

Council Meeting Minutes

13 February 2024

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 13 February 2024 at 7.03pm.

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

Officers

Mr Aaron van Egmond Chief Executive Officer

Mr Andrew McLeod Director Corporate Services

Ms Rachel Lunn Director Sustainable Communities

Mr Jake Trevaskis Acting Director Infrastructure and City Services

Ms Diane Eyckens Manager Corporate Integrity and Legal Counsel

Miss Jessica Maunder 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.

The Chairperson acknowledged that there would be emotive topics at the meeting that night, and asked that the audience would be mindful of the Governance Rules.

The Chairperson announced that a time capsule from 1985 had recently been dug up at Bayside P-12 College in Williamstown, and it included a cassette recording of the April 1985 Council Meeting and a letter from the then Chief Executive Officer of the City of Williamstown addressed to the then principal of the Williamstown Technical School.

The Chairperson officially passed the cassette to current Chief Executive Officer Aaron van Egmond for safekeeping, and said that Council officers will be working on how to preserve this history.

2 Apologies

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

Motion

Moved Cr Jonathon Marsden, seconded Cr Peter Hemphill:

That Council accepts an apology from Cr Pamela Sutton-Legaud.

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.

No disclosures were made.

4 Confirmation of Minutes

4.1 Confirmation of Minutes

Confirmation of the minutes of the Council Meeting of Hobsons Bay City Council held on 12 December 2023 (copy previously circulated).

Motion

Moved Cr Jonathon Marsden, seconded Cr Antoinette Briffa:

That Council confirms the minutes of the Council Meeting of Hobsons Bay City Council held on 12 December 2023.

Carried unanimously

5 Councillor Questions

Storm damage

Cr Jonathon Marsden asked for an update on damage from a severe storm that had occurred on the day of the meeting.

Mr Jake Trevaskis, Acting Director Infrastructure and City Services, said that there had been a number of trees damaged by the storm, and there were three teams working on high priority items in cooperation with the SES. The priority was to make roads and footpaths safe, so removed trees would be stockpiled at the site and cleaned up over the following weeks.

Street trees

Cr Jonathon Marsden asked about the effect of the recent three days of extreme heat on recently planted street trees.

Mr Jake Trevaskis, Acting Director Infrastructure and City Services, said that the trees were being watered by the planting contractor every two to three weeks and “tend to be surviving OK” at this stage. If any failures occur, the contractor is responsible for replacing the trees.

Champion Road level crossing removal

Cr Peter Hemphill wished to ask questions regarding the proposed closure of the Champion Road level crossing, and began by outlining discussion at the first meeting between the LXRП and Council on 21 November, where (as relayed by Cr Hemphill) the LXRП said that they needed to keep the pipelines to open to Melbourne Airport and the Mobil refinery, which prevented them from undertaking major digging works in the Champion Road area.

Since then, Cr Hemphill said, Councillors and Council officers had also met with engineers from Mobil and senior staff from Viva, who are owners of some of those major pipelines including the airport pipeline, and he asked for the Director Infrastructure and City Services to relay what was said at that meeting.

Mr Jake Trevaskis, Acting Director Infrastructure and City Services, said that the Mobil and Viva representatives told Council that the Champion Road alignment contains 11 pipelines including some of state significance, and that it was technically possible to relocate their pipelines, subject to the necessary safety and risk assessments. However, both companies indicated that there would be some extensive cost associated with their potential relocation, and Mr Trevaskis noted that some of the discussed costs coincided with some information shared by the LXRП.

Cr Hemphill described the relayed remarks as “contrary to what the LXRП have been saying”, as he said the LXRП claimed there was no possible solution, while the oil companies are saying that an engineering solution is possible.

Mr Trevaskis confirmed that there was an option to relocate the pipes.

Cr Hemphill asked what the oil companies had said about the level of discussions they had with the LXRП.

Mr Trevaskis said that both companies indicated that to date their discussions with the LXP had been high level without too much detail and had not included any discussion about the relocation of pipelines. Mr Trevaskis said that they are awaiting those further discussions, subject to their further investigations.

Cr Hemphill asked what Council's approach will be in alerting the Victorian Government to what they have learned from these discussions.

