

Council Meeting Minutes

14 November 2023

Council Chamber
Hobsons Bay Civic Centre
115 Civic Parade, Altona

**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 Matt Tyler (Mayor) Wetlands Ward

Councillors:

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

Aaron van Egmond
Chief Executive Officer
Hobsons Bay City Council

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**Minutes of the Council Meeting held on 14 November 2023 at
7.07pm.****Present****Chairperson**

Cr Matt Tyler (Mayor) Wetlands Ward

Councillors

Cr Antoinette Briffa JP Cherry Lake Ward

Cr Diana Grima Wetlands Ward

Cr Daria Kellander Cherry Lake Ward

Cr Peter Hemphill Strand Ward

Cr Jonathon Marsden Strand Ward

Cr Pamela Sutton-Legaud (Deputy Mayor) Strand Ward

Officers

Mr Aaron van Egmond Chief Executive Officer

Mr Andrew McLeod Director Corporate Services

Mr Sanjay Manivasagasivam Director Infrastructure and City Services

Ms Penelope Winslade Director Sustainable Communities

Ms Diane Eyckens Manager Corporate Integrity and Legal Counsel

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.

2 Apologies

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

All Councillors were present. Cr Peter Hemphill joined the meeting virtually.

3 Disclosure of Interest

In accordance with sections 127 and 128 of the *Local Government Act 2020* Councillors and staff 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 Diana Grima declared a conflict of interest regarding Techno Park but did not elaborate at this point in the meeting.

Cr Daria Kellander raised that under the Governance Rules, Councillors are required to disclose certain details of a conflict of interest, but the Chairperson said that he understood it would be addressed during Public Question Time.

Later in the meeting, following item 11, Cr Grima clarified that her conflict of interest was caused by a family member having recently carried out maintenance work at Techno Park.

4 Confirmation of Minutes

4.1 Confirmation of Minutes

Confirmation of the minutes of the Council Meeting of Hobsons Bay City Council held on 10 October 2023 (copy previously circulated).

Motion

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

That Council confirms the minutes of the Council Meeting of Hobsons Bay City Council held on 10 October 2023.

Carried unanimously

5 Councillor Questions

Before Councillor Questions commenced, the Chairperson announced that certain questions which had been submitted to Public Question Time could not be answered publicly due to regulatory enforcement and contractual matters.

Cr Daria Kellander said that she would also like to ask questions regarding Techno Park, and asked whether that was possible.

Mr Andrew McLeod, Director Corporate Services, advised that Council was not taking any specific questions regarding Techno Park, given the pending legal action and its potential prejudicial impact on either party in respect to that to that legal action.

There were no further questions from any Councillors.

6 Public Question Time

Anthony Santo

Q Why has there not been any repair work carried out on the John Liston Lane railway fencing?

In November 2022 strong winds blew parts of the timber fence down and temporary cyclone fencing was erected, but 12 months later it is still the same – no maintenance has been carried out.

What is the plan going forward?

A Council is aware of the issues and condition of the fence along the rail track and the laneways. Council has completed localised repairs and replaced some local sections of the fence with temporary fencing. Funding has been allocated in Council's 2023-24 Capital Works Program towards the renewal of the fence.

This fence has shared responsibility with VicTrack, and officers are liaising with them to get funding towards this work as well as the necessary permits to carry out the works safely.

Brooke Caddell

Q Newport Lakes Native Nursery specialises in the plants of the critically endangered Western Basalt Plains and is the only place some of these plants are available to the public.

Council's Draft Biodiversity Strategy includes actions to expand its Habitat Gardens program and strengthen "habitat in Hobsons Bay open space areas utilising indigenous plantings, prioritising biodiversity corridors".

Has Council considered where they will acquire plants for these initiatives if the nursery cannot afford to renew its lease?

A Council sources its indigenous species from a variety of providers, both local and throughout Victoria.

In the unfortunate event of a local provider being unavailable, Council would need to explore other options.

Helen Sinnema

Q When a councillor has a conflict of interest in a matter before Council at a public meeting, are they required to disclose what the conflict is during that meeting? Or can they just say they have one, without providing any details?

A Section 15.3.1 of the Hobsons Bay Governance Rules requires that at the time indicated in the agenda, a Councillor with a conflict of interest in an item on that agenda must indicate they have a conflict of interest by stating the item for which they have a conflict of interest, whether their conflict of interest is general or material, the circumstances that give rise to the conflict of interest and the remedy (if any) that will be used to address the conflict of interest, e.g. "will not affect my decision", "will leave the Chamber", "will take no further part".

