



**ORDINARY COUNCIL MEETING OF  
THE HUME CITY COUNCIL**

**MONDAY, 12 JULY 2021**

**7.00PM**

**TOWN HALL BROADMEADOWS**

**CONFIRMED - 9 AUGUST 2021**



# HUME CITY COUNCIL

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**Minutes** of the  
**ORDINARY COUNCIL MEETING OF THE HUME CITY COUNCIL**  
held on Monday, 12 July 2021  
**at 7.00PM**  
at the Town Hall Broadmeadows

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To: a: Council	Cr Joseph Haweil Cr Jack Medcraft Cr Jarrod Bell Cr Naim Kurt Cr Sam Misho Cr Carly Moore Cr Jim Overend Cr Karen Sherry	Mayor Deputy Mayor
b: Officers	Ms Roslyn Wai Mr Joel Farrell  Mr Hector Gaston Mr Michael Sharp Mr Peter Waite Mr Daryl Whitfort Mr David Fricke Ms Megan Kruger Mr Peter Faull	Interim Chief Executive Officer Acting Director Communications, Engagement and Advocacy Director Community Services Director Planning and Development Director Sustainable Infrastructure and Services Director Corporate Services Manager Assets Manager Governance Coordinator Governance and Corporate Support

## **Proceedings to be Recorded**

The Mayor reminded Councillors and members of the Gallery that an audio recording of the Council meeting will be made and published to Council's website within 2 working days of the meeting.

## **Gallery Behaviour**

The Mayor reminded the gallery that Council's Code of Meeting Procedures requires the gallery to be silent at all times, and that members of the gallery must not interject or take part in the debate. Any person who is called to order, may be asked to leave the Chamber. The Mayor advised that notwithstanding this, he will invite members of the gallery to speak, for up to three minutes either in support of or against an officer's recommendation.

## **ORDER OF BUSINESS**

### **1. ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THIS LAND**

The Mayor read the following:

*"Hume City Council recognises the rich Aboriginal heritage within the municipality and acknowledges the Wurundjeri Woi Wurrung, which includes the Gunung Willam Balluk clan, as the Traditional Custodians of this land.*

*Council embraces Aboriginal and Torres Strait Islander living cultures as a vital part of Australia's identity and recognises, celebrates and pays respect to the existing family members of the Wurundjeri Woi Wurrung and to Elders past, present and future."*

MINUTES

2. PRAYER

The Mayor read the following:

“Hume City’s religious diversity strengthens and enriches community life and supports the well-being of the citizens of Hume City. Hume City Council acknowledges the importance of spiritual life and the leadership offered by the Hume Inter Faith Network. In recognition of the religious diversity of residents in Hume City, Council has invited the Hume Inter Faith Network to take responsibility for the opening prayer at Council meetings. This evening’s prayer will be led by Ms Helen Patsikatheodorou, HIN Member, representing the Greek Orthodox Church”.

The Mayor then invited Ms Helen Patsikatheodorou to read the following prayer.

*“God our Father we thank you for the gift of life. We thank you for the opportunity you gave us to serve as members of Hume City Council. We pray for your gifts of wisdom, guidance and protections as we deliberate for the welfare of all. Give us a good sense of direction to be to implement our decisions for the progress, unity and peace of all entrusted to our care. In Jesus name we pray”*

*Amen*

3. APOLOGIES

Apologies were received from Cr Chris Hollow, Cr Trevor Dance and Cr Jodi Jackson.

4. DISCLOSURE OF INTEREST

Councillors’ attention was drawn to the provisions of the *Local Government Act 2020* in relation to the disclosure of conflicts of interest. Councillors are to disclose any conflicts of interest immediately before consideration or discussion of the relevant item. Councillors are then required to leave the meeting during discussion and not vote on the relevant item.

No Councillors disclosed any conflicts of interest.

5. CONDOLENCE MOTIONS

Nil

6. INFORMAL MEETINGS OF COUNCILLORS

6.1 In accordance with Council’s Governance Rules, the Interim Chief Executive Officer must ensure that a summary of the matters discussed at an informal meeting of Councillors are tabled at the next convenient council meeting and recorded in the minutes of that council meeting.

**Moved** Cr Jarrod Bell, **Seconded** Cr Karen Sherry

**THAT Council notes the summary of matters discussed at meetings conducted under the auspices of Council, being the Committee of Whole Council which was held on 7<sup>th</sup> June 2021, the Strategy and Policy Briefing Sessions which were held on 7<sup>th</sup> June 2021 and 15<sup>th</sup> June 2021, and the Discussion on the Submissions on the Draft Annual Budget 2021/22 which was held on 15<sup>th</sup> June 2021.**

**CARRIED**

**7. CONFIRMATION OF COUNCIL MINUTES**

- 7.1 Minutes of the Special Council Meeting of 3 June 2021, the Ordinary Council Meeting of 15 June 2021, and the Ordinary Council (Town Planning) Meeting of 28 June 2021, including Confidential Minutes.

**Moved** Cr Karen Sherry, **Seconded** Cr Jack Medcraft

**THAT the Minutes of the Special Council Meeting of 3 June 2021, the Ordinary Council Meeting of 15 June 2021, and the Ordinary Council (Town Planning) Meeting of 28 June 2021, including Confidential Minutes, be confirmed.**

**CARRIED**

**8. RECEIPT OF COUNCIL AND COMMUNITY COMMITTEE MINUTES AND RECOMMENDATIONS TO COUNCIL TO BE ADOPTED**

- 8.1 Minutes of the Audit and Risk Committee Meetings of the Hume City Council held on 26 February 2021, and 28 May 2021.