Mr Trevaskis said that Council officers will continue to advocate to the Victorian Government and LXP on Council's adopted position to keep Champion Road open, and will work closely with the recently established Newport Community Interest Group to develop the design principles that will help guide Council's response to this project. Council will continue to work with all stakeholders to achieve the best possible outcome for the community.

Cr Hemphill asked whether the Chief Executive Officer and Mayor would be making "stronger representations to the government in this regard".

Mayor Cr Matt Tyler said that Council had previously written to request a meeting with the Minister for Transport Infrastructure, the Hon. Danny Pearson MP, and had followed up on that letter in the week preceding the Council meeting.

Cr Hemphill noted that local community members had already met with the Minister and that he was concerned that the Minister seemed out of touch with issues affecting the local community, and asked whether the matter could be taken further by going to the Premier.

Cr Tyler said that he could consider doing that, although currently Council was waiting to hear back regarding their request for a meeting with the Minister.

Williamstown Swimming and Life Saving Club

Cr Peter Hemphill asked to confirm that the Williamstown Swimming and Life Saving Club had been given two options as part of the planning process for the refurbishment of their club rooms and redevelopment of the site.

Mr Jake Trevaskis, Acting Director Infrastructure and City Services, said that all project stakeholders including the club itself had considered the two redevelopment options, both of which involved redeveloping the site consistent with the core requirements of life saving club facilities, but one option also included the retention of the existing pool and the other was without a pool.

Cr Hemphill asked for the indicative cost of the options and whether they were close to the budget.

Mr Trevaskis said that both options were within budget range, although he noted that they were given the early stages of the design and there were some contingencies included in it.

Cr Hemphill asked which design option the club had chosen.

Mr Trevaskis said that the club had supported the option without the pool, and that decision was put to all stakeholders associated with the project and they all supported the decision. He noted that the club board had made the decision without consulting the club members because there would be broad consultation with that as part of the public exhibition process.

Cr Hemphill said that he would look forward to further updates on the project.

Traffic issues

Cr Daria Kellander asked for updates on advocacy work regarding traffic issues in two locations (noting that she had not asked Council officers in advance and the questions might be taken on notice):

- **the intersection of the Noordenne estate and Millers Road, to allow residents to exit the estate and potentially turn right onto Millers Rd**
- **the roundabout at Kororoit Creek Rd and Millers Rd, which banks up badly in the mornings and evenings**

Mr Jake Trevaskis, Acting Director Infrastructure and City Services, said that he would take both question on notice and provide an update.

6 Public Question Time

The Chairperson stated at the beginning of public question time that there had been a number of public questions submitted for the meeting, some of which were not within Council's power to respond, some were in conflict with the Governance Rules and some that would not be addressed based on legal advice; however, he was keen to answer as many as he was able.

Geoff Mitchelmore

Q Stage 1 of the Kororoit Creek Shared Trail between Hosken Reserve and Geelong Road is all but complete with only minor works still to be completed, and its closure is impacting on other projects including the upgrade of Federation Trail between Kororoit Creek and Millers Road. If the upgrade of Federation Trail is not started in the next couple of months, then all works along Pipeline Reserve will not be able to be completed until 2025.

Can the Chief Executive Officer meet with executives of West Gate Tunnel Project and Transurban urgently to have the Kororoit Creek Trail opened immediately to allow these other urgent works to proceed?

A Council has had discussions with FoLKC and Melbourne Water on the Kororoit Creek Shared Trail works including advocating to complete the minor works and open the path to the community as soon as possible. The matter has been raised by Council with the executives of the WGTP who have advised that the minor landscaping works are planned for completion in the 2024 autumn planting season. Council will continue to raise this matter with WGTP to advocate for the trail to be opened

Q Can Council's Executive Team meet with the West Gate Tunnel Project team and the President of Friends of Lower Kororoit Creek (FoLKC) as soon as possible for an on-site walk through the Stage 1 Kororoit Creek Shared Trail to highlight the outstanding issues that need to be resolved?

A Council officers will coordinate an additional site inspection with WGTP and FoLKC to assess works completed, addressing all previously raised concerns. The purpose of this site walk is to ensure that works completed align with the approved designs and meet the relevant standards.