John O'Hagan

Q For what purpose has Council chosen to engage The RedBridge Group, a consultancy that specialises in “influenc[ing]...stakeholders and public opinion”?

A RedBridge provides advisory services to Council on a variety of important matters to support communications with the community.

Q How much money will Council pay RedBridge for their services?

A Redbridge has been paid \$31,800 for services in relation to a number of matters.

Nicholas Norton

Q Over the past three years, how much money did Council spend defending their planning decisions at VCAT?

A Over three years, Council's representation on VCAT matters totalled \$982,930 for 159 cases.

Q Over the past three years, in what percentage of cases has VCAT overturned Council's decisions?

A Council's VCAT outcomes are publicly available on the Victorian Government's Planning Permit Activity Reporting website: <https://www.planning.vic.gov.au/guides-and-resources/council-resources/planning-permit-activity-reporting>

Out of the 159 cases that have gone to VCAT, 64 have been overturned.

Q How long will Council enforce their ban on public questions about Techno Park?

A Due to pending legal action in relation to the illegal residential occupation of Techno Park, questions relating to the matter will only be answered upon completion of any legal action.

7 Petitions and Joint Letters

7.1 Petitions and Joint Letters Received

7.1.1 Petition - Request to recognise Techno Park in the Industrial Land Management Strategy

Cr Daria Kellander tabled a petition which read as follows:

We, the undersigned, urge Hobsons Bay City Council councillors:

1. to include in the Industrial Land Management Strategy (ILMS) recognition and acknowledgement of the long-standing residential community at Techno Park in the Williamstown North industrial precinct.
2. to consider this long-standing residential community when undertaking the further work noted in the draft ILMS for the Williamstown North precinct including:
 - Future zoning options – investigate options to update SUZ2 due to refinery operation ceasing in 2021,
 - Precinct planning – Exxon Mobil site,
 - Planning Scheme Amendment to implement new land use planning framework,
 - Advocacy to State Government to apply a Buffer Area Overlay to Major Hazard Facilities.

Motion

Moved Cr Daria Kellander, seconded Cr Pamela Sutton-Legaud:

That Council:

1. **Receives and notes the petition in relation to recognising Techno Park.**
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

Councillor Movements

When the vote was first held, all Councillors were present, but Cr Briffa and Cr Kellander both raised that Cr Grima should not be present due to her previously declared conflict of interest regarding Techno Park.

Cr Grima accepted this and left the Chamber at 7.27pm, and the vote was held a second time. Cr Grima returned to the Chamber at 7.29pm after the vote.

7.1.2 Petition - Save Newport Lakes Native Nursery

Cr Jonathon Marsden tabled a petition which read as follows:

This petition calls upon Hobsons Bay City Council to investigate all ways to keep the Newport Lakes Native Nursery operational. The City Council owns the Newport Lakes land and building which, in turn, it leases out to the Nursery. Lease increases, mean that the Nursery will not be able to renew its lease. Consequently, the Nursery will close, and a valuable asset will be lost.

The Nursery is one of the few that supplies native plants indigenous to the area. It is a small business driven by environmental and community values by a dedicated and knowledgeable workforce. All this experience will be lost as there is little likelihood of finding an alternative workplace in the current rental market.

The Nursery supplies plants for the community; to individuals, to six councils (Brimbank, Hobsons Bay, Maribyrnong, Melton, Moone Valley, Wyndham), Melbourne Water, conservation groups and schools. It is an educational asset, giving free workshops for schools and groups, and it provides employment that further sustains the ideals of conservation.

This petition calls upon the Council to give its commitment to supporting the retention of the Newport Lakes Native Nursery in the interests of the environment and the rate paying community.

Motion

Moved Cr Jonathon Marsden, seconded Cr Diana Grima:

That Council:

- 1. Receives and notes the petition in relation to Newport Lakes Native Nursery.**
- 2. Notes that this is commercial-in-confidence matter and Council has instructed an external legal firm to act on its behalf.**

Carried/Lost

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:	CEO Report on Operations - October 2023 [8.1.1.1 - 55 pages]

Purpose

To present the Chief Executive Officer's (CEO's) Report on Operations for October 2023.

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.

Motion

Moved Cr Diana Grima, seconded Cr Jonathon Marsden:

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

8.2 Corporate Services

8.2.1 First Quarter Financial Report - Period Ended 30 September 2023

Directorate:	Corporate Services
Responsible Officer:	Chief Financial Officer
Reviewer:	Director Corporate Services
Attachments:	Financial Report 2023-24 [8.2.1.1 - 18 pages]

Purpose

To present Council with the financial results for the period ended 30 September 2023, and the revised 2023-24 annual forecast projections following completion of the September quarterly forecast review.

