

Council Meeting Minutes

14 May 2024

Council Chamber
Hobsons Bay Civic Centre
115 Civic Parade, Altona

HOBSONS
BAY CITY
COUNCIL



COUNCIL CHAMBER

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 Pamela Sutton-Legaud (Deputy Mayor)	Strand Ward
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

Aaron van Egmond
Chief Executive Officer
Hobsons Bay City Council

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Minutes of the Council Meeting held on 14 May 2024 at 7.01 pm.**Present****Chairperson**

Cr Matt Tyler (Mayor) Wetlands Ward

Councillors

Cr Pamela Sutton-Legaud (Deputy Mayor) Strand Ward
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

Officers

Mr Aaron van Egmond Chief Executive Officer
Mr Andrew McLeod Director Corporate Services
Ms Rachel Lunn Director Sustainable Communities
Mr Matthew Irving Director Infrastructure and City Services
Ms Diane Eyckens Manager Corporate Integrity and Legal Counsel
Ms Paula Giaquinta Liaison Relationship Officer
Ms Jessica Maunder Minute Secretary
Mr Bikalpa Rajbhandari 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.

Nil

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.

No disclosures were made at this point in relation to the items listed on the agenda. However, disclosures were made later in the course of the meeting as new items arose:

- Item 5 (Councillor Questions) – Cr Diana Grima declared a conflict of interest regarding Techno Park
- Item 11.1 (Urgent Business) – Cr Matt Tyler declared a conflict of interest in relation to his work with Jesuit Social Services

4 Confirmation of Minutes

4.1 Confirmation of Minutes

Confirmation of the minutes of the Council Meeting of Hobsons Bay City Council held on 9 April 2024 (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 9 April 2024.

Carried unanimously

5 Councillor Questions

Mechanics Institute

Cr Pamela Sutton-Legaud asked for an update on the restoration of the Mechanics Institute following the recent release of the plans for public consultation.

Mr Matthew Irving, Director Infrastructure and City Services, said that he would have to take the question on notice as it was only his second day in the role.

Mr Aaron van Egmond, Chief Executive Officer, was able to provide more detail – he said that preliminary works had occurred for planning the restoration of the cottage, which was in the current year’s budget, and that the budget also had a consideration for some additional investment into that facility for a future stage.

Mr van Egmond said that Council is working in conjunction with volunteers related to the Men’s Shed who had also done restoration work at the Truganina Explosives Reserve building and Newport Railway Workshops, and Council is exploring how to work with them to get value for money while tapping into their expertise and the volunteer community; Council would handle the compliance aspect of the works and then the restoration will continue from there.

Mr van Egmond said he would be happy to provide a further update about the timing in future.

Election support for aspiring Councillors

Cr Pamela Sutton-Legaud noted that Council elections were being held in October and asked about Council’s role in supporting new or other candidates who wished to run for election.

Mr Andrew McLeod, Director Corporate Services, said that Council had just signed on to the Victorian Local Governance Association’s new councillor program and would be running eight workshops for prospective new councillors, including three specifically designed for encouraging female participation in local government.

Mr McLeod said that Council was waiting on confirmation of the program dates and would then start a promotional campaign, and expressed a hope that many potential aspiring councillors would be present on Election Day.

Anzac Day dawn service – proposal for Council support

Cr Peter Hemphill said that he had attended the Anzac Day dawn service at Williamstown and the event has become hugely popular with an attendance of about 5000, but people had since told him they were unable to hear what was being said during the ceremony as the audio system only served the immediate area around the cenotaph.

Cr Hemphill asked whether it was possible for Council to work with the Newport RSL to put more audio systems in surrounding streets such as Ferguson Street, Nelson Place and the Strand, either by providing grants or getting actively involved. He said

he was happy for the question to be put on notice and moved to his next question without waiting for a response.

State Budget and Queen Street Bridge

Cr Peter Hemphill highlighted some items from the state budget that were relevant to Hobsons Bay, one being the installation of cameras on Blackshaws Road to monitor trucks attempting to divert from the West Gate Tunnel and that Maribyrnong City Council had received similar funding for Francis Street, and the other being funding for the Queen Street footbridge which had been actively supported by the current Council and particularly former Councillors Sandra Wilson and Colleen Gates.

Cr Hemphill asked if Council knew how much funding had been allocated to the bridge and whether Council would be asked to carry the works out on behalf of the Department of Transport and Planning, noting that Council had previously made a proposal for doing the work itself.

Mr Matthew Irving, Director Infrastructure and City Services, said that his understanding was that \$12 million had been allocated to the Queen Street Bridge project and that Council would be liaising with the Department of Transport and Planning to get further details such as delivery responsibilities. He said it was a very good outcome that the funding was committed and the project could be delivered for the community of Altona Meadows and Altona.