Q On behalf of the McArthurs Road Altona North residents, I would like to thank Council for recently installing the speed calming devices – they have certainly slowed the traffic. However, it appears that the calming devices have not been built high enough to meet the requirements to slow the traffic to the 20 kilometres per hour as specified by the installed traffic control signs.

Can Council officers please investigate, and if the calming devices are too low for Council specifications, can Council demand that the contractors increase the height? If they do meet the specifications, can Council please ensure that any future works on the calming devices increase their height to further reduce the speed in McArthurs Road.

A McArthur Road is a Public Transport Victoria bus route, and Council has followed Department of Transport Guidelines and Australian Standards in the design and construction of traffic-calming devices recently installed along the route. Officers have assessed and confirmed that the installed devices align with the required standards for effective traffic calming.

Rowena Joske

Q Section 52.06-5 of the Hobsons Bay Planning Scheme sets out the requirements for visitor parking in new developments. For the Precinct 15 area the Planning Scheme requires that one visitor car parking space is provided for every five dwellings, but conditions in the endorsed planning permits for Precinct 15 instead require that developers must maximise on-street car parking by providing one on-street car parking space for every two dwellings.

Can Council please explain the rationale behind this condition which requires developers to provide two and a half times more on-street car parking spaces in Precinct 15 than what is required through the Planning Scheme?

A The Minister for Planning approved the rezoning overarching development master plan for Altona North - Precinct 15, and Council must issue regulatory permits generally in accordance with that plan.

The Precinct 15 approved master plan, subdivisions and development plans are publicly available on Council's website.

The subdivision and development applications need to consider a range of planning factors including the creation of new roads and vehicle parking. The master plan and Clauses 56 and 52.06 of the Hobsons Bay Planning Scheme have been followed in the detailed decisions around on site and on-street car parking at Precinct 15.

Q The Planning Permit for the Union Quarter development in Spotswood included a condition that the developer must modify McLister Street to construct thirteen 90-degree car parking spaces in front of the residential apartments at the east end. What was the purpose or requirement for those thirteen car parking spaces?

A Council refused the original permit application for the now-existing mixed use development at 31-69 McLister Street, Spotswood (Union Quarter).

VCAT issued a decision in September 2017 which reduced the original proposal from 39 car parking spaces to 13 spaces in response to objectors and the local school's traffic safety concerns.

Rosa McKenna

Q Better West's Joint Letter, as included in Item 8.2.1, requested that simple, low-cost paths are built within the current nature strip reserve on the south side of Birmingham Street – a plan previously supported by both Council and Better West.

However, the Council report indicates that Council now intends to proceed with a concept for a different plan for a GreenLine bike path on Birmingham Street. The details of this GreenLine concept plan have not been publicly shared with the local community for feedback, not endorsed by councillors and item 8.2.1 notes that it has a very high estimated high cost of \$1.4 million.

Can Council please confirm that the GreenLine concept plan for Birmingham Street:

- does not fit into the current nature strip reserve space**
- would require conversion to one-way car traffic**
- would require the removal of the current on-road parking spaces on the north side of the road**
- would require modifications to the recently constructed VicRoads intersection?**

A The Minister for Planning issued a development permit for the mixed-use redevelopment of the site at 571-589 Melbourne Road, Spotswood (corner of Birmingham Street) on 6 July 2021.

Council subsequently adopted the Better Places Spotswood and South Kingsville Place Guide on 12 October 2021, which includes the overarching alignment and objectives of the Hobsons Bay "GreenLine" Separated Walking and Cycling Path Project.

The Greenline is the current active transport project for this site.

As the detailed plans for GreenLine Project progress in 2024, further information will be provided to the community.

Q The Council report estimates the cost of building a 2.5-metre-wide shared path down the length of Birmingham Street, within the current nature strip reserve, at \$170,000 to 250,000. Can Council please estimate what the cost of building a simple 2.5 metre bike and 1.5 metre footpath within the nature strip reserve space would be?

A The cost of constructing a Greenline concept separated bike and pedestrian path would be more expensive than the contribution being received from the developer. Council is fulfilling its statutory obligations in working with the development in line with the approved permit conditions to achieve the best outcome for this site.

Q Would the cost of building a footpath and separated bike path be significantly less if Council were to make an agreement with the Spotswood Yard developer to build the paths as part of the current construction of Spotswood Yard?