Recommendation

That Council:

1. Notes the financial report for the period ended 30 September 2023.
2. Endorses the revised 2023-24 annual forecasts.

Motion

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

That Council:

1. Notes the financial report for the period ended 30 September 2023.
2. Endorses the revised 2023-24 annual forecasts.

Carried unanimously

8.2.2 First Quarter 2023-24 Council Plan Initiatives and Local Government Performance Reporting Framework Progress Report

Directorate:	Corporate Services
Responsible Officer:	Corporate Reporting and Information Management Lead
Reviewer:	Director Corporate Services
Attachments:	Quarter 1 2023-24 - Council Plan Initiatives Progress Report [8.2.2.1 - 12 pages]

Purpose

To provide Council with first quarter (1 July to 30 September 2023) update on the progress of the major initiatives that are included in the annual budget to support the achievement of the Council Plan 2021-25.

Recommendation

That Council notes the progress made on the Council Plan 2021-25 major initiatives during the first quarter of 2023-24.

Motion

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

That Council notes the progress made on the Council Plan 2021-25 major initiatives during the first quarter of 2023-24.

Carried unanimously

8.2.3 Proposed Sale of Land at 18 Balmoral Street South, Altona Meadows - Community Consultation Results

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

Purpose

To provide an update on statutory process undertaken in accordance with section 114 of the *Local Government Act 2020* for the proposed sale of a section of previously discontinued road contained in Certificate of Title Volume 3385 Folio 819, Lot 1 on Title Plan 813166T, situated at the rear of 17 Ascot Street South and 18 Balmoral Street South, Altona Meadows (the Land).

Recommendation

That Council:

- 1. Notes that no submissions were received as part of the community engagement undertaken as per section 114 of the *Local Government Act 2020*.**
- 2. Resolves to sell a section of the land contained in Certificate of Title Volume 3385 Folio 819, Lot 1 on Title Plan 813166T by private treaty to the owner of 18 Balmoral Street South, Altona Meadows.**
- 3. Resolves to authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to sign all necessary documentation for the sale of the Land to the owner of 18 Balmoral Street South, Altona Meadows.**

Motion

Moved Cr Diana Grima, seconded Cr Jonathon Marsden:

That Council:

- 1. Notes that no submissions were received as part of the community engagement undertaken as per section 114 of the *Local Government Act 2020*.**
- 2. Resolves to sell a section of the land contained in Certificate of Title Volume 3385 Folio 819, Lot 1 on Title Plan 813166T by private treaty to the owner of 18 Balmoral Street South, Altona Meadows.**
- 3. Resolves to authorise the Chief Executive Officer, or such other person as the Chief Executive Officer approves, to sign all necessary documentation for the sale of the Land to the owner of 18 Balmoral Street South, Altona Meadows.**

Carried unanimously

8.2.4 Adoption of Election Period Policy 2023

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

Purpose

To adopt the Hobsons Bay Election Period Policy 2023.

Recommendation

That Council adopts the Hobsons Bay Election Period Policy 2023.

Motion

Moved Cr Jonathon Marsden, seconded Cr Antoinette Briffa:

That Council adopts the Hobsons Bay Election Period Policy 2023.

Carried unanimously

8.2.5 Council Meeting Timetable 2024

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

Purpose

To adopt the 2024 Council Meeting Timetable.

Recommendation

That Council:

1. **Adopts the Council Meeting Timetable to 31 December 2024 as listed in the report.**
2. **Provides appropriate public notice of the Council meeting dates, including by publication on Council's website, in accordance with the Hobsons Bay Governance Rules.**

Motion

Moved Cr Peter Hemphill, seconded Cr Antoinette Briffa:

That Council defers the motion until the December meeting due to concerns regarding meetings around the 2024 election period.

Carried unanimously

8.3 Sustainable Communities

8.3.1 Future Framework for Outdoor Trading

Directorate:	Sustainable Communities
Responsible Officer:	Manager Strategy, Economy and Sustainability
Reviewer:	Director Sustainable Communities
Attachments:	Hobsons Bay Parklet Guidelines [8.3.1.1 - 17 pages] Hobsons Bay Fixed Infrastructure Guidelines [8.3.1.2 - 10 pages]

Purpose

To provide an update on the future outdoor trading program following community consultation and to seek endorsement of the revised outdoor trading framework.