**Moved** Cr Karen Sherry, **Seconded** Cr Carly Moore

**THAT the Minutes of the Audit and Risk Committee Meetings of the Hume City Council held on 26 February 2021, and 28 May 2021, be noted.**

**CARRIED**

**9. PRESENTATION OF AWARDS**

**9.1 Resident of the Month - Nominated by Councillor Jarrod Bell**

**POA143 SHONA DAVIE**

Councillor Jarrod Bell read the following citation and presented Shona Davey with a certificate:

*This certificate is presented in recognition of your work with the Sunbury Blue Light Disco, Uncle Bob's Club, and as an SES volunteer since 2017, and your most significant contribution as a long-time member of the Sun Fest organising committee. Your service as Treasurer for the 2017 and 2018 festivals, and then as President from 2018 to today has shown how you have quietly and humbly lead the organisation through the challenges of COVID. As a dedicated volunteer through your contribution to many organisations and events you add a great deal to the civic life of our city as an outstanding contributor to Hume City Council community. Council acknowledges and thanks you for taking part, giving back and contributing your time for the benefit of other people.*

*You are a valued member of the Hume community and Council honours and congratulates you for your dedication and contribution.*

**9.2 Resident of the Month - Nominated by Councillor Jack Medcraft**

**POA144 DEAN DUNCAN**

Councillor Jack Medcraft read the following citation and presented Dean Duncan with a certificate:

*This certificate is presented in recognition of your work supporting the Hume community through the provision of meals and fruit and vegetable boxes to those in need, providing transport for individuals, and giving vouchers and gift cards to those who require extra assistance. You readily give your time to speak at early child-care centres and schools, provide support with referral assistance to clinical and specialist services, and to assist community groups with funding submissions. You also work with the homeless, children in out of home care and people living with a disability, and you are a member of the Sunbury Cultural Precinct Advisory Group & the Hume City Reconciliation Group. Council acknowledges and thanks you for taking part, giving back and contributing your time for the benefit of other people.*

*You are a valued member of the Hume community, and Council honours and congratulates you for your dedication and contribution.*

**9.3 Residents of the Month - Nominated by Councillor Joseph Haweil****POA145 AYAD BOTRES and DUNIA BOTRES**

The Mayor, Councillor Joseph Haweil, read the following citation and presented Ayad Botres with a certificate:

*This certificate is presented in recognition of your work with the Roxburgh Park United Soccer Club. Your role as President of the club and your involvement since 2015 has been integral in the Club's establishment, growth and success. Your strong leadership role has contributed to building a Club that provides a safe and supportive community-based environment which encourages skills development, fitness, fair play and teamwork and the opportunity for women to play at the club. This contribution and support has assisted to develop a club with a sense of pride and community connectedness. Council acknowledges and thanks you for the sacrifices that you and your family have made for the club over the years.*

*You are a valued member of the Hume community and Council honours and congratulates you for your dedication and contribution.*

The Mayor, Councillor Joseph Haweil, read the following citation and presented Dunia Botres with a certificate:

*This certificate is presented in recognition of your work with the Roxburgh Park United Soccer Club. Your role as Secretary of the club and your involvement since 2015 has been integral in the Club's establishment, growth and success building the club into a 500 strong community of players, coaches and volunteers. Your dedication and countless hours supporting the players and the club have contributed to building a family friendly environment. Your contribution supports the health, fitness and wellbeing of children and young people in the community, whilst also building a sense of pride and community connectedness. Council acknowledges and thanks you for the sacrifices that you and your family have made for the club over the years.*

*You are a valued member of the Hume community and Council honours and congratulates you for your dedication and contribution.*

**9.4 Community Grants Awards**

The Mayor advised the meeting that the Hume Community Grants Program provides an essential avenue through which Council supports the activities of community groups and larger organisations.

The Mayor also advised that the following grant recipients were unable to attend the meeting to collect their awards, which will be provided to them separately.

<b>Grant Category</b>	<b>Applicant</b>	<b>Project description</b>
2021 Project Grant Round 2	Assyrian Church of the East Youth Association Melbourne	Volunteer tutors from ACEYA Melbourne will be conducting tutoring services for high school youth which will take place on Tuesdays at St Abdisho's Cathedral.
2021 Project Grant Round 2	Neighbourhood Connect	Community building workshops and individual mentoring to develop residents' leadership/event management skills, so that they become Community Connectors, running simple local gatherings; building ongoing neighbourhood groups.
2021 Project Grant Round 2	Northern Blue Light Inc	New and emerging communities share their cultural food with Broadmeadows, Craigieburn Police Stations and place of worship to enhance police/community relationship.

2021 Project Grant Round 2	Sahara Victorian Association	Sahara means "Support". Sahara Victorian Association's prime aim is to provide support to the Family violence victims, Seniors and to new migrants.
2021 Project Grant Round 2	Some Kind of Squirrel Productions	A local launch and community engagement campaign across Hume for In My Neighbourhood, a Virtual Reality immersive storytelling project, with a focus on building audiences via mobile phones.
2021 Project Grant Round 2	STEM Catalyst	A Climate Science Project in Schools with multifold features that reconnects participants to nature and natural phenomena through technology. An in-depth STEM learning complemented by interactive webinar and hands-on science.