A The cost of constructing a GreenLine concept separated bike and pedestrian path would be more expensive than the contribution being received from the developer. Council is fulfilling its statutory obligations in working with the development in line with the approved permit conditions to achieve the best outcome for this site.

Julie White

Q Does Council require that public leisure centres and swimming pools in Hobsons Bay have regular Pool Safety Assessments conducted by Life Saving Victoria, the peak water safety organisation recognised by Emergency Management Victoria? If not, why not?

A Council's aquatic facilities must comply with the Royal Life Saving Society Australia "Guidelines for Safe Pool Operation" for the operation and management of swimming pools. Life Saving Victoria is an independent body and their pool safety inspections are not mandatory.

Council's aquatic facility operators complete risk and safety audits in line with the Guidelines for Safe Pool Operations.

Q When does Council's current lease for the management and operation of Bayfit Leisure Centre expire and will it be renewed? Will there be an open and transparent tender process for any new or renewed lease or contract for management and operation of Bayfit Leisure Centre? If not, why not?

A The current lease for operation of Bayfit Leisure Centre expires on 31 July 2032. At that time, a transparent process will be facilitated to appoint a new operator, in line with Council's Procurement Policy.

Q Does Council require that its lessees and/or contractors offer inclusive and safe services to the whole municipal community at its public leisure centres and swimming pool facilities?

Is the provision of inclusive and safe services for the benefit and wellbeing of the entire municipal community a condition for renewal of any lease or awarding of any lease or contract for management services at those facilities? If not, why not?

A External operators are bound by the terms of their lease agreement with Council. Management of the facility is expected to align with Council policies and processes for the benefit of all within the community and subject to the Guidelines for Safe Pool Operation.

Elizabeth Goga

Q The Williamstown Swimming and Life Saving Club Redevelopment Survey demonstrates an overwhelming response from members and the community in favour of retaining the swimming pool, the lawn area and the revenue from the lease of the kiosk. In view of this will you commit to a full review of the Club redevelopment plans?

A Officers are in the process of completing a detailed review of the community feedback from the eight week public exhibition period in late 2023. A review of the plans will be completed based on the feedback received and in consultation with the project's key stakeholders.

Juan Camilo Riano Rodriguez**Q Can Councillors move a motion to seek a planning scheme amendment?**

A Yes in principle. Council is the Planning authority and can request to amend the Hobsons Bay Planning Scheme by creating a draft amendment and submitting it to the Minister for Planning. Council cannot unilaterally change the Planning Scheme. On receiving a Planning Scheme Amendment request, the Minister for Planning can then allow the Amendment to commence to public exhibition (consultation), ask Council more questions or refuse to consider the Amendment further. Ministerial Direction 15 sets out the planning scheme amendment process every Council must follow.

All proposed draft planning scheme amendments need to be underpinned by significant research and evidence for the proposal, known as “strategic justification” in the form of a Strategic Assessment. The amendment proposal must also consider all state, council and regulatory requirements.

Planning Practice Note 46: Strategic assessment guidelines sets out the strategic justification that council needs to consider before amending its planning scheme. The level of strategic assessment depends on the type of amendment. A full assessment against the strategic considerations should be made for amendments that include:

- major changes in policy
- introduction or extension of a zone or overlay that would produce a different or new land use or development outcome
- major changes to the ordinance or mapping that involve a large number of lots.

Q How do Council executives decide what information to disclose or not disclose to councillors regarding council decisions that will materially impact members of the community?

A Council executives take into account a range of factors that would determine how and what to communicate with councillors. These factors include but are not limited to the *Local Government Act 2020* and other applicable laws and procedures, the Instruments of Delegation, privacy requirements and legal protections. They weigh these factors up and make decisions based on the best evidence and experience that Council has at the time.

John O'Hagan

Q In June 2023, Council wrote in their draft affordable housing strategy that “there is an urgent need for affordable housing in Hobsons Bay”. Since then, the State Government has announced plans to shut down three blocks of public and affordable housing in Williamstown (Hamner Street, Nelson Place and Bronte Court) and notified residents that they will have to leave their homes. How many more public and/or affordable homes will Hobsons Bay lose as a result of these closures?