Cr Hemphill said that he believed Council's previous proposal cost less than \$12 million and suggested that Council could be given the full amount and spend the leftover money on something else. He did not wait for a response to this suggestion and moved on to his next subject.

Welcomes

Cr Peter Hemphill welcomed Mr Matthew Irving back to Council, noting that he had previously been employed in a managerial role, and congratulated him on his new role as a Director.

Cr Matt Tyler agreed with Cr Hemphill on this, and also welcomed back Cr Sutton-Legaud as it was her first time attending a meeting in person after participating virtually for several months.

Thanks to Council officers

Cr Antoinette Briffa said she had no questions as Council officers were always very prompt in responding to questions, but she wanted to thank them for their "awesome work".

Asbestos found in parks

Cr Daria Kellander asked how many parks in Hobsons Bay were confirmed to contain asbestos.

Mr Matthew Irving, Director Infrastructure and City Services, said that 23 sites were investigated in total and 15 sites were required for remediation due to asbestos being present.

Cr Kellander observed that it had been over a month since some of the locations were first confirmed to contain asbestos and a number of locations such as GJ Hoskin Reserve in Altona North still remain fenced off and closed. She asked how many parks still remain closed and when they be remediated and reopened.

Mr Irving said that four sites still remain closed including Donald McLean Reserve, WLJ Crofts Reserve, Altona Coastal Park and GJ Hoskin Reserve. Each of these sites are being attended to with remediation and reinstatement works due to be complete by June 2024.

Cr Kellander asked how much Council had spent to date on the testing, closure of parks and remediation to date, and the expected total cost to be once all sites were fully remediated.

Mr Irving said that expenditure to date on fencing and hygienists had been around \$70,000 and the cost of the removal and reinstatement to those parks that require them could be \$130,000 to \$150,000 so the total expenditure bill could be \$200,000 to \$220,000; the cost would be more fully understood once the program of works was complete in June.

Cr Kellander asked whether those costs would be borne by Council's ratepayers.

Mr Irving said that all costs so far had been borne by Council as the responsible land manager, in accordance with the current EPA contamination management requirements. However, if Council officers could clearly identify a connection with either a contractor or a supplier that has not fulfilled its contractual obligations, they would be looking to pursue recovery of costs accordingly.

Traffic issues

Cr Daria Kellander asked for an update on any work being conducted to implement pedestrian crossings on Blackshaws Road.

Mr Matthew Irving, Director Infrastructure and City Services, said that a number of pedestrian improvement works were proposed as part of planned developments along Blackshaws Road (noting that they will be subject to timing for development) including works at the intersection of the Broadway, a new intersection near 141 Blackshaws Road and the intersection with Sutton Street. Pedestrian refuges were also planned at some of these locations.

Cr Daria Kellander asked for an update on the intersection of Fabric Drive and Blackshaws Road and when it was expected to be built.

Mr Matthew Irving, Director Infrastructure and City Services, said that a works-in-kind agreement was currently being developed for Mirvac to complete work on the intersection and it was expected that work should commence in July 2024 and take about nine months to be delivered.

Cr Daria Kellander asked for an update on the outdoor dining spaces for the Pier Street Precinct in light of the upcoming budget being finalised.

Ms Rachel Lunn, Director Sustainable Communities, referred to the previous Council resolution on this subject made in the 14 November 2023 meeting and said that staff have been working through the future arrangements for outdoor trading with the partners of Pier Street and other locations across the city.

Ms Lunn said that she and the Director Infrastructure and City Services would have a further discussion with Cr Kellander outside of the meeting regarding footpath works Cr Kellander had raised on the Pier Street precinct.

Techno Park

Cr Daria Kellander announced that she was going to ask a question regarding Techno Park.

Cr Diana Grima said that she would leave the room as she has a conflict of interest because a family member does maintenance work at Techno Park homes. She left the Chamber at 7.18pm.

Cr Kellander noted that it was a few days off the anniversary of Council's letter asking residents of Techno Park to cease residential use of the site, and asked for an update on the matter.

Ms Rachel Lunn, Director Sustainable Communities, said that on 5 April 2024 she had written an open letter to all people at Techno Park advising that changes made by the Victorian Government in February have changed the rights of all Victorians to demonstrate increased existing use rights across Victoria and the ability for people to apply for a certificate to demonstrate their existing use, and that these may have been changes that impact Techno Park. The letter also confirmed that no further enforcement action was being progressed at that time.

Ms Lunn said that Council has been working with its legal advisors to assess all elements of Council's role at Techno Park, including planning, building, safety, emergency management and the rights of the community, and that while she was unable to give a legal update at this meeting, further communication would be provided in coming weeks to people at Techno park, their lawyers and other parties who have a role in this complicated case.

As Cr Kellander had no further questions on the subject, Cr Grima returned to the Chamber at 7.19pm.

