted that Hobsons Bay's local Member of Parliament (the Hon. Melissa Horne MP) is also the Victorian Minister for Roads and Road Safety, and asked whether she had been consulted about the ability to permanently close Pier Street to maintain the feature site, or whether she has publicly expressed a view on the matter.

Ms Pene Winslade, Director Sustainable Communities, said that Pier Street is a local road so it is managed by Council. The rules and processes for permanent road closures, which include extensive consultation and justification, are set out in the *Road Management Act 2004* so it is not necessary to consult the Minister about these processes. Ms Winslade said she was not personally aware of the Minister for Roads and Road Safety having expressed a view about whether or not Pier Street should be permanently closed.

Ms Winslade said that if a permanent closure of Pier Street is recommended by either the current or a future consultation process, Council would then engage with VicRoads and the Department of Transport through that statutory process.

Cr Daria Kellander asked why legal advice in relation to the matter of Techno Park could not be disclosed to Councillors or the public.

Ms Diane Eyckens, Manager Corporate Integrity and Legal Counsel, said that she had previously given Cr Kellander verbal advice that the legal advice received by Council's CEO and planning officers on the enforcement of the Hobsons Bay Planning scheme is material subject to legal professional privilege, and that Council must therefore act carefully to preserve the privileged nature of these communications and not to do something inconsistent with the privilege, such as sharing it with other persons who were not part of the parties intended to receive the advice.

Cr Daria Kellander said that a number of people had contacted Councillors asking them to put up a resolution of Council to rescind or reverse the letter that was sent to Techno Park owners and occupiers, and asked whether this is possible.

Ms Diane Eyckens, Manager Corporate Integrity and Legal Counsel, said that this was not the question Cr Kellander had previously said she would ask, and so she would have to take this question on notice.

Cr Diana Grima asked for an update on advocacy for residents for Altona Meadows High School, including a fair zone, and how Council was involved in it.

Ms Pene Winslade, Director Sustainable Communities, said that Council had written to the Minister for Education a couple of years ago asking about school allocations and options for Altona Meadows, and the response at the time indicated there were a range of alternatives available to Altona Meadows residents and explained how the state school allocation system works.

Ms Winslade said that she was not aware of subsequent advocacy other than discussions with local members to flag the issue, although in recent weeks there had been some media coverage talking about whether the Department of Education's school allocation system might be under review, and on 7 August specifically about options in Altona Meadows. (Ms Winslade was unsure as to what might have brought on this coverage, and was not aware of particular advocacy by Council that might have triggered it.)

Ms Winslade added that statements attributed to the Department of Education indicated no intent for further action at this point, and said she would take the question on notice for further investigation.

7 Petitions and Joint Letters

7.1 Petitions and Joint Letters Received

7.1.1 Joint Letter - Request to seal Ryan Lane, Altona

Cr Daria Kellander tabled a joint letter containing nine signatories which read as follows:

To the Mayor and Councillors of Hobsons Bay City Council

Ryan Lane is a laneway in Altona. It is the only access point (front door, and car parking access) for a number of residential homes. These residents have no other way to get in and out of their premises. The road is in a very poor state. We note the following concerns (refer to images attached):

1. The lane-way road surface is only half sealed. The sealed surface is mostly broken and uneven and is sealed in a patch-work fashion of concrete and asphalt. The uneven surface is a trip hazard and allows for the accumulation of debris that is believed to have caused tyre punctures.
2. When it rains (whether it's a small or large downpour) this laneway floods, in both the sealed and non-sealed areas, rendering the area inaccessible with the entire sealed entrance retaining water, and the unsealed area becoming a muddy pit.
3. Public safety issue when dry as there is uneven sealed and unsealed areas, including raised concrete. When flooded this becomes much more dangerous because the above-mentioned unsealed areas and raised concrete are not visible.
4. Local residents are aware of the danger and proceed with caution, but people visiting us are not aware and have stumbled in the past, and it will continue to pose a safety risk until this fixed.
5. Car traffic is constant in this lane as there is a Child Care Goodstart centre where the workers park their cars and drive in and out 5 days a week (Refer attachment A – No.24, along with the residents who have their own cars.