**10. NOTICES OF MOTION**

Nil

**11. PUBLIC QUESTION TIME**

**PQ838           STEPHEN BOCK**

**QUESTION 1:**

Could council confirm the name of the person within Hume council responsible for the Bulla Bridge Heritage Overlay? Heritage Victoria have confirmed this is the responsibility of the Hume Council.

**RESPONSE: (DIRECTOR PLANNING AND DEVELOPMENT)**

HERITAGE OVERLAYS FORM PART OF THE PLANNING SCHEME. SCHEDULE 10 (HO10) OF THE HUME PLANNING SCHEME APPLIES TO THE BRIDGE IN BULLA. COUNCIL IS RESPONSIBLE FOR THE ADMINISTRATION OF THE HUME PLANNING SCHEME INCLUDING THE HERITAGE OVERLAY THAT APPLIES TO THE BULLA BRIDGE.

**QUESTION 2:**

Has council reviewed the Bulla Bridge inspection report commissioned by the Department of Transport (DoT) and Prepared by David Morris consulting (DMC-20230, 24/12/20)? It states there are cracks and bulges in the bridge which undermine the integrity of the structure. From a Heritage protection, a structural integrity and safety perspective, I'd imagine the Hume Council would be interested in preserving this wonderful structure for the benefit of future generations.

**RESPONSE: (DIRECTOR SUSTAINABLE INFRASTRUCTURE AND SERVICES)**

COUNCIL WROTE TO THE MINISTER FOR ROADS IN MAY 2021 REQUESTING A COPY OF A COMPREHENSIVE STRUCTURAL REPORT WHICH WAS COMMISSIONED IN EARLY 2021. THE DEPARTMENT OF TRANSPORT (DOT) RESPONDED SAYING IT WOULD ONLY PROVIDE A SUMMARY OF THE STRUCTURAL REPORT SOMETIME IN JULY 2021.

COUNCIL OFFICERS HAVE REQUESTED AN UPDATE FROM DOT AS TO WHEN THE SUMMARY REPORT WILL BE AVAILABLE.

**PQ839            ANDREW MCLEAN****QUESTION 1:**

My question is in relation to agenda item number 13 the arbiter's decision as outlined on pages 17 -22, the arbiter states the applicant did not attend either of the hearings on 17 June or 24 June, what are the consequences of a party not attending the hearing?

**RESPONSE: (DIRECTOR CORPORATE SERVICES)**

WHILST THE INTERNAL ARBITRATION PROCESS HAS CONCLUDED AND THERE CAN BE NO CONSEQUENCE AS A PART OF THAT PROCESS, THE FAILURE TO COMPLY WITH THE INTERNAL ARBITRATION PROCESS AS SET BY THE ARBITER, IS DEFINED AS SERIOUS MISCONDUCT UNDER CLAUSE 3 OF THE LOCAL GOVERNMENT ACT 2020.

**QUESTION 2:**

My question is in relation to agenda item number 13 the arbiter's decision as outlined on pages 17 -22, can Council confirm the exact cost to ratepayers of this failed application for a finding of misconduct, page 20 states the costs is in the vicinity of \$3000, can council confirm the exact costs and how this will be paid for?

**RESPONSE: (DIRECTOR CORPORATE SERVICES)**

COUNCIL IS YET TO RECEIVE AN INVOICE FOR THIS INTERNAL ARBITRATION PROCESS FROM THE ARBITER WHO HAS PROVIDED THE ESTIMATED COST OF \$3,000. HOWEVER, THIS COST WILL NOT INCLUDE THE ADDITIONAL COST OF VENUE AND SECURITY HIRE. THE TOTAL COST OF THE INTERNAL ARBITRATION PROCESS WAS NOT BUDGETED FOR AND WILL THEREFORE BE PAID FROM COUNCIL'S CASH RESERVES.

**PQ840            PHILLIP DI BIASE****QUESTION 1:**

Paragraph 22 of the council report on page 17 indicates that \$3000 was the cost incurred by council for an independent arbiter to investigate a complaint by one councillor about another.

Does this include councils own resource cost and if not, what a these costs?

**RESPONSE: (DIRECTOR CORPORATE SERVICES)**

COUNCIL IS YET TO RECEIVE AN INVOICE FOR THIS INTERNAL ARBITRATION PROCESS FROM THE ARBITER WHO HAS PROVIDED THE ESTIMATED COST OF \$3,000. HOWEVER, THIS COST WILL NOT INCLUDE THE ADDITIONAL COST OF VENUE AND SECURITY HIRE.

**QUESTION 2:**

If not, how could that be calculated?

**RESPONSE: (DIRECTOR CORPORATE SERVICES)**

THE ADDITIONAL COSTS OF STAFFING, VENUE AND SECURITY HIRE ARE YET TO BE QUANTIFIED. A VENUE CHARGE WILL BE DETERMINED FOR THE TIME THAT ANY HEARINGS UTILISED A COUNCIL FACILITY, INCLUSIVE OF SECURITY COSTS.



**PQ841 CANDACE CHAPLIN****QUESTION 1:**

Good Evening could HUME please advise the community the possible outcomes in relation to legal proceedings regarding Hume City Councils court case amendment C248?