State Budget summary

Cr Matt Tyler asked for a summary of items from the recent State Budget that the Hobsons Bay community should be aware of.

Mr Aaron van Egmond, Chief Executive Officer, said that there may be some elements yet to be understood regarding the impacts of the budget, but listed that he was aware of:

- funding for the Westgate Punt and the Portarlington ferry services
- construction of the shared bike and pedestrian path at Laverton Creek, Queen Street, Altona
- maintenance funding for the West Gate Bridge
- investment in early childhood, which has an impact within Hobsons Bay
- transport – \$39 million allocated towards Melbourne's West for new and improved bus services from the Infrastructure Contribution fund
- Newport Storm Football Club received \$200,000 for new nets

Cr Tyler noted that the Queen Street pedestrian and cycling bridge had been a significant advocacy item for a long time and he wanted to acknowledge the Victorian Government's contribution, which he said responded to advocacy not only from Council but also on the part of the community.

6 Public Question Time

At the beginning of public question time, the Chairperson noted that a number of public questions submitted for the meeting could not be read out as they were either not within Council's power to respond or were in conflict with the Governance Rules section 13.1.16.

Yamama Al-shourbaji

The Chairperson said that Ms Al-shourbaji's first two questions could not be read out as they referred to international matters which Council cannot enter into as they are the responsibility of the federal government.

Q Will Council procurement activities support BDS (boycott, divestment and sanctions)?

A Regarding your enquiry about Council's procurement policy, this policy is due to be reviewed at the commencement of the new Council term following the local government elections later this year. Your views have been noted will be considered in more detail at the time of this review.

With regards to the existing policy, there is a specific section of the policy devoted to social procurement and the purchase of ethical goods to support equitable trade and a requirement to meet all legislation which also includes a specific section on social procurement.

Julie White

Q Is artificial intelligence or automated lifeguard or drowning prevention software (such as Lynxight software) currently being used, trialed or planned to be used at BayFit or Laverton Leisure Centres and if so, what technology, how does it function and when has or will it be trialed or introduced?

A AI systems are not currently used at BayFit Leisure Centre or Laverton Swim and Fitness Centre.

Council will continue to liaise with its centre operator BlueFit Recreation in relation to the best practice management of its facilities, in line with the Guidelines for Safe Pool Operations.

Q When did Council become aware that BlueFit is using Lynxight AI lifeguard software at Windy Hill Fitness Centre in Essendon and, given that the Royal Lifesaving Society of Australia has yet to release draft guidelines on the safe, responsible use of AI or automated lifeguard technology, what steps has Council taken to ensure BlueFit's safety practices in Hobsons Bay do and will comply with occupational health and safety laws, and with appropriate consideration of the myriad safety, ethical, privacy and human rights requirements of the use of AI or automated technology?

A Council meets regularly with BlueFit Recreation as the operator of BayFit Leisure Centre and Laverton Swim and Fitness Centre, to review the management and operation of these facilities.

Any implementation of new technology will be considered by the operator in line with the Guidelines for Safe Pool Operations.

Julie White (continued)

- Q Has legal advice or consultation with the community been obtained or undertaken, or will Council obtain or undertake such advice and consultation, before making any decision about whether AI or automated lifeguard or drowning prevention technology could be an acceptable, justified, safe or responsible use of technology in a Council-owned facility?**
- A** AI systems are not currently used at BayFit Leisure Centre or Laverton Swim and Fitness Centre.
- Council will continue to liaise with its centre operator BlueFit Recreation in relation to the management of its facilities, in line with the Guidelines for Safe Pool Operations.

John O'Hagan

- Q In the September 2023 Council meeting, Council said that they did not remove the Hobsons Bay Caravan Park, which housed community members on industrially zoned land for more than 30 years, because "The Caravan Park operated with an applicable planning permit." In fact, the Caravan Park operated legally in the industrial zone due to existing use rights.**

Why did Council give this wrong answer?

- A** There is a bit to work through with that one and we want to get the response right, and so we will be coming back to you with a response in due course but not for this evening. So officers are well aware and prioritising it.

- Q How long should a Hobsons Bay resident expect to wait for a response from the Mayor or Councillors when they contact them about an issue of concern?**

- A** Thank you for your question regarding the service timeframes for responding to resident correspondence to the Mayor and Councillors.

As the Mayor, I often work with the Council officers to provide a response in a timeframe that is appropriate to the type and complexity of the matters at hand. Sometimes enquiries need to be dealt with by Council officers and not by the Mayor and Councillors where the matter is not one that Councillors can be involved, such as planning enforcement activity.

I know that a number of members of the community have emailed me and other around the people living at Techno Park and Council officers provided an open letter on 5 April 2024 that sets out Council's current position on enforcement matters. Everyone living at Techno Park received a copy of this letter and this was sent from officers because it is an operational matter that Councillors cannot influence.