For over 20-years residents have repeatedly contacted Council to request that the drainage issues be rectified and the sealing of this laneway be conducted in full. The only work that Council has conducted is general maintenance such as filling in potholes and weeding. Council had advised that this lane was deemed a high priority to be completed in 22/23, yet latest correspondence (June 2023) advises that Construction is budgeted for 26/27.

As local residents we believe that we have been patient, but we, the undersigned now request that Hobsons Bay City Council take the following action:

- Seal the full length of Ryan Lane, Altona by the end of 2024.
- Address the drainage issues in Ryan Lane, Altona by the end of 2024.
- Commit to installing appropriate levels of street lighting in Ryan Lane to address safety concerns in the next 3 years.
- Communicate and consult with affected residents about the timeline for these works.

Motion

Moved Cr Daria Kellander, seconded Cr Jonathon Marsden:

That Council:

- 1. Receives and notes the petition in relation to a request to seal Ryan Lane, Altona.**
- 2. Subject to a review of the petition in accordance with the Hobsons Bay Governance Rules, receives a further report on this matter at a future Council Meeting.**

Carried unanimously

8 Business

8.1 Office of the Chief Executive

8.1.1 Chief Executive Officer's Report on Operations

Directorate: Office of the Chief Executive

Responsible Officer: Executive Assistant to the Chief Executive Officer

Reviewer: Chief Executive Officer

Attachments: 1. CEO Report on Operations - July 2023 [8.1.1.1 - 50 pages]

Purpose

To present the Chief Executive Officer's (CEO's) Report on Operations.

Motion

Moved Cr Diana Grima, seconded Cr Pamela Sutton-Legaud:

That Council receives and notes the Chief Executive Officer's Report on Operations, including details of recent issues and initiatives undertaken by the organisation.

Carried unanimously

Recommendation

That Council receives and notes the Chief Executive Officer's Report on Operations, including details of recent issues and initiatives undertaken by the organisation.

Summary

The attached CEO's Report on Operations provides Councillors and community with a regular update from the CEO on key initiatives, projects and performance.

Discussion

The purpose of this report is to inform Council and the community of recent issues, initiatives and projects undertaken across Council. The report is provided on a monthly basis.

In accordance with rule 10.7.1 of the Hobsons Bay Governance Rules, Council maintains records of meetings attended by Councillors in the CEO's Report on Operations to ensure transparency and equity of information. A summary of meetings for the period between 1 July 2023 and 31 July 2023 is provided in this month's report.

8.2 Corporate Services

8.2.1 Acknowledgement of King's Birthday 2023 Honours List Recipients

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity and Legal Counsel
Reviewer:	Director Corporate Services
Attachments:	Nil

Purpose

To formally acknowledge the achievements of Hobsons Bay residents John Arnold OAM, Fairlie MacLaine OAM, Kelly Rogers OAM and Bartholomew Willoughby OAM on being recognised in the King's Birthday 2023 Honours List.

Motion

Moved Cr Diana Grima, seconded Cr Pamela Sutton-Legaud:

That Council defers this item to the next Council Meeting on 12 September 2023.

Carried unanimously

Recommendation

That Council acknowledges the exceptional contribution of John Arnold OAM, Fairlie MacLaine OAM, Kelly Rogers OAM and Bartholomew Willoughby OAM, and congratulates them on being recognised in the King's Birthday 2023 Honours List.

Summary

At the Council Meeting held on 20 June 2023, Council acknowledged the achievements of John Arnold OAM, Fairlie MacLaine OAM, Dr Kelly Rogers OAM and Bartholomew Willoughby OAM, who had received recognition in the King's Birthday 2023 Honours List. Council also resolved to invite the award recipients to attend a future Council Meeting in accordance with the Council Recognition of Australian Honours and Awards Recipients Procedure. One recipient has accepted Council's invitation.

The King's Birthday Honours List recognises the outstanding service and contributions of Australian citizens nationwide each year and comprises a number of honours and awards. The Hobsons Bay recipients for 2023 received honours within the General Division and Military Division of the Order of Australia, which recognises Australians who have demonstrated outstanding service or exceptional achievement.