A Council has an adopted Affordable Housing Strategy which sets out Council's position on this topic. Based on information to date, Council understands that the State's proposals would not result in any net loss of affordable housing. Residents at Bronte Street are currently being supported by agencies including Homes Victoria to find new housing before the redevelopment of the site.

Residents at Hamner Street and Nelson Place will be engaged to understand their current and future housing needs, with no timeframe for works currently announced, noting that the redevelopment is not expected to commence for several years.

Q How will this considerable loss of existing affordable housing in the municipality affect Council's affordable housing strategy?

A Council has an adopted Affordable Housing Strategy which sets out Council's position on this topic. The strategy aims to increase supply in various ways, including by advocating for legislative reform, negotiating Affordable Housing contributions through the planning system, and supporting the further growth of the Hobsons Bay Affordable Housing Trust.

Q In relation to earlier questions relating to public housing towers, what is Council doing to advocate for residents at threat of eviction, and to protect existing affordable housing in Hobsons Bay?

A Council has an adopted Affordable Housing Strategy which aims to maintain and where possible increase the supply of affordable housing in Hobsons Bay. The strategy is available on Council's website for more detailed information on Council's position on this topic.

As Mayor, Cr Antoinette Briffa wrote to the Minister for Housing to understand the plans and Council will continue to remain engaged with the Minister and Victorian Government on this issue.

Yamama Al-Shourbaji

Q How has Council contributed to residents from Middle Eastern background and the wider Hobsons Bay community that has been troubled by the unfolding events in Palestine to ensure that all its residents feel safe and included?

A Council supports the rights of all citizens to feel safe and included regardless of their ethnic background.

Q What strategies or actions is Council currently implementing to advocate for our safety and inclusion?

A Council is committed to diversity including cultural and religious diversity, opposition to discrimination and hatred based on race, faith.

Carla Mira

Q Will the Council be following the likes of Darebin Council to give one minute of silence for people killed, disabled or missing in Gaza? And if not, what is the justification for not doing so?

A Council notes the submitter's views and will give consideration to the request.

Q Has the Council received monetary incentives from any external parties, during or prior to this motion being drafted?

A No, absolutely not.

End of Public Question Time

In concluding public question time, the Chairperson again noted that there were questions that Council was unable to address as they were beyond Council's powers and in conflict with the Governance Rules.

7 Variation of Business

7.1 Variation of Business: Support for Hobsons Bay Residents Impacted by Overseas Conflict

In accordance with rule 6.1.5 of the Hobsons Bay Governance Rules, the Chief Executive Officer has varied the normal order of business in order to allow related items to be considered consecutively ahead of other Council business.

7.1.1 Petition: Call for Council to show support for Palestine

Directorate: Corporate Services
Responsible Officer: Manager Arts, Culture and Community
Reviewer: Director Corporate Services
Attachments: Nil

Purpose

To receive a written petition requesting that Council show support for Palestine in the current conflict and advocate to the federal government regarding this.

Recommendation

That Council receives and notes the petition in relation to showing support for Palestine.

Motion

Moved Cr Antoinette Briffa, seconded Cr Jonathon Marsden:

That Council receives and notes the petition in relation to showing support for Palestine.

Carried

7.1.2 Notice of Motion No. 1249: Support for Hobsons Bay Residents Impacted by Overseas Conflict

Cr Antoinette Briffa has given notice of the following motion:

That Council:

- 1. Acknowledges the *Local Government Act 2020* states the role of a Council is “to provide good governance in its municipal district for the benefit and wellbeing of the municipal community” and does not allocate any role, responsibility or authority in relation to international conflicts or affairs.**
- 2. Respects that while we have no authority or powers in relation to international conflicts or affairs, we nonetheless condemn violence and human rights abuses everywhere and, in line with this, support Australian Government actions which are seeking to end violence and human rights abuses.**
- 3. Understands and expresses our sympathy to local residents who are directly impacted by conflicts taking place overseas with many grieving the loss of loved ones and experiencing significant distress due to the human suffering and loss as a result of the conflict in the Middle East and elsewhere in the world, including Ukraine, Sudan and Myanmar.**
- 4. Encourages the Victorian and Australian governments to support organisations providing mental health and other support services to local communities affected by overseas conflicts.**
- 5. Notes that Council’s integrated social policy framework (A Fair Hobsons Bay for All 2024-28) ensures fairness and equity are part of all we do locally, and incorporates actions to build and maintain inclusive and supportive communities including continuing to deliver youth counselling and crisis relief services.**
- 6. Notes that, as a Victorian Public Authority, Council must comply with the *Charter of Human Rights and Responsibilities Act 2006* including considering human rights implications in policies and decisions.**
- 7. Reaffirms its commitment to considering human rights implications in relation to choosing suppliers and service providers.**
- 8. Reaffirms our commitment to diversity including cultural and religious diversity and opposition to discrimination and hatred based on race, faith and any other attribute protected by the *Equal Opportunity Act 2010*.**