Rosa McKenna

Q The lease arrangement on Mary Street Reserve, Spotswood, changed in 2021. The timeline for community engagement shows consultation commenced June 2022 and final design endorsed by Council in September 2023 with work planned to commence in 2024. In the interim the previous lease holder retains exclusive use of public land while other users have been relocated.

Please explain why this work has not commenced and how public land is still inaccessible to the community to use?

A The works that are planned at Mary Street Reserve are subject to obtaining a planning permit. The planning permit application is subject to consideration through VCAT. Construction is scheduled to commence in late 2024, subject to outcomes from the VCAT process.

7 Petitions and Joint Letters

7.1 Petitions and Joint Letters Received

7.1.1 Petition: Stop Hiking Our Rates

Cr Daria Kellander tabled a petition.

Motion

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

That Council:

- 1. Receives and notes the petition titled “Stop Hiking Our Rates”.**
- 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 - April 2024

Directorate: Office of the Chief Executive
Responsible Officer: Executive Assistant to the Chief Executive Officer
Reviewer: Chief Executive Officer
Attachments: Nil

Purpose

To present the Chief Executive Officer's (CEO's) Report on Operations for April 2024.

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 Antoinette Briffa:

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 Third Quarter Financial Report – Period ended 31 March

Directorate:	Corporate Services
Responsible Officer:	Chief Financial Officer
Reviewer:	Director Corporate Services
Attachments:	1. Financial Report 2023-24 [8.2.1.1 – 19 pages]

Purpose

To present Council with the financial results for the period ended 31 March 2024, and the revised 2023-24 annual forecast projections following completion of the March quarterly forecast review.

Recommendation

That Council:

1. Notes the financial report for the period ended 31 March 2024.
2. Endorses the revised 2023-24 annual forecasts.

Motion

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

That Council:

1. Notes the financial report for the period ended 31 March 2024.
2. Endorses the revised 2023-24 annual forecasts.

Carried unanimously

8.2.2 Third Quarter Council Plan Initiatives Progress Report 2023-24

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity and Legal Counsel
Reviewer:	Director Corporate Services
Attachments:	1. Q3 Report 2023-24: Council Plan Initiatives Progress Update [8.2.2.1 - 13 pages]

Purpose

To provide Council with a third quarter (1 January to 31 March 2024) 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 third 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 third quarter of 2023-24.

Carried

Councillor Movements

Cr Peter Hemphill left the Chamber at 7.50pm at the beginning of this item and was still absent when the vote was called.

8.3 Sustainable Communities

8.3.1 Victorian Energy Collaboration

Directorate:	Sustainable Communities
Responsible Officer:	Manager Strategy Economy and Sustainability
Reviewer:	Director Sustainable Communities
Attachments:	Nil

Purpose

To confirm Council's renewable electricity purchasing arrangements to power streetlights and commitment to achieving Climate Active Carbon Neutral Accreditation through the purchase of Australian offsets.

Recommendation

That Council:

1. **Enters into a five-and-a-half year contract with Red Energy Pty Limited to provide renewable electricity for street lighting for a maximum total value of \$3,100,000 (three million, one hundred thousand dollars) excluding GST.**
2. **Delegates to the Chief Executive Officer to sign the Renewable Electricity Supply Agreement with Red Energy Pty Limited.**
3. **Delegates to Council officers the ability to vary the electricity load purchased through the Renewable Electricity Supply Agreement with Red Energy Pty Limited within the constraints of the Procurement Policy.**
4. **Notes that Hobsons Bay City Council will be Climate Active Carbon Neutral for 2023-24 through the purchase of Australian offsets.**

Discussion

Point of Order 1

While discussing carbon credits, Cr Kellander referred to a Council delegation's visit to sister city Anjo in Japan and quoted media commentary on this.

Cr Marsden called a point of order on relevance.

The Chairperson interjected and asks which Governance rule the point of order refers to.

Cr Marsden referred to Rule 8.18.3.2 of the Hobsons Bay Governance Rules, saying that Cr Kellander's comments about the international trip were "irrelevant and vexatious, being not concerned with the matter at hand but rather a personal attack on other councillors".

The Chairperson upheld the point of order “based on relevance” and asked Cr Kellander to remain relevant to the item.

Cr Kellander said that she disagreed with the ruling, stating that “talking about plane trips is highly relevant to the topic of climate change” and requested for her objection to be included in the minutes in accordance with Rule 8.21.5.

The Chairperson upheld the point of order “based on relevance, based on the commentary from the media that had shared” and asked Cr Kellander to remain relevant to the item in front of Council.

Cr Kellander sought clarification speaking on topics of trips to Japan.

The Chairperson said he was not going to state what Cr Kellander could or could not speak about but asked Cr Kellander to stay relevant to the item being discussed.