**RESPONSE: (DIRECTOR PLANNING AND DEVELOPMENT)**

COUNCIL IS SEEKING A JUDICIAL REVIEW OF THE DECISIONS OF THE MINISTER FOR PLANNING TO APPROVE AMENDMENT C248 TO THE HUME PLANNING SCHEME. COUNCIL IS SEEKING THE COURT TO DETERMINE THAT THE MINISTER'S DECISIONS ARE INVALID AND HAVE NO EFFECT.

**QUESTION 2:**

Would Council's legal team be able to suggest possible outcomes if the Planning Minister was to be found negligent?

Many in the community are interested in knowing what this would look like or could entail noting that the information provided would be a guide only.

**RESPONSE: (DIRECTOR PLANNING AND DEVELOPMENT)**

SHOULD COUNCIL BE SUCCESSFUL IN THE PROCEEDING SEEKING JUDICIAL REVIEW OF THE DECISIONS OF THE MINISTER FOR PLANNING TO APPROVE AMENDMENT C248 TO THE HUME PLANNING SCHEME AND THE MINISTER'S DECISIONS ARE FOUND TO BE INVALID, HI-QUALITY WOULD NOT HOLD THE PLANNING PERMISSIONS REQUIRED TO CONSTRUCT THE FACILITY AND RECEIVE TUNNEL BORING MACHINE SPOIL.

IT IS NOT POSSIBLE TO SPECULATE ON WHAT THE FUTURE ACTIONS OF THE MINISTER, HI-QUALITY OR OTHER PARTIES WOULD BE IF COUNCIL IS SUCCESSFUL IN THE PROCEEDING.

**PQ842 JACOB HUTCHINS****QUESTION 1:**

Can council please advise what actions council has taken to install a warning sign banning percussion/engine braking in the township of Bulla?

**RESPONSE: (DIRECTOR SUSTAINABLE INFRASTRUCTURE AND SERVICES)**

BULLA ROAD IS A STATE ARTERIAL ROAD, MANAGED BY THE DEPARTMENT OF TRANSPORT.

COUNCIL RECENTLY REQUESTED THE DEPARTMENT OF TRANSPORT INSTALL 'AVOID USING ENGINE BRAKES' SIGNS IN BULLA. THEY ADVISED THAT ENGINE BRAKES ARE EMERGENCY (SECONDARY) BRAKES AND THEREFORE, 'AVOID USING ENGINE BRAKES' COULD NOT BE SUPPORTED IN LOCATIONS WHERE TRUCKS WOULD BE LIKELY TO NEED ENGINE BRAKES, INCLUDING STEEP HILLS OR APPROACHES TO INTERSECTIONS.

**QUESTION 2:**

Further on from previous question how will council apply pressure to monitor the issue?

**RESPONSE: (DIRECTOR SUSTAINABLE INFRASTRUCTURE AND SERVICES)**

AS BULLA ROAD IS NOT MANAGED BY COUNCIL AND IN LIGHT OF THE SAFETY CONCERNS OUTLINED IN THE PREVIOUS RESPONSE, IT WOULD NOT BE APPROPRIATE FOR COUNCIL TO CONTINUE TO PUSUE SIGNS BANNING THE USE OF ENGINE BRAKES IN BULLA.

THE FUTURE BULLA BYPASS WILL REDUCE THE PROBLEM OF NOISE THROUGH BULLA ONCE CONSTRUCTED. COUNCIL HAS ADVOCATED STRONGLY FOR THIS PROJECT FOR MANY YEARS AND NOTES THAT FUNDING FOR INITIAL PLANNING WORK HAS BEEN ALLOCATED IN THIS YEAR'S STATE GOVERNMENT BUDGET.

**12. OFFICER'S REPORTS****Reports Identified as Requiring Individual Discussion**

Report No.	Report	Page in Agenda
SU569	<p><b>Planning Scheme Amendment C251 - Environmentally Sustainable Design (ESD)</b></p> <p><b>Moved</b> Cr Naim Kurt, <b>Seconded</b> Cr Karen Sherry</p> <p><b>That Council having fulfilled its notification obligations in accordance with Section 19 of the <i>Planning and Environment Act 1987</i>:</b></p> <p><b>2.1 adopts Amendment C251 as exhibited in accordance with Section 29(1) of the <i>Planning and Environment 1987</i>.</b></p> <p><b>2.2 submits the adopted Amendment C251 to the Hume Planning Scheme Amendment to the Minister for Planning for approval in accordance with Section 31(1) of the <i>Planning and Environment Act 1987</i>.</b></p>	25
	<b>CARRIED</b>	

Report No.	Report	Page in Agenda
SU570	<p><b>Attwood and Westmeadows (East) Local Area Traffic Management Study</b></p> <p><b>Moved</b> Cr Karen Sherry, <b>Seconded</b> Cr Naim Kurt</p> <p><b>That Council:</b></p> <p><b>2.1 adopt the Attwood and Westmeadows (East) Local Area Traffic Management (LATM) Study and Final Traffic Management Plan and Details as shown in <u>Attachment 7</u></b></p> <p><b>2.2 allocate \$224,000 from Council's 2021/22 Budget for the works listed in Items 1-8 in <u>Table 1</u>, as detailed below:</b></p> <p style="padding-left: 40px;"><b>2.2.1 \$210,000 from the 2021/22 Capital Works Budget – LATM Works</b></p>	41

- 2.2.2 \$14,000 from the 2021/22 Responsive Road Safety Works – Operating Budget
- 2.3 list the balance of the works in Items 9-15 in Table 1 (valued at \$695,000) for consideration in Council's Capital Works Annualised Program – Traffic Management Facilities for future funding
- 2.4 inform the residents within the study area and the online consultation participants of the adopted Attwood and Westmeadows (East) LATM Final Traffic Management Plan (TMP) and Details
- 2.5 provide a copy of the adopted Attwood and Westmeadows (East) LATM Final TMP and Details on Council's website for viewing by the general public.