Motion

Moved Cr Antoinette Briffa, seconded Cr Jonathon Marsden:

That Council:

1. Acknowledges the *Local Government Act 2020* states the role of a Council is “to provide good governance in its municipal district for the benefit and wellbeing of the municipal community” and does not allocate any role, responsibility or authority in relation to international conflicts or affairs.
2. Respects that while we have no authority or powers in relation to international conflicts or affairs, we nonetheless condemn violence and human rights abuses everywhere and, in line with this, support Australian Government actions which are seeking to end violence and human rights abuses.
3. Understands and expresses our sympathy to local residents who are directly impacted by conflicts taking place overseas with many grieving the loss of loved ones and experiencing significant distress due to the human suffering and loss as a result of the conflict in the Middle East and elsewhere in the world, including Ukraine, Sudan and Myanmar.
4. Encourages the Victorian and Australian governments to support organisations providing mental health and other support services to local communities affected by overseas conflicts.
5. Notes that Council’s integrated social policy framework (A Fair Hobsons Bay for All 2024-28) ensures fairness and equity are part of all we do locally, and incorporates actions to build and maintain inclusive and supportive communities including continuing to deliver youth counselling and crisis relief services.
6. Notes that, as a Victorian Public Authority, Council must comply with the *Charter of Human Rights and Responsibilities Act 2006* including considering human rights implications in policies and decisions.
7. Reaffirms its commitment to considering human rights implications in relation to choosing suppliers and service providers.
8. Reaffirms our commitment to diversity including cultural and religious diversity and opposition to discrimination and hatred based on race, faith and any other attribute protected by the *Equal Opportunity Act 2010*.

Division

For: Cr Antoinette Briffa, Cr Diana Grima, Cr Jonathon Marsden, Cr Matt Tyler

Against: Nil

Abstained: Cr Peter Hemphill, Cr Daria Kellander

Carried

8 Petitions and Joint Letters

8.1 Petitions and Joint Letters Received

Due to a variation of business, a petition is listed earlier in the meeting at item 7.1.1.

No other petitions or joint letters were received.

8.2 Responses to Petitions and Joint Letters

8.2.1 Response to Joint Letter: Request for a separated bike path on Birmingham Street, Spotswood

Directorate:	Sustainable Communities
Responsible Officer:	Manager Planning, Building and Health
Reviewer:	Director Sustainable Communities
Attachments:	Nil

Purpose

To respond to a joint letter asking that Council work with the developer of the Spotswood Yards development to construct a 2.5 metre separated bike path and separate footpath, within the current nature strip reserve on the southern side Birmingham Street, as part of the development of Buildings A & B.

Recommendation

That Council:

1. Notes the approved shared path forms part of the planning permits for Buildings A & B.
2. Notes that Council officers collaborated with the developer of the Spotwood Yards property and have amended the planning permits, which now seek a financial contribution towards the construction of public works on Birmingham, in lieu of the construction of a 2.5 metre shared path.
3. Writes to the lead petitioner advising of the outcome.

Motion

Moved Cr Jonathon Marsden, seconded Cr Antoinette Briffa:

That Council:

1. Notes the approved shared path forms part of the planning permits for Buildings A & B.
2. Notes that Council officers collaborated with the developer of the Spotwood Yards property and have amended the planning permits, which now seek a financial contribution towards the construction of public works on Birmingham, in lieu of the construction of a 2.5 metre shared path.
3. Writes to the lead petitioner advising of the outcome.

Carried

Temporary Adjournment of Meeting

Due to a disruption outside the Chamber, the meeting was temporarily adjourned at 8.06pm, partway through Councillor questions on Item 9.1.1.