Point of Order 2

Cr Kellander resumed her commentary and was saying “carbon wasn’t even a consideration when those trips to Japan” when Cr Marsden called for a second point of order stating it was vexatious and irrelevant.

When asked to elaborate on the specific aspects by the Chair, Cr Marsden referred to the same rule he quoted in the previous point of order. He said that “Cr Kellander is referring to an item concerned with a friendship and sister city alliance. It has nothing to do with the purchasing of carbon offsets or the other elements of the resolution, and therefore is irrelevant” and he stated it “strays into vexatious territory, holding to attempting to smear another councillor as well”.

The Chairperson said that he had already ruled on the media commentary, and that what Cr Kellander was now sharing does relate to carbon, and that he would allow it to proceed. He iterated that it is relevant to the item and asked Cr Kellander to remain focused on the substance and not on media commentary, and certainly not on other councillors.

In response to Cr Marsden, Cr Kellander said that she had not mentioned anybody’s name or any relationship or anything but simply a flight.

Cr Marsden responded play the ball, not the person.

Cr Kellander stated that she hadn’t targeted a person.

Cr Marsden said that she had.

Cr Kellander stated that she has not targeted a person or mentioned anybody’s name.

The Chairperson stated that Cr Kellander has the floor and asked her to proceed with the rest of her commentary

Splitting of motion

At the conclusion of her commentary, Cr Kellander requested under Rule 8.7.2 for the motion to be put to the vote in two parts. First part being points 1-3 (all relating to the contract with Red Energy), and second part being point 4 (noting the purchase of carbon offsets).

The Chairperson sought advice from the CEO on how to proceed with this, and announced that debate would continue on the motion as a whole, then at the point of the vote the two parts of the motion would be voted on separately.

Proposed deferral of second motion

Cr Grima suggested that since she thought the nature of the motion had changed, she believed it was necessary for the item to be deferred so the councillors could be briefed on the changes.

The Chairperson asked Cr Grima if she would like to move a deferral motion to which the councillor sought advice on whether splitting the motion would affect any contract.

Ms Lunn answered that signing of the contract is time sensitive, but the mandate regarding carbon offset could be considered in the future.

Cr Grima expressed that item regarding carbon credit be discussed in another briefing given that the item has gone to a separate voting.

After further debate and advice from officers, the Chairperson proposed that debate on the item to continue and that Council would vote on the first part of the motion (the contract), before further considering a procedural motion for the second part (noting the purchase of the carbon offsets).

In relation to the procedural motion, Cr Hemphill questioned whether the issue needs to be discussed given that point 4 is about noting something and not about voting on carbon offsets. The Chairperson answered that this was being discussed because of the request to deferral, but the merits of the deferral itself could be discussed later.

Foreshadowing

Cr Kellander proposed that the second half of the motion could be resolved by voting on it immediately, and that in this case she would foreshadow a motion to defer the item if the vote failed.

The Chairperson refused this proposal, saying it would be cleaner to consider the deferral before the vote.

The Chairperson requested Cr Marsden to close debate as the mover of the motion and stated that Council would then split the motion per Cr Kellander's request. He clarified that there will be a vote on the first part (first three items) of the motion and then consider the deferral.

Cr Marsden stated that he does not have much to say as the voting on the first part does not suffer from splitting the motion except to note that there was no mention of the international offsets which he considered a "red herring" and safe to ignore.

Vote on first part of motion: substantive items 1, 2 and 3.

Motion

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

That Council:

- 1. Enters into a five-and-a-half year contract with Red Energy Pty Limited to provide renewable electricity for street lighting for a maximum total value of \$3,100,000 (three million, one hundred thousand dollars) excluding GST.**
- 2. Delegates to the Chief Executive Officer to sign the Renewable Electricity Supply Agreement with Red Energy Pty Limited.**
- 3. Delegates to Council officers the ability to vary the electricity load purchased through the Renewable Electricity Supply Agreement with Red Energy Pty Limited within the constraints of the Procurement Policy.**

Carried unanimously

Deferral motion

The Chairperson called Cr Grima to move deferral motion.

Cr Grima moved to defer the vote on point 4 to the 9 July 2024 meeting, noting that the June meeting would be occupied by the Budget.

Point of Order 3 (undetermined)

The Chairperson started to call for a vote when Cr Hemphill called a “point of order” (a specific rule was not cited). He said that he had hoped for a discussion on the item as he did not believe the councillors were clear on what they were voting on.

Cr Hemphill highlighted that point 4 was only “noting” and not deciding whether Council would purchase offsets, Australian or international. He emphasised that the vote only represented noting what Hobsons Bay is doing and not taking an action on something. Cr Hemphill questioned the rationale to wait for two months to vote on an item related to noting something, and that to reject the motion would only mean that Council hadn’t noted the information. He restated that councillors were unclear about what they were voting on and concluded saying that he would not be voting for a deferral.