CARRIED

Report No.	Report	Page in Agenda
SU571	Goonawarra Local Area Traffic Management Study	105

Moved Cr Jarrod Bell, **Seconded** Cr Jack Medcraft

That Council:

- 2.1 adopt the Goonawarra Local Area Traffic Management (LATM) Study and Final Traffic Management Plan and Details as shown in Attachment 7
- 2.2 allocate \$226,500 from Council's 2021/22 Capital Works Budget – LATM works for the works listed in Items 1 – 11 of Table 1
- 2.2.1 \$210,000 from the 2021/22 Capital Works Budget – LATM Works
- 2.2.2 \$16,500 from the 2021/22 Responsive Road Safety Works – Operating Budget
- 2.3 list the balance of the works in Items 12 - 15 in Table 1 (valued at \$385,000) for consideration in Council's Capital Works Annualised Program - Traffic Management Facilities for future funding
- 2.4 inform the residents within the study area and the online consultation participants of the adopted Goonawarra LATM Final Traffic Management Plan (TMP) and Details
- 2.5 provide a copy of the adopted Goonawarra LATM Final TMP and Details on Council's website for viewing by the general public.

CARRIED

Report No.	Report	Page in Agenda
SU573	Update on Hi-Quality proposal to store and treat contaminated spoil from Westgate Tunnel project	177

The Interim Chief Executive Officer read out submitted statements to Council on behalf of Mr Chris O'Neill and Ms Candace Chaplain.

**Moved** Cr Carly Moore, **Seconded** Cr Naim Kurt

**That Council:**

- 2.1 **does not take steps to seek an injunction to prevent Hi-Quality from developing a spoil processing facility at its site at 570-650 Sunbury Road, Bulla, pending a decision by the Supreme Court on the judicial review proceeding commenced by Council.**
- 2.2 **continues with the judicial review proceedings on the decision of the Minister for Planning to approve Amendment C248 to the Hume Planning Scheme.**

**CARRIED**

Report No.	Report	Page in Agenda
GE535	Naming Proposals for Three Conservation Reserves in Sunbury with Aboriginal Cultural Heritage Significance	181

Ms Kylie Spencer addressed Council regarding the Officer's recommendation.

The Interim Chief Executive Officer read out a submitted statement to Council on behalf of Mr Peter Webster.

Cr Sam Misho left the meeting before the motion was moved on item GE535 - *Naming Proposals for Three Conservation Reserves in Sunbury with Aboriginal Cultural Heritage Significance*, the time being 8:01pm

**Moved** Cr Jack Medcraft, **Seconded** Cr Jarrod Bell

- 2.1 **THAT Council approves the commencement of a community consultation process to ask for the community's feedback on names proposed for the following three officially unnamed reserves:**
  - (a) **Sunbury Fields Grassland – proposed name of Darr Banneem;**
  - (b) **Albert Road Nature Reserve - proposed dual name of Albert Road Nature Reserve / Wuruwurr Biik;**
  - (c) **Fulwood Drive Reserve – proposed name of Mumilam Korobine.**

Cr Sam Misho returned to the meeting during discussion and prior to the vote on item GE535 - *Naming Proposals for Three Conservation Reserves in Sunbury with Aboriginal Cultural Heritage Significance*, the time being 8:07pm

Cr Karen Sherry left the meeting after the motion was moved on item GE535 - *Naming Proposals for Three Conservation Reserves in Sunbury with Aboriginal Cultural Heritage Significance*, the time being 8:09pm

Cr Karen Sherry returned to the meeting during discussion and prior to the vote on item GE535 - *Naming Proposals for Three Conservation Reserves in Sunbury with Aboriginal Cultural Heritage Significance*, the time being 8:10pm

**CARRIED**

Report No.	Report	Page in Agenda
GE536	Proposed sale of 685 Mt Ridley, Mickleham to the Minister for Education	191

The Interim Chief Executive Officer read out a submitted statement to Council on behalf of Ms Shailen Kara.

**Moved** Cr Carly Moore, **Seconded** Cr Karen Sherry

- 2.1 That Council proceeds with the sale of 685 Mt Ridley, Mickleham as follows:**
- 2.1.1 Accepts the letter of offer made by the Minister for Education dated 26 May 2021 for \$2,027,865 exclusive of GST which was an amount determined by the Valuer General Victoria.**
  - 2.1.2 Resolves to sign and seal the Contract of Sale and the Transfer of Land documents.**
- 2.2 Authorises the Chief Executive Officer or an approved delegate to sign any other documents required in connection with the sale.**

**CARRIED**

Report No.	Report	Page in Agenda
GE537	Proposed New Lease to ARLC Vic Limited at 20 Goulburn Street, Broadmeadows (Seabrook Reserve)	197