All Hobsons Bay recipients for 2023 were awarded the Medal of the Order of Australia for service worthy of particular recognition in their respective fields:

- John Arnold of Altona Meadows for service to the welfare of veterans
- Fairlie MacLaine of Williamstown for her service to the community through a range of organisations
- Associate Professor Kelly Rogers of Altona for her service to medical research
- Bartholomew Willoughby of Altona North for his service to the performing arts, particularly through music

8.2.2 Municipal Association of Victoria State Council Motions - October 2023

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity and Legal Counsel
Reviewer:	Director Corporate Services
Attachments:	Nil

Purpose

To consider the motions to be put to the Municipal Association of Victoria (MAV) for the State Council Meeting on 13 October 2023.

Motion

Moved Cr Matt Tyler, seconded Cr Jonathon Marsden:

That Council resolves to put the motions listed in this report to the Municipal Association of Victoria State Council Meeting to be held on 13 October 2023.

Carried unanimously

Recommendation

That Council resolves to put the motions listed in this report to the Municipal Association of Victoria State Council Meeting to be held on 13 October 2023.

Summary

MAV will be holding its second State Council Meeting for the year on 13 October 2023. These meetings provide an opportunity for local government to submit motions for key priorities that require state or federal government support.

Motions for the 13 October 2023 State Council Meeting must be submitted to MAV by 11 August 2023.

Council is being asked to endorse the motions detailed in this report for submission to the 13 October 2023 MAV State Council Meeting.

Background

MAV is a statutory peak body for local government in Victoria and takes a lead role in advocating for local government to state and federal government on a variety of issues of concern.

The State Council is the governing body for MAV and has representation from all member councils. Members are invited to submit motions to be considered by the State Council twice a year. Resolutions are assessed by the Board to determine how they will be progressed.

Discussion

The MAV State Council Meeting presents an opportunity to advocate for key priorities within Hobsons Bay that require state and federal government support to effect meaningful change.

The following motions have been developed for Council to consider for submission to the MAV State Council Meeting to be held on 13 October 2023:

1. Review Maternal and Child Health Key Age and Stages framework and rectify funding shortfall

That the MAV calls on the Victorian Government to review the Maternal and Child Health (MCH) Key Ages and Stages (KAS) framework and associated historical funding model in which local and state governments equally fund the service, and seeks immediate action to rectify the funding shortfall through:

1. Reviewing the KAS framework to ascertain the level of complexity, need and resources required to effectively assess the health and wellbeing of children and their families within the current environment where incidents of family violence, child abuse and mental illness are continuing to rise
2. Undertaking a sector wide analysis of the historical shared funding model in which local and state governments are required to equally fund the delivery of the service
3. Consulting with local government to determine the level of additional funding required to be invested in local government by the Victorian Government as a result of the state's ongoing funding shortfall

2. Assess existing and future transport needs of the western suburbs

That the MAV, in response to the SRL Airport Rail, Geelong Fast Rail and Western Rail Plan projects being put on hold by the Victorian and Australian governments, calls on the Victorian Government to undertake an assessment of the existing and future transport needs of communities in the growing western suburbs to ensure that existing and future infrastructure is adequate.

3. Recognise the Ramsar-protected Cheetham Wetlands and support local initiatives highlighting the significance of inner western coastal wetlands to First Nations people, promoting education on the impact of climate change upon coastal wetlands, and supporting eco-tourism and nature-based recreation in metropolitan Melbourne

That the MAV calls on the Victorian and Australian governments to recognise the internationally significant Ramsar-protected Cheetham Wetlands, visited by thousands of migratory birds annually, and that both governments support local and regional initiatives that:

1. Highlight the significance of the inner western coastal wetlands to First Nations people
2. Promote education about the impact of climate change on coastal wetlands
3. Provide unique eco-tourism and nature-based recreational experiences in metropolitan Melbourne

8.2.3 Draft Election Period Policy 2023

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity and Legal Counsel
Reviewer:	Director Corporate Services
Attachments:	Nil

Purpose

To place the Draft Hobsons Bay Election Period Policy on public exhibition for a period of four weeks from 9 August 2023 to 5 September 2023.