The Chairperson said that if the councillors wanted to debate on the item, he would first give the floor to the mover and return to the debate.

Withdrawal of deferral motion

Cr Grima stated that she was aware of what the vote represented, but proposed the deferral motion to allow for a further discussion on potential issues that were unaddressed due to the splitting of the motion. Cr Grima restated that she had only proposed the deferral motion to support her colleagues with additional time to understand the issue because of the split.

The Chairperson asked if Cr Grima still wanted to move the motion. Cr Grima decided to withdraw the deferral motion.

No councillor had yet seconded the motion and it had not been put to the vote.

Vote on second part of motion: substantive item no 4.

Motion

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

That Council:

- 4. Notes that Hobsons Bay City Council will be Climate Active Carbon Neutral for 2023-24 through the purchase of Australian offsets.**

Division

For: Cr Briffa, Cr Grima, Cr Hemphill, Cr Marsden, Cr Sutton-Legaud, Cr Tyler

Against: Cr Kellander

Carried

Councillor Movements

Cr Peter Hemphill was absent at the beginning of the item (from 7:50pm as noted in Councillor Movements section in the previous item) and returned to the Chamber at 8.00pm early in the initial debate.

8.4 Infrastructure and City Services

8.4.1 Permanent Closure of the Esplanade, Altona – Commencement of Community Consultation

Directorate:	Infrastructure and City Services
Responsible Officer:	Coordinator Transport and Engineering Developments
Reviewer:	Director Infrastructure and City Services
Attachments:	Nil

Purpose

To seek approval to commence the permanent closure of Esplanade between Pier Street and Bent Street, Altona in line with the statutory process as set out in the *Local Government Act 1989*.

Recommendation

That Council:

1. Commences a Section 223 community consultation process for the permanent closure of the Esplanade between Pier Street and Bent Street pursuant to the statutory process as set out in Schedule 11, clause 9 of the *Local Government Act 1989*.
2. Receives a further report following the completion of the community consultation process.

Motion

Moved Cr Daria Kellander, seconded Cr Antoinette Briffa:

That Council:

1. Commences a Section 223 community consultation process for the permanent closure of the Esplanade between Pier Street and Bent Street pursuant to the statutory process as set out in Schedule 11, clause 9 of the *Local Government Act 1989*.
2. Receives a further report following the completion of the community consultation process.

Carried unanimously

Cr Diana Grima left the Chamber during question time at 8.29pm and returned at 8.30pm.

8.4.2 Contract 2023.47 Altona Beach Entry and Esplanade

Directorate: Infrastructure and City Services
Responsible Officer: Manager Capital Works
Reviewer: Director Infrastructure and City Services
Attachments: Nil

Purpose

To seek Council endorsement for the awarding of Contract 2023.47 Altona Beach Entry and Esplanade Upgrade.

Recommendation

That Council:

1. **Awards Contract 2023.47 Altona Beach Entry and Esplanade Upgrade to Ace Landscape Services Pty Ltd for the tendered lump sum price (including provisional sum) of \$7,600,954 (seven million, six hundred thousand, nine hundred and fifty-four dollars) excluding GST.**
2. **Delegates authority to the Chief Executive Officer to execute the formal agreement for Contract 2023.47.**
3. **Delegates authority to officers to approve variations in line with current approved financial delegations.**

Motion

Moved Cr Antoinette Briffa, seconded Cr Daria Kellander:

- 1. Awards Contract 2023.47 Altona Beach Entry and Esplanade Upgrade to Ace Landscape Services Pty Ltd for the tendered lump sum price (including provisional sum) of \$7,600,954 (seven million, six hundred thousand, nine hundred and fifty-four dollars) excluding GST.**
- 2. Delegates authority to the Chief Executive Officer to execute the formal agreement for Contract 2023.47.**
- 3. Delegates authority to officers to approve variations in line with current approved financial delegations.**

Division

For: Cr Briffa, Cr Grima, Cr Hemphill, Cr Kellander, Cr Marsden, Cr Tyler

Against: Cr Sutton-Legaud

Carried

8.4.3 Contract 2023.59 Altona Hockey Club Pavilion Redevelopment

Directorate: Infrastructure and City Services
Responsible Officer: Manager Capital Works
Reviewer: Director Infrastructure and City Services
Attachments: Nil

Purpose

To seek Council endorsement for the awarding of Contract 2023.59 for Altona Hockey Club Pavilion Redevelopment.