Motion

Moved Cr Antoinette Briffa, seconded Cr Diana Grima:

That the meeting be adjourned while the disruption is resolved.

Carried unanimously

The meeting resumed at 8.27pm.

Motion

Moved Cr Antoinette Briffa, seconded Cr Jonathon Marsden:

That the meeting be resumed.

Carried unanimously

9 Business

9.1 Office of the Chief Executive

9.1.1 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 - December 2023 and January 2024 [9.1.1.1 - 49 pages]

Purpose

To present the Chief Executive Officer's (CEO's) Report on Operations for December 2023 and January 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 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

9.2 Corporate Services

9.2.1 Internal Arbitration Decisions

Directorate:	Corporate Services
Responsible Officer:	Director Corporate Services
Reviewer:	Chief Executive Officer
Attachments:	1. Decision IAP 2023-7 [9.2.1.1 - 7 pages] 2. Decision IAP 2023-14 [9.2.1.2 - 11 pages]

Purpose

To receive and note two internal arbitration decisions in accordance with section 147(4) of the *Local Government Act 2020*.

Recommendation

That Council:

1. Receives and notes Decision IAP 2023-7.
2. Receives and notes Decision IAP 2023-14.

Motion

Moved Cr Antoinette Briffa, seconded Cr Daria Kellander:

That Council:

1. Receives and notes Decision IAP 2023-7.
2. Receives and notes Decision IAP 2023-14.

Carried unanimously

Discussion

Point of Order 1

Cr Hemphill made remarks about a councillor conduct matter from 2011 regarding Cr Briffa.

Cr Briffa called a point of order regarding these remarks under Governance Rules 8.18.3.2 for being “irrelevant and vexatious” and 8.18.3.3 for being “improper and obscene”.

The point of order was upheld by the Chairperson on the grounds that reflections on prior code of conduct matters were not relevant to the item being discussed.

Cr Kellander requested that under Governance Rule 8.21.5, she wished for her objection and Cr Hemphill’s objection to the ruling on Cr Briffa’s point of order to be recorded in the meeting minutes.

Point of Order 2

The Chairperson said that Cr Kellander was out of order when she was making remarks about Cr Briffa’s conduct.

Point of Order 3 (undetermined)

Cr Briffa made remarks in relation to the previous publication of the arbiter’s decision in the media.

Cr Kellander called a point of order in relation to these remarks without formally citing the Governance Rules. No determination was made in relation to this point of order raised.

Formal Apology

Cr Kellander said that she would be posting her written apology to the Chief Executive Officer (required by the arbiter’s ruling) on her social media page the following day.

Webcast

To view the video of this item, go to:

<https://webcast.hobsonsbay.vic.gov.au/archive/video24-0213.php>

Scroll down to the Order of Business displayed below the video and select item 9.2.1.

Running time: 20 minutes

9.2.2 Municipal Association of Victoria State Council Motions - May 2024

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 17 May 2024.

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 17 May 2024.

Motion

Moved Cr Diana Grima, 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 17 May 2024.

Carried

Councillor Movements

Cr Briffa left the Chamber at 8.49pm during discussion on this item and was absent for the vote. She returned at 8.56pm at the beginning of the following item.

Cr Kellander announced at 8.56pm that she had to leave the meeting, but gave congratulations in advance to the Australia Day Honours recipients.

9.2.3 Recognition of Hobsons Bay Residents in the 2024 Australia Day Honours List

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

Purpose

To acknowledge the achievements of Hobsons Bay residents who have been recognised in the Australia Day 2024 Honours List.

Recommendation

That Council:

1. Sends letters of congratulations from the Mayor to the Hobsons Bay residents and former residents recognised in the Australia Day 2024 Honours List, as listed in this report.
2. Invites the award recipients to attend a civil reception at a future date to celebrate their achievements.

Motion

Moved Cr Peter Hemphill, seconded Cr Jonathon Marsden:

That Council:

1. Sends letters of congratulations from the Mayor to the Hobsons Bay residents and former residents recognised in the Australia Day 2024 Honours List, as listed in this report.
2. Invites the award recipients to attend a civil reception at a future date to celebrate their achievements.