Motion

Moved Cr Jonathon Marsden, seconded Cr Diana Grima:

That Council:

- 1. Places the Draft Hobsons Bay Election Period Policy 2023 on public exhibition for four weeks from 9 August 2023 to 5 September 2023.**
- 2. Receives a further report to adopt the Hobsons Bay Election Period Policy 2023 following the public exhibition period.**

Carried unanimously

Recommendation

That Council:

- 1. Places the Draft Hobsons Bay Election Period Policy 2023 on public exhibition for four weeks from 9 August 2023 to 5 September 2023.**
- 2. Receives a further report to adopt the Hobsons Bay Election Period Policy 2023 following the public exhibition period.**

Summary

Section 69 of the *Local Government Act 2020* requires Council to include an election period policy in its Governance Rules. The policy sets out the procedures to be applied by Council during the election period for a general election.

In accordance with rule 16.2 of the Hobsons Bay Governance Rules, Council's election period policy has been reviewed and is now submitted to Council to be placed on public exhibition in accordance with section 60(4) of the *Local Government Act 2020* and Council's Community Engagement Policy.

Background

Council's current Election Period Policy was adopted at the Council Meeting held on 25 August 2020 and forms part of the Hobsons Bay Governance Rules.

In accordance with rule 16.2 of the Hobsons Bay Governance Rules, Council must review its Election Period Policy at least once each Council term, and not later than 12 months prior to the commencement of an election period. The next election period begins on 24 September 2024.

The purpose of the Election Period Policy is to ensure that the ordinary business of local government by Hobsons Bay City Council continues throughout the election period in a responsible and transparent manner, and in accordance with statutory requirements and established election period conventions. These conventions are intended to ensure that councils and Councillors will not use public resources in election campaigning or make major policy decisions that may bind the incoming Council.

Under section 69(2) of the *Local Government Act 2020*, an election period policy must prohibit any Council decision during the election period for a general election that:

- (a) relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer
- (b) commits Council to expenditure exceeding one per cent of Council's income from general rates, municipal charges and service rates and charges in the preceding financial year
- (c) Council considers could be reasonably deferred until the next Council is in place
- (d) Council considers should not be made during an election period

An election period policy must also prohibit any Council decision during the election period for a general election or by-election that would enable the use of Council resources in a way that is intended to influence, or is likely to influence, voting at the election.

Section 123 of the *Local Government Act 2020* prescribes serious penalties for any Councillor who inappropriately makes use of their position or information obtained in their role to gain an advantage for themselves or any other person, or to disadvantage another.

Discussion

The Draft Hobsons Bay Election Period Policy 2023 will apply to the upcoming election period beginning at 12pm on 24 September 2024 and ending at 6pm on Election Day, 26 October 2024.

The proposed policy makes the following key revisions:

- clarified expectations of Council staff and members of Council committees and delegated committees during the election period, including those who stand for election as Councillors
- revised wording regarding scheduling consideration of decisions that clarifies the requirements of sections 69(2)(c) and 69(3) of the *Local Government Act 2020*
- inclusion of a specific requirement that all items listed on a Council Meeting agenda during an election period be prefaced by an election period statement, and the specified form the election period statement shall take

- inclusion of a requirement for Councillors to commit to refrain from moving motions or raising matters at a meeting that could potentially influence voting at the election, including matters raised as urgent business
- greater clarity on the requirements for decisions made under the delegated authority of Council during an election period
- prohibition under the policy of the adoption of any new policy, strategy or local law during an election period
- addition of provisions relating to section 69(4) and 69(5) of the *Local Government Act 2020*
- provisions regarding public consultation undertaken prior to the election period but not yet submitted to Council or a delegated committee for consideration, and to postponing consultation where the matter is likely to affect voting in the election
- requirements for Councillors and members of Council staff who stand for election in a state or federal election
- specified timeline regarding notification of the requirements of the policy by the Chief Executive Officer

9 Delegate Reports

Purpose

To consider reports by Councillors who have been appointed as delegates to Council and community committees.

Motion

Moved Cr Matt Tyler, seconded Cr Jonathon Marsden:

That Council receives and notes the recent Delegate Reports.

Carried unanimously

Recommendation

That Council receives and notes the recent Delegate Reports.