Recommendation

That Council:

1. Awards Contract 2023.59 for the Altona Hockey Club Pavilion Redevelopment to Fleetwood Australia at a fixed lump sum price of \$4,082,556 (four million, eighty-two thousand, five hundred and fifty-six dollars) including GST.
2. Delegates the Chief Executive Officer to execute Contract 2023.59 with Fleetwood Australia for the fixed lump sum price.
3. Delegates authority to officers to approve variations to the lump sum (including GST) for Contract 2023.59 in line with current approved financial delegations and the approved budget.

Motion

Moved Cr Antoinette Briffa, seconded Cr Daria Kellander:

That Council:

1. Awards Contract 2023.59 for the Altona Hockey Club Pavilion Redevelopment to Fleetwood Australia at a fixed lump sum price of \$4,082,556 (four million, eighty-two thousand, five hundred and fifty-six dollars) including GST.
2. Delegates the Chief Executive Officer to execute Contract 2023.59 with Fleetwood Australia for the fixed lump sum price.
3. Delegates authority to officers to approve variations to the lump sum (including GST) for Contract 2023.59 in line with current approved financial delegations and the approved budget.

Carried unanimously

9 Committee and Delegate Reports

9.1 Delegate Reports

Purpose

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

Recommendation

That Council receives and notes the recent Delegate Reports.

Motion

Moved Cr Pamela Sutton-Legaud, seconded Cr Antoinette Briffa:

That Council receives and notes the recent Delegate Reports.

Carried unanimously

10 Notices of Motion

10.1 Notice of Motion No. 1252: Champion Road and Maddox Road Level Crossing Removals

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:

1. Opposes any removal of Council's planning controls relating to the area surrounding the LXP's Champion Road and Maddox Road level crossing removals.
2. Opposes the take-over of Quarry Reserve as a staging point for Champion Road and/or Maddox Road level crossing removal projects.
3. Opposes any loss of carparking on Ross Road – currently used as an overflow carpark for the Newport Mosque – for the use by the LXP.
4. Immediately begins an information campaign on the Champion Road and Maddox Road level crossing removal program which includes:
 - a. A newsletter to every household in Newport, Williamstown and Altona North (the newsletter to include Council discussions with pipeline operators, Council's findings on Maddox Road traffic congestion, alternative options to LXP's proposal, etc)
 - b. Regular website and social media postings.

Motion

Moved Cr Peter Hemphill, seconded Cr Daria Kellander:

That Council:

- 1. Opposes any broad geographical area of planning controls to be put in place by the State Government for the LXP's Champion Road and Maddox Road level crossing removals.**
- 2. Opposes any take-over of Quarry Reserve as a staging point for Champion Road and/or Maddox Road level crossing removal projects.**
- 3. Opposes any loss of public carparking on Ross Road – currently used as an overflow carpark for the Newport Mosque – for use by the LXP.**
- 4. Immediately begins an information campaign on the Champion Road and Maddox Road level crossing removal program which includes:**
 - a. A newsletter to every household in Newport, Williamstown and Altona North (the newsletter to include Council discussions with pipeline operators, Council's findings on Maddox Road traffic congestion, alternative options to LXP's proposal, etc)**
 - b. Regular website and social media postings.**
- 5. Also runs a public campaign to advocate for the reinstatement of the train station in Altona North (former Paisley Station) on the Werribee train line.**

Carried unanimously

11 Urgent Business

Cr Sutton-Legaud proposed a matter of urgent business calling for urgent actions to reduce violence against women as iterated in item 11.1 titled “Call for urgent action to reduce violence against women”.

Cr Tyler declared a conflict of interest as the subject relates to his work with Jesuit Social Services which seeks to prevent men’s violence against women including working with Council and historically with Hobsons Bay. Cr Tyler stated that Cr Sutton-Legaud’s motion related to planned future action and so he intended to leave the Chamber during the discussion due to conflict of interest.

As Cr Tyler would not be able to remain as Chairperson during this item and the Deputy Mayor (being Cr Sutton-Legaud) could not act as substitute Chairperson while also moving the motion, Cr Tyler sought a procedural motion from the Councillors for the immediate past Mayor, Cr Briffa to assume the Chair.

Cr Marsden offered to move this motion and also a separate motion to extend the meeting time. Discussion ensued over the order in which the two motions should be moved, and there was no call for a seconder to either of the motions.

Motion

Moved Cr Jonathon Marsden, no seconder called:

That Council extend the meeting time to 10pm.

Carried unanimously

Motion

Moved Cr Jonathon Marsden, no seconder called:

That Council move a motion for the immediate past mayor Cr Briffa to assume the chair.

Carried unanimously

Cr Tyler left the Chamber and Cr Briffa assumed the Chair at 9.27pm.