**Moved** Cr Karen Sherry, **Seconded** Cr Naim Kurt

**That Council:**

- 2.1. Authorises the Chief Executive Officer to undertake the community engagement process in accordance with Council's Community Engagement Policy 2021 informing the community of the Agreement for Lease and Lease (New Lease).**
- 2.2. Authorises the Chief Executive Officer to sign the New Lease with ARLC Vic Limited (ARLC) to occupy part of the Council land located at 20 Goulburn Street Broadmeadows (Seabrook Reserve).**
- 2.3. Notes that the Key Terms of the New Lease as set out below:**
  - 2.3.1. The term of the New Lease is thirty (30) years.**
  - 2.3.2. Commencing on the issue of Certificate of Occupancy for the new pavilion.**
  - 2.3.3. A rental fee of \$10,000 plus GST per annum.**
  - 2.3.4. All outgoings to be the responsibility of ARLC Victoria.**
- 2.4. Authorises the Chief Executive Officer, or an approved delegate to negotiate with ARLC any final amendments to the New Lease.**

**2.5 Resolves to sign and seal the New Lease between Council and ARLC.**

Cr Jim Overend left the meeting after the motion was moved on item GE537 - *Proposed New Lease to ARLC Vic Limited at 20 Goulburn Street, Broadmeadows (Seabrook Reserve)*, the time being 8:18pm

Cr Jim Overend returned to the meeting during discussion and prior to the vote on item GE537 - *Proposed New Lease to ARLC Vic Limited at 20 Goulburn Street, Broadmeadows (Seabrook Reserve)*, the time being 8:21pm

**CARRIED****Reports Not Otherwise Dealt With**

**Moved** Cr Jack Medcraft, **Seconded** Cr Carly Moore

Report No.	Report	Page in Agenda
SU572	Petition - Removal of Paving Stones on Central Park Avenue and Bellfield Drive and Trees on the Nature Strip on Bellfield Drive, Craigieburn	173

be adopted.

**CARRIED**

Report No.	Report	Page in Agenda
SU572	Petition - Removal of Paving Stones on Central Park Avenue and Bellfield Drive and Trees on the Nature Strip on Bellfield Drive, Craigieburn	173

**Moved** Cr Jack Medcraft, **Seconded** Cr Carly Moore

**That Council:**

- 2.1 continue to manage the street trees in the Precinct in accordance with Council's Reserve and Street Tree Policy, including replacing the trees when Council's Tree Removal Criteria are met**
- 2.2 request officers to provide written feedback to the petition signatories that the trees will not be removed at this time**

**CARRIED****13. ITEMS TO BE TABLED**

The Mayor advised Council that there was one item to be tabled at this meeting, being that in accordance with section 147(4) of the *Local Government Act 2020*, the arbiter's decision and statement of reasons on the matter of an Application by Councillor Trevor Dance concerning Councillor Jack Medcraft should be tabled at the meeting and recorded in the minutes of the meeting.

**INTERNAL ARBITRATION PROCESS - HUME CITY COUNCIL**

In the matter of an Application by Councillor Trevor Dance concerning  
Councillor Jack Medcraft

**HEARING PURSUANT TO DIVISION 5 OF PART 6 OF THE  
*LOCAL GOVERNMENT ACT (2020)***

Applicant: Councillor Trevor Dance  
Respondent: Councillor Jack Medcraft  
Date of Hearing: 24 June 2021  
Arbiter: Helen Buckingham

**DETERMINATION**

The Arbiter determined that there has been no breach of the prescribed standards of conduct, and as such no finding of misconduct has been made.

As there has been no breach of the prescribed standards of conduct, the Application is dismissed.

## STATEMENT OF REASONS FOR DECISION

## The Application

1. The Application dated 20 March 2021 by the applicant seeks a finding of misconduct against the respondent in relation to an alleged breach of the prescribed standards of conduct.
2. The Application alleges that at the Hume City Council meeting held on the 9 March 2021 Cr Medcraft stated to the meeting that the Environment Protection Authority Victoria (EPA) monitors the tip site at 500 Sunbury Road every day; that this statement was false and misleading; and by reason of this, amounted to a breach of the following clauses of the standards of conduct:
  - Clause 1 Treatment of others.
  - Clause 2 Performing the role of councillor
  - Clause 3 Compliance with good governance measurers
  - Clause 4 Councillor must not discredit or mislead Council or the public.

## The jurisdiction of the Arbiter in relation to this Application

3. Section 143 of the *Local Government Act 2020* (the Act) provides that an Arbiter may hear an Application that alleges misconduct by a Councillor.
4. Pursuant to section 147 of the Act an Arbiter may determine whether or not a Councillor has engaged in misconduct.
5. "Misconduct" is defined in section 3 of the Act and is defined as follows:

" ... any breach by a Councillor of the prescribed standards of conduct included in the Councillor Code of Conduct."
6. The standards of conduct are set out in Schedule 1 to the Local Government (Governance and Integrity) Regulations 2020 a copy of which is included below as Appendix A.

## Hearings in this matter

7. The internal arbitration process in this matter included two hearings, a directions hearing held at 6:00 pm on 17 June 2021, and the hearing held at 6:30 pm on 24 June 2021.
8. Throughout the course of the internal arbitration process the applicant repeatedly requested that hearings in this matter not be held in person due to concerns he had



regarding his safety. However, no evidence was provided by the applicant in support of these requests or explaining the reasons for his concerns.

9. Given the nature of the complaint and the matters in issue in this internal arbitration process, the Arbiter decided that all hearings needed to be held in person to ensure process was able to be conducted fairly and the hearings were not open to the public.
10. The applicant and the respondent were directed to attend both the directions hearing and the hearing in person. Both hearings were held at the Hume Global Learning Centre Sunbury which provided a safe and confidential environment, and additional security was arranged for both hearings to ensure the safety of all participants.