Carried

9.2.4 Financial Report: Mid-Year Forecast Review 2023-24

Directorate:	Corporate Services
Responsible Officer:	Chief Financial Officer
Reviewer:	Director Corporate Services
Attachments:	Financial Report at 31 December 2023 [9.2.4.1 - 18 pages]

Purpose

To present Council with the financial results for the period ended 31 December 2023, and the revised 2023-24 annual forecast projections following completion of the December (mid-year) forecast review.

Recommendation

That Council:

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

Motion

Moved Cr Jonathon Marsden, seconded Cr Peter Hemphill:

That Council:

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

Carried

Councillor Movements

Cr Grima left the Chamber at 9.04pm during discussion on this item and returned at 9.06pm before the vote was held.

9.2.5 2023-24 Quarter 2 Council Plan Initiatives Progress Report and LGPRF Half-year Progress Report

Directorate:	Corporate Services
Responsible Officer:	Manager Corporate Integrity and Legal Counsel
Reviewer:	Director Corporate Services
Attachments:	Quarter 2 2023-24 - Council Plan Initiatives Progress Report [9.2.5.1 - 21 pages]

Purpose

To provide Council with the second quarter update on the progress of the initiatives to support the achievement of the Council Plan 2021-25 and the half-year results of the mandatory Local Government Performance Reporting Framework (LGPRF) indicators.

Recommendation

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

Motion

Moved Cr Jonathon Marsden, seconded Cr Diana Grima:

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

Carried unanimously

9.3 Sustainable Communities

9.3.1 Development of the Hobsons Bay Reconciliation Action Plan

Directorate: Sustainable Communities
Responsible Officer: Manager Arts, Culture and Community
Reviewer: Director Sustainable Communities
Attachments: Nil

Purpose

To seek endorsement of the development of the new Hobsons Bay Reconciliation Action Plan.

Recommendation

That Council:

1. Endorses the commencement of consultation on the creation of a new Hobsons Bay Reconciliation Action Plan for 2024-26.
2. Notes that the Draft Action Plan will be brought to a future Council Meeting.
3. Notes the ongoing engagement with the Bunurong Land Council Aboriginal Corporation and other relevant community members through the consultation period.
4. Notes the initial points for consideration set out in this report and that the commencement of the plan has been registered with Reconciliation Australia.

Motion

Moved Cr Peter Hemphill, seconded Cr Jonathon Marsden:

That Council:

1. Endorses the commencement of consultation on the creation of a new Hobsons Bay Reconciliation Action Plan for 2024-26.
2. Notes that the Draft Action Plan will be brought to a future Council Meeting.
3. Notes the ongoing engagement with the Bunurong Land Council Aboriginal Corporation and other relevant community members through the consultation period.
4. Notes the initial points for consideration set out in this report and that the commencement of the plan has been registered with Reconciliation Australia.

Carried

10 Committee and Delegate Reports

10.1 Committee Reports

10.1.1 Audit and Risk Committee Update - November 2023

Directorate: Corporate Services

Responsible Officer: Manager Corporate Integrity and Legal Counsel

Reviewer: Director Corporate Services

Attachments:

1. Audit and Risk Committee Self-Assessment Report 2023 [10.1.1.1 - 12 pages]
2. Audit and Risk Committee Meeting Minutes - 22 November 2023 [10.1.1.2 - 7 pages]

Purpose

To update Council regarding issues considered at the Audit and Risk Committee meeting held on 22 November 2023, including the results of the Annual Self-Assessment report.

Recommendation

That Council:

1. Notes the matters considered by the Audit and Risk Committee at the meeting held on 22 November 2023.
2. Receives and notes the Audit and Risk Committee Annual Self-Assessment 2023.

Motion

Moved Cr Jonathon Marsden, seconded Cr Peter Hemphill:

That Council:

1. Notes the matters considered by the Audit and Risk Committee at the meeting held on 22 November 2023.
2. Receives and notes the Audit and Risk Committee Annual Self-Assessment 2023.

Carried

11 Notices of Motion

Due to a variation of business, a notice of motion was moved earlier in the meeting as item 7.1.2.

No other notices of motion were received.

12 Urgent Business

Nil

13 Supplementary Public Question Time

Nil

14 Close of Meeting

There being no further business, the Chairperson declared the meeting closed at 9.20pm.

Chairperson – Cr Matt Tyler

Signed and certified as having been confirmed

12 March 2024



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