Motion

Moved Cr Peter Hemphill, seconded Cr Diana Grima:

That Council considers items of urgent business relating to:

11.1 Call for urgent action to reduce violence against women

Carried

11.1 Call for urgent action to reduce violence against women**Motion**

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

That Council:

1. Writes to the Premier of Victoria, the Hon Jacinta Allan MP, asking for urgent action to reduce the number of women killed by violence each day.
2. Produces a report on effective measures taken by Council in the past four years and planned future action to reduce the impact of violence against women in Hobsons Bay identifying how Council has responded as a signatory to the 2030 Western Region strategy to prevent violence against women.
3. Creates a public statement deploring male violence against women and feature this prominently on the Council website and in public spaces including libraries.

Carried unanimously

After the vote had concluded, Cr Tyler returned to the Chamber at 9.45pm and resumed the role of Chairperson.

12 Supplementary Public Question Time

No questions were submitted.

13 Close of Meeting

There being no further business, the Chairperson declared the meeting closed at 9.46pm.

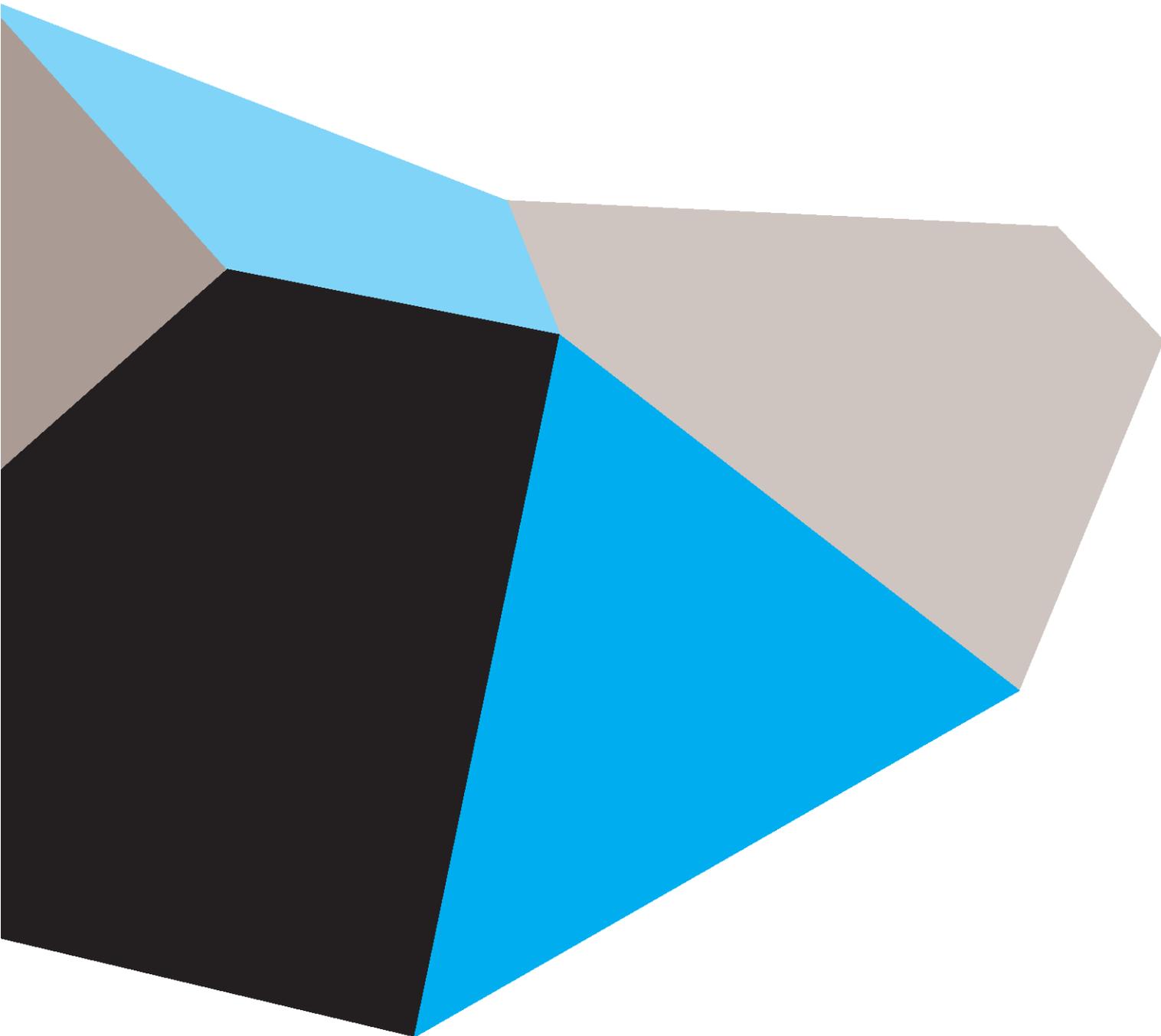
Chairperson – Cr Matt Tyler

Signed and certified as having been confirmed

11 June 2024

HOBSONS
BAY CITY
COUNCIL





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