Recommendation

That Council:

1. **Endorses the revised outdoor trading framework, Hobsons Bay Parklet Guidelines and Fixed Infrastructure Guidelines.**
2. **Receives a further report on Pier Street feature site at a future meeting.**

Cr Kellander announced that she intended to move an amendment to the motion. Once it was read, Cr Hemphill called a point of order that for the purposes of minute-taking this was a motion not an amendment.

Motion

Moved Cr Daria Kellander, seconded Cr Antoinette Briffa:

That Council:

1. **Endorses the revised outdoor trading framework, Hobsons Bay Parklet Guidelines and Fixed Infrastructure Guidelines.**
2. **Receives a further report on the Pier Street feature site and the proposal to permanently extend trader footpaths in the Pier Street precinct, at a Council meeting as part of the 2024-25 budget process.**

Carried unanimously

8.3.2 Adoption of Affordable Housing Policy and update on Hobsons Bay Affordable Housing Trust Annual Report

Directorate: Sustainable Communities

Responsible Officer: Manager Strategy, Economy and Sustainability

Reviewer: Director Sustainable Communities

Attachments:

1. Affordable Housing Policy - Final Draft [8.3.2.1 - 23 pages]
2. Affordable Housing Policy - Background Paper [8.3.2.2 - 47 pages]
3. Affordable Housing Policy - Summary of feedback and proposed changes [8.3.2.3 - 8 pages]
4. Hobsons Bay Affordable Housing Trust - Annual Report Year 1 [8.3.2.4 - 9 pages]

Purpose

To seek adoption of the Hobsons Bay Affordable Housing Policy 2023 and to note the Hobsons Bay Affordable Housing Trust Annual Report Year 1.

Recommendation

That Council:

1. **Notes the feedback received on the Draft Affordable Housing Policy Statement.**
2. **Adopts the Affordable Housing Policy 2023 updated in response to public consultation and feedback.**
3. **Writes to submitters thanking them for their feedback and advising them of Council's decision.**
4. **Notes the Hobsons Bay Affordable Housing Trust Annual Report Year 1.**

Motion

Moved Cr Diana Grima, seconded Cr Jonathon Marsden:

That Council:

- 1. Notes the feedback received on the Draft Affordable Housing Policy Statement.**
- 2. Adopts the Affordable Housing Policy 2023 updated in response to public consultation and feedback.**
- 3. Writes to submitters thanking them for their feedback and advising them of Council's decision.**
- 4. Notes the Hobsons Bay Affordable Housing Trust Annual Report Year 1.**

Carried unanimously

9 Notices of Motion

9.1 Notice of Motion No. 1247: Meetings with Trader Associations

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.

At the time of receiving this notice of motion, there are no apparent legal implications to be considered.

Cr Peter Hemphill has given notice of the following motion:

That Council hold quarterly meetings of representatives of the Hobsons Bay trader associations, councillors and Council's senior leadership team to discuss high level trader issues and build relationships between all parties.

Motion

Moved Cr Peter Hemphill, seconded Cr Pamela Sutton-Legaud; informally amended by Cr Jonathon Marsden with agreement from mover and seconder:

That Council hold quarterly meetings of representatives of the Hobsons Bay trader associations, councillors and Council's senior leadership team to discuss high level trader issues and build relationships between all parties, and that this arrangement continue until the end of the current Council term.

Carried

Councillor Movements

Cr Diana Grima left the Chamber at 8.31pm and was not present for the vote on item 9.1. She returned during discussion on the following item at 8.35pm.

10 Urgent Business

Cr Daria Kellander announced an intention to move an item of urgent business.

Motion

Moved Cr Peter Hemphill, seconded Cr Daria Kellander:

That Council considers an item of urgent business relating to Council providing parking exemptions for lifesaving club volunteers over the summer period.

Carried

10.1 Development of a Summer Foreshore Safety Parking Policy

Motion

Moved Cr Daria Kellander, seconded Cr Pamela Sutton-Legaud:

That Council:

- 1. Requests officers to provide an urgent report detailing the formation of a Summer Foreshore Safety Parking Policy.**
- 2. In developing the policy, considers the operational and support needs of both the Altona Life Saving Club (ALSC) and Williamstown Swimming and Life Saving Club (WSLSC) organisations including the issuance of permits to enable the operational needs of the club as follows: 10 free seasonal permits issued each to the ALSC and WSLSC, valid from 1 November to 30 April each year, exempt from both hourly charges and timed parking limits. The permits are to be transferrable to volunteers of the club for the purpose of patrol activities and related purposes.**
- 3. Provides the Summer Safety Parking Policy to Council at its December 2023 Council Meeting for consideration.**

Carried unanimously

11 Supplementary Public Question Time

No questions were submitted.