#### **Evidence provided**

11. The applicant provided written evidence set out in his Application, and by email on 24 June 2021. The respondent provided written evidence by email on 17 June 2021 following the directions hearing on that day, and oral evidence at the hearing on 24 June 2021.

#### Evidence of the Applicant

12. The applicant provided evidence in the form of an email from a customer service representative team member identified as Jade from the Customer Service Team of the EPA stating that the Australian Recycling Corporation premises at 500 Sunbury Rd were inspected approximately every two weeks. The applicant also provided an email on 24 June 2021 contesting the evidence provided by the respondent by email on 17 June 2021.
13. The applicant did not attend either the directions hearing on 17 June 2021 or the hearing on 24 June 2021.

#### Evidence of the Respondent

14. Following the directions hearing on 17 June 2021, the respondent provided evidence in the form of emails from Leo from the Australian Recycling Corporation (ARC) confirming that there is a hygienist monitoring the facility each day and that the ARC has engaged five environmental auditors appointed by the EPA providing specialist advice and verification activities.

#### **Findings of the Arbiter**

15. The Arbiter is satisfied that there has been no breach of the prescribed standards of conduct by the respondent, and as such no finding of misconduct is made.
16. As there has been no breach of the prescribed standards of conduct, the Application is dismissed.

**Reasons for the Arbiter's Decision**

17. The Arbiter is satisfied that the respondent was of the opinion that the tip site was being monitored on a daily basis and that he had no intention to mislead fellow councillors or the public when he said this was being done by the EPA. On the evidence provided, it is clear the tip is being monitored on daily basis and reports are being made to the EPA.

**Participation in the Council internal arbitration process**

18. The Council internal arbitration process is an important and serious process and should not be undertaken lightly. The applicant does not appear to have appreciated the importance and seriousness of the process with respect to this matter.
19. Throughout the process in this matter the applicant repeatedly requested that hearings in this matter not be held in person due to concerns he had regarding his safety. However, no evidence was provided by the applicant in support of these requests or explaining the reasons for his concerns.
20. Nevertheless, specific measures were put in place to ensure that the hearings could be conducted in person in a manner that provided a safe and respectful environment for all participants.
21. In light of this, it is concerning that the applicant failed to comply with the Council internal arbitration process (a process which in this case was initiated by him) by not complying the Arbiter's directions that the parties attend the directions hearing and the hearing in person.
22. The cost to Hume City Council of the internal arbitration process in this matter will be in the vicinity of \$3,000. It is important that councillors contemplating applications for an internal arbitration process have proper regard for what the process might require, and are prepared to see the process through.

**Helen Buckingham**  
Arbiter

Date: 1 July 2021

**Appendix A****Schedule 1—Standards of conduct****1 Treatment of others**

A Councillor must, in performing the role of a Councillor, treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that the Councillor—

- (a) takes positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the **Equal Opportunity Act 2010**; and
- (b) supports the Council in fulfilling its obligation to achieve and promote gender equality; and
- (c) does not engage in abusive, obscene or threatening behaviour in their dealings with members of the public, Council staff and Councillors; and
- (d) in considering the diversity of interests and needs of the municipal community, treats all persons with respect and has due regard for their opinions, beliefs, rights and responsibilities.

**2 Performing the role of Councillor**

A Councillor must, in performing the role of a Councillor, do everything reasonably necessary to ensure that the Councillor performs the role of a Councillor effectively and responsibly, including by ensuring that the Councillor—

- (a) undertakes any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and
- (b) diligently uses Council processes to become informed about matters which are subject to Council decisions; and
- (c) is fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and
- (d) represents the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

**3 Compliance with good governance measures**

A Councillor, in performing the role of a Councillor, to ensure the good governance of the Council, must diligently and properly comply with the following—

- (a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;
- (b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;
- (c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act;
- (d) any directions of the Minister issued under section 175 of the Act.

**4 Councillor must not discredit or mislead Council or public**

- (1) In performing the role of a Councillor, a Councillor must ensure that their behaviour does not bring discredit upon the Council.
- (2) In performing the role of a Councillor, a Councillor must not deliberately mislead the Council or the public about any matter related to the performance of their public duties.

**5 Standards do not limit robust political debate**

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

Cr Jack Medcraft left the meeting after item 13 - *Items to be Tabled*, had concluded, the time being 8:26pm.

**14. PETITIONS AND JOINT LETTERS**

Nil

**15. DEPUTATIONS**

Nil

**16. URGENT BUSINESS**

Nil

**17. DELEGATES REPORTS**

**DEL102 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NATIONAL GENERAL ASSEMBLY**

Councillor Naim Kurt

Councillor Kurt presented a verbal presentation updating Council on his activities at the recent National General Assembly of the Australia Local Government Association which was held in Canberra the previous month.

Councillor Sam Misho and the Mayor, Councillor Joseph Haweil, also provided updates to Council on their attendance at the National General Assembly.

Cr Jack Medcraft returned to the meeting during the verbal presentation on item *DEL102, Australian Local Government Association National General Assembly*, the time being 8:28pm.