Metropolitan Transport Forum

Directorate: Infrastructure and City Services

Councillor Delegate: Cr Jonathon Marsden

Date of Meeting: 5 July 2023

The Metropolitan Transport Forum (MTF) is a monthly gathering that allows councils to collaborate and discuss ways to improve the transport system by sharing knowledge and focusing on integrated transport. The forum is attended by 26 councils in Melbourne, as well as individuals from other transport-related organisations and advocacy groups such as the Department of Transport and Planning, the Public Transport Users Association, and Victoria Walks.

Presentation

Council representatives Richard Smithers (City of Melbourne), Yee Huynh (City of Yarra), and Karen Roach (City of Port Philip), and company representatives Yusuf Abdalahi (Neuron) and Hugo Burt-Morris (Lime) provided an update on the e-scooter trial being run in the three municipalities. The trial has shown very strong demand for the transport mode, with greater than expected use of scooters. The majority of scooter use is occurring in the CBD. MOUs between councils and the scooter operators have been an integral part of the trial.

A wide-ranging discussion covered matters of potential expansion of the scooter zone to other councils; challenges with scooter infrastructure and user behaviour; parking management; how councils have used MOUs with the providers to get good outcomes; the excellent safety record of the mode; the value of nationwide design standards.

Council updates

Each month a select number of Councils provide an update to the forum. This month only the City of Casey provided an update. Updates from Darebin and Frankton were postponed to the next meeting.

Anitha Ajay (City of Casey) provided an overview of Casey's transport program including the upgrade and extension of Thompsons Road, upgrade of the Clyde Road Corridor, bus advocacy, working with the VPA on five precinct structure plans, implementing Council's Living and Ageing Well action, work related to School Crossing Optimisation program, and attracting participation from more schools in Casey's Safe Around Schools program.

LeadWest Joint Delegated Committee

Directorate: Office of the Chief Executive
Councillor Delegate: Cr Matt Tyler
Date of Meeting: 8 June 2023

The June meeting of the LeadWest Joint Delegated Committee was hosted by Brimbank City Council online via Zoom.

The following items were discussed:

Inaugural West MPs Meet and Greet event

It was noted that The Hon. Melissa Horne MP will be speaking representing the Premier, who is unable to attend. The event will be held on 21 June 2023 at Parliament House.

Ongoing engagement with federal and state MPs

It was agreed to approach federal MPs for a roundtable event. LeadWest will continue to engage with state MPs from both the government and the opposition. The members suggested that a face-to-face meeting would be preferable.

LeadWest Advocacy Plan Priorities

A review of the current advocacy priorities will be undertaken and will be reported back to the next meeting.

Delivery on LeadWest Workplan

A review of the workplan for 2023 has been undertaken and will include the establishment of an operational advocacy group, refresh of advocacy asks and associated promotional material, a Position Paper to be developed that will summarise what LeadWest can offer, trip to Canberra (later in the year) and possible pre-budget submissions for 2024-25 state and federal budget.

The workplan will be reassessed over the next six months to see if any further campaigns or strategies will be required to generate traction on priority issues, ensuring that the approach moving forward delivers benefits for all member councils and that LeadWest is recognised by key stakeholders as a strong and organised advocacy group representing the priority interests of the west.

Finance Committee

It was resolved to wind up the Finance Committee now that the new LeadWest structure is in place.

10 Notices of Motion

10.1 Notice of Motion No.1246 - Public forum proposal

Section 8.15.5 of the Hobsons Bay Governance Rules requires the Chief Executive Officer to inform Councillors about the legal and cost implications of any proposed notice of motion. Accordingly, the costs of implementing this notice of motion will be accommodated within the existing operational budget.

There are no apparent legal implications at this point in time.

Cr Daria Kellander has given notice of the following:

That Council receives a report at the 10 October 2023 Council Meeting detailing how a regular public forum or meeting could be introduced at Hobsons Bay City Council for community members to make representation and ask live and unscripted questions of the Mayor, Councillors and Chief Executive Officer.

Motion

Moved Cr Daria Kellander:

That Council receives a report at the 10 October 2023 Council Meeting detailing how a regular public forum or meeting could be introduced at Hobsons Bay City Council for community members to make representation and ask live and unscripted questions of the Mayor, Councillors and Chief Executive Officer.