12 Close of Meeting

There being no further business, the Chairperson declared the meeting closed at 8.51pm.



A handwritten signature in black ink, appearing to read 'M. Tyler', is written over a horizontal line.

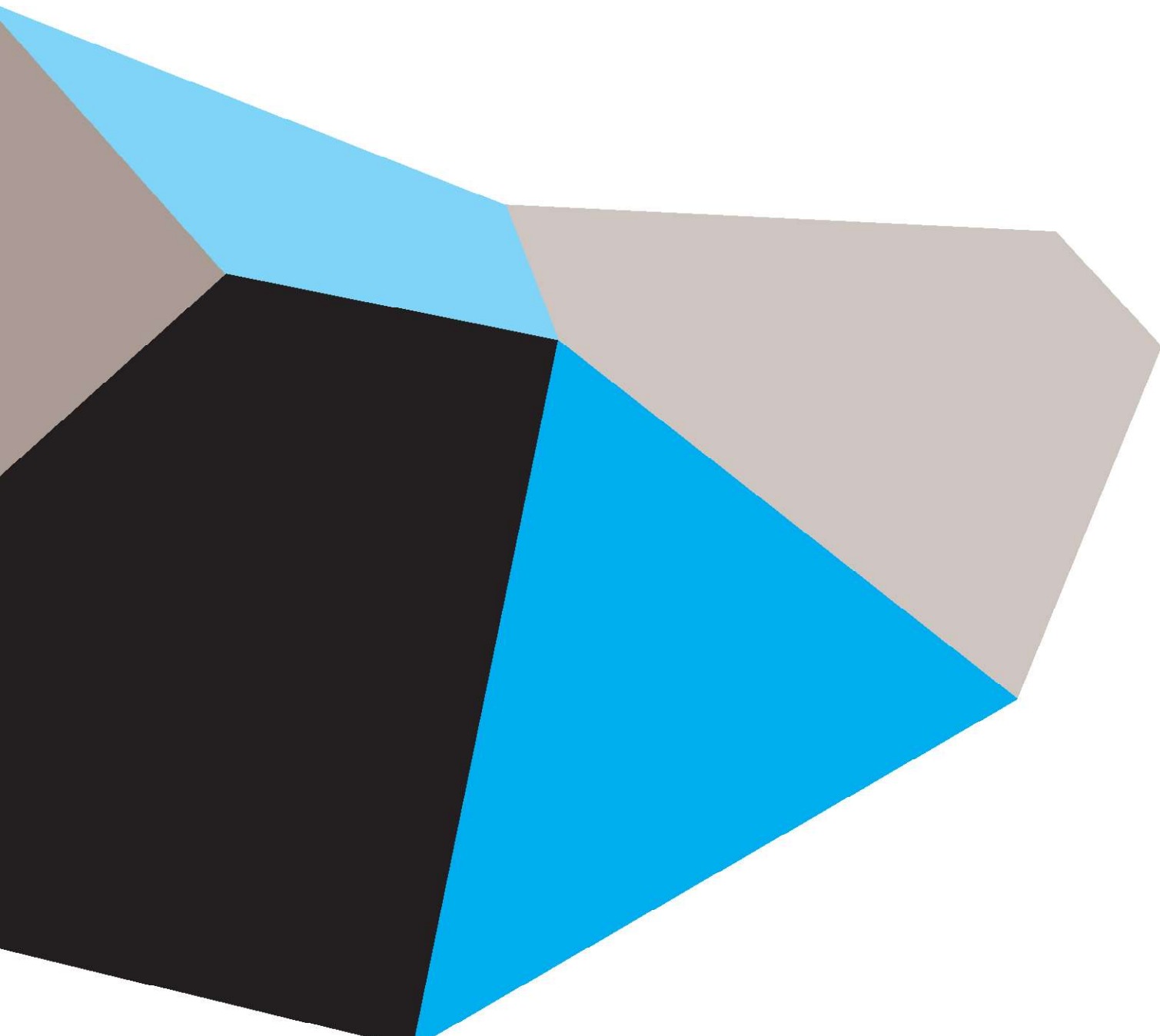
Chairperson – Cr Matt Tyler

Signed and certified as having been confirmed

12 December 2023

HOBSONS
BAY CITY
COUNCIL





HOBSONS BAY CITY COUNCIL

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