**18. GENERAL BUSINESS**

**MED298 CORRESPONDENCE TO VICROADS - REQUEST TO CLEAN UP RUBBISH AND REMOVE GRAFFITI**

Councillor Jack Medcraft

**Moved** Cr Jack Medcraft, **Seconded** Cr Karen Sherry

**1A. Write to Vicroads to ask them to patrol Somerton Road, Craigieburn Road West and Sunbury Road on a more regular basis and that they clean up the rubbish that's been dumped along them currently;**

**1B. Council write to Vicroads to ask can they please remove the graffiti on the Tullamarie Freeway from Melbourne Airport to Western Ring Road.**

**CARRIED**

- BEL016 PRESENTATION OF GOONAWARRA ENTRY SIGNS**  
Councillor Jarrod Bell
- Moved** Cr Jarrod Bell, **Seconded** Cr Jack Medcraft
- That Council officers prepare a report on the condition and presentation of the Goonawarra entry signs on Francis Boulevard and Sunningdale Ave. Such a report should also explore options for refreshing the signs presentation to ensure that the approaches to Goonawarra and Rolling Meadows provide a fresh and welcoming entrance to the community.**
- CARRIED**
- BEL017 CORRESPONDENCE TO SUNBURY WEST PRIMARY SCHOOL – CONGRATULATIONS ON 50th BIRTHDAY**  
Councillor Jarrod Bell
- Moved** Cr Jarrod Bell, **Seconded** Cr Jack Medcraft
- That Council writes to Inga Wilson, Principal of Sunbury West Primary School, as well as the Sunbury West Primary School community, congratulating the school on their 50th anniversary this year.**
- CARRIED**
- MIS006 FEASABILITY STUDY FOR INSTALLTION OF BIODEGRADABLE DOG WASTE STATIONS IN PARKS AND RESERVES**  
Councillor Sam Misho
- Moved** Cr Sam Misho, **Seconded** Cr Carly Moore
- A report be prepared for the feasibility of installing biodegradable dog waste stations at all Hume City parks and reserves.**
- CARRIED**
- MIS007 PROPOSED AMENDMENT TO LOCAL LAW NO.1 – MANDATING MEASURES TO REMOVE TROLLEYS FROM STREETS**  
Councillor Sam Misho
- Moved** Cr Sam Misho, **Seconded** Cr Carly Moore
- A report be prepared on the possibility of amending the Hume City Council Local Law No.1 to mandate supermarkets in Hume City to install GPS trackers and/or any other effective measures to avoid or remove trolleys from our Hume City streets.**
- CARRIED**

KUR107

**CORRESPONDENCE TO MINISTERS FOR PUBLIC TRANSPORT AND TRANSPORT INFRASTRUCTURE AND TO THE DEPARTMENT OF TRANSPORT - INSTALLATION OF ELECTRONIC SAFETY BARRIERS ON THE UPFIELD RAILWAY LINE**

Councillor Naim Kurt

**Moved** Cr Naim Kurt, **Seconded** Cr Sam Misho

That in light of recent fatalities along the Upfield railway line, that Council urgently writes to the Ministers for Public Transport and Transport Infrastructure and to the Department of Transport, expressing the pressing need for pedestrian electronic safety barriers to be installed on the Upfield railway line at the Garner Parade and Dunstan Parade crossing in Dallas.

**CARRIED**

KUR108

**CORRESPONDENCE TO THE COMMONWEALTH BANK – REQUEST TO REVIEW BRANCH CLOSURE AND REMOVAL OF ATM MACHINES IN DALLAS**

Councillor Naim Kurt

**Moved** Cr Naim Kurt, **Seconded** Cr Karen Sherry

That Council writes to CEO and Chair of Commonwealth Bank, requesting an immediate review of the closure of the Commonwealth Branch in Dallas and requests that they reconsider the removal of ATMs from the Dargie Crt shops noting the vital service it plays for the Dallas community, many of whom don't have access to internet banking because of the socio economic and aging profile of the community.

**CARRIED**

KUR109

**CORRESPONDENCE TO MINISTER FOR HEALTH – CLARIFICATION ON THE ROLLOUT OF MEDICALLY SUPERVISED INJECTION ROOMS**

Councillor Naim Kurt

**Moved** Cr Naim Kurt, **Seconded** Cr Jack Medcraft

That Council, under the Mayors signature, writes to the Minsiter for Health seeking clarification on the rollout of medically supervised injecting rooms and seeks assurances and clarifications that the City of Hume has not been considered for this program.

**CARRIED**

19. CONFIDENTIAL MATTERS

The Meeting may be closed to members of the public to consider confidential matters.

**Moved** Cr Jarrod Bell, **Seconded** Cr Carly Moore

**THAT Council close the meeting to the public pursuant to section 66(2) of the *Local Government Act 2020* to consider the following items:**

Report No.	Title	Reason for Confidential
COED017	Contract - Provision of Youth Services Assertive Outreach Service for Hume City Council	(g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. The specified grounds apply because the report contains commercial in confidence information
COHE052	Contract - Provision of Toilet, BBQ and Bin Surround Cleaning Services	(g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. The specified grounds apply because the report contains commercial in confidence information
COSU187	Contract - Supply and Delivery of Quarry Materials	(g(ii)) private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. The specified grounds apply because the report contains commercial in confidence information

**CARRIED**



The meeting was closed to the public at 9:15pm

The meeting did not reopen to the public.

**20. CLOSURE OF MEETING**

The meeting closed at 9:17pm.

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**COUNCILLOR JOSEPH HAWEIL  
MAYOR**