There was no seconder for the motion, and so it lapsed.

Lapsed

11 Urgent Business

Nil

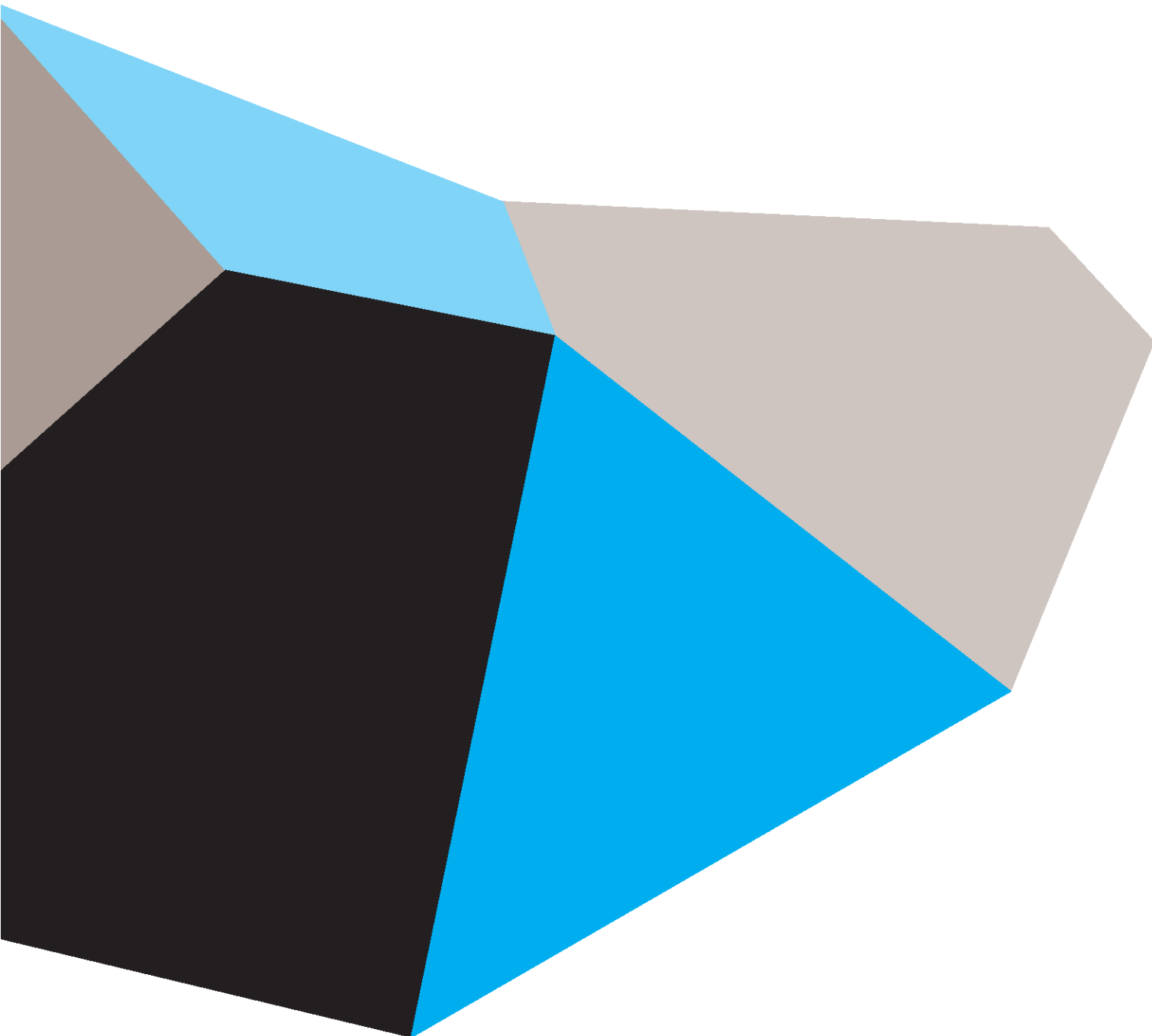
12 Close of Meeting

There being no further business, the Chairperson declared the meeting closed at 8.15pm.

Chairperson – Cr Antoinette Briffa

Signed and certified as having been confirmed.

12 September 2023



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