



**ORDINARY COUNCIL (TOWN PLANNING) MEETING OF
THE HUME CITY COUNCIL**

MONDAY, 22 FEBRUARY 2021

VIRTUAL MEETING

accessed via www.hume.vic.gov.au

CONFIRMED Monday 9 March 2021

HUME CITY COUNCIL

Minutes of the
ORDINARY COUNCIL (TOWN PLANNING) MEETING OF THE HUME CITY COUNCIL
held on Monday, 22 February 2021
at 7:00PM

Virtual Meeting was livestreamed via www.hume.vic.gov.au

Present:	a: Council	Cr Joseph Haweill Cr Jack Medcraft Cr Jarrod Bell Cr Trevor Dance Cr Chris Hollow Cr Jodi Jackson Cr Naim Kurt Cr Sam Misho Cr Carly Moore Cr Jim Overend Cr Karen Sherry	Mayor Deputy Mayor
	b: Officers	Mr Daryl Whitfort Mr Hector Gaston Mr Michael Sharp Ms Roslyn Wai Mr Peter Waite Mr Gavan O'Keefe Ms Megan Kruger Ms Joanne Grindrod	Acting Chief Executive Officer Director Community Services Director Planning and Development Director Communications, Engagement and Advocacy Director Sustainable Infrastructure and Services Acting Director Corporate Services Manager Governance Governance Support Officer

Proceedings to be Recorded

The Mayor advised that the Council meeting was being livestreamed on Council's website and that an audio recording of the Council meeting would be made and published to Council's website within 2 working days of the meeting.

The Mayor advised that as Council is the owner of the copyright in the livestream and notwithstanding anything appearing on Council's website, any recording, copying or other use of the livestream is strictly prohibited and would therefore constitute a breach of Council's copyright.

The Mayor advised that as members of the gallery could not be in attendance at the meeting, any person wishing to make comment to reports listed on the Agenda, had been requested to submit their comments in advance of the meeting. Provided they are compliant with Council's Governance Rules, with the exception of being present at the meeting, these comments would be read out by the Chief Executive Officer.

ORDER OF BUSINESS

1. ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THIS LAND

The Mayor read the following:

"I would like to acknowledge that we are meeting on Gunung-Willam-Balluk land. The Gunung-Willam-Balluk of the Wurundjeri are the first and original people of this land. I would like to pay my respects to their Elders, past and present, and the Elders from other communities who may be here today."

2. PRAYER

The Mayor advised that Councillors would normally be asked to stand for the Prayer as a sign of respect, however given that the meeting is being conducted online Councillors would not be required to stand on this occasion.

The Mayor read the following:

“Almighty God, we humbly beseech Thee to vouchsafe Thy blessing upon this Council. Direct and prosper its deliberations to the advancement of Thy glory and the true welfare of the people of the Hume City.”

Amen

3. APOLOGIES

Nil.

4. DISCLOSURE OF INTEREST

Councillors' attention is drawn to the provisions of the Local Government Act 2020 and Council's Governance Rules in relation to the disclosure of conflicts of interests. Councillors are required to disclose any conflict of interest immediately before consideration or discussion of the relevant item. Councillors are then required to leave the Chamber during discussion and not vote on the relevant item.

No Councillors declared any Conflict of Interest.

5. CONDOLENCE MOTIONS

Nil.

6. NOTICES OF MOTION**NOM409 NOTICE OF MOTION – Cr Carly Moore**

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

1. **That Council Proposes to change Section 30 of Chapter 2 of the Governance Rules in regards to Recission or alteration. The proposed changes would see section 30 of Chapter 2 of the Governance Rules replaced with the following:**

- 30.1 **A Councillor may propose a notice of rescission provided:**

- 30.1.1 **It is in writing;**

- 30.1.2 **It is supported, in writing, by at least three Councillors;**

- 30.1.3 **The resolution proposed to be rescinded has not been acted on; and**

- 30.1.4 **The notice of recission is delivered to the Chief Executive Officer within 24 hours of the resolution having been made setting out**

- (a) **the resolution to be rescinded; and**

- (b) **the meeting and date when the resolution was carried.**

- 30.2 **Any Councillor proposing a notice of rescission is required to provide written justification that must include one or more of the following:**

- 30.2.1 **The vote did not accurately reflect the opinion held by the meeting due to the misunderstanding of the motion or for some other reasons; or**

- 30.2.2 **New information has become available which may affect the decision of Council; or**

- 30.2.3 **Some vital information was overlooking in Council forming its decision.**

- 30.3 **A resolution will be deemed to have been acted on if:**

- 30.3.1 its contents have or substance has been communicated in writing to a person whose interests are materially affected by it; or
- 30.3.2 a statutory process has been commenced so as to vest enforceable rights in or obligations on Council or any other person.
- 30.4 The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
- 30.4.1 has not been acted on; and
- 30.4.2 is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with sub-Rule 30.1.3, unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.
- 30.5 If Lost
If a motion for rescission is lost, a similar motion may not be put before Council for at least three months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.
- 30.6 If Not Moved
If a motion for rescission is not moved at the meeting at which it is listed, it lapses and a similar motion may not be put before Council for at least three months from the date it lapsed, unless Council resolves that the notice of motion be re-listed at a future meeting.
- 30.7 May Be Moved By Any Councillor
A motion for rescission listed on an agenda may be moved by any Councillor present but may not be amended.
- 30.8 When Not Required
- 30.8.1 Unless sub-Rule 47.2 applies, a motion for rescission is not required where Council wishes to change policy.
- 30.8.2 The following standards apply if Council wishes to change policy:
- 30.8.2.1 if the policy has been in force in its original or amended form for less than 12 months, a notice of rescission must be presented to Council; and
- 30.8.2.2 any intention to change a Council policy, which may result in a significant impact on any person, should be communicated to those affected and this may include publication and consultation, either formally or informally.
2. In accordance with section 60(4) of the Local Government Act 2020, places the proposed change to the Governance Rules on public exhibition for a period of 14 days from Tuesday 23 February to Tuesday 9 March 2021.

CARRIED

A division was requested: The result of the division was as follows:

For

Cr Carly Moore
Cr Chris Hollow
Cr Karen Sherry
Cr Jarrod Bell
Cr Jim Overend
Cr Naim Kurt
Cr Jack Medcraft
Cr Sam Misho
Cr Joseph Haweil

Against

Cr Trevor Dance
Cr Jodi Jackson

7. OFFICER'S REPORTS

Reports Identified as Requiring Individual Discussion

Report No.	Report	Page in Agenda
HE120	<p>Health and Wellbeing Plan 2017-2021: Review of the Second Action Plan and Adoption of the Third Action Plan</p> <p>Moved Cr Chris Hollow, Seconded Cr Karen Sherry That Council</p> <p>2.1 notes the achievements of the second action plan of the Hume Health and Wellbeing Plan 2017-2021;</p> <p>2.2 adopts the third action plan; and,</p> <p>2.3 endorses the development process for Council's next 2021-2025 Municipal Public Health and Wellbeing Plan.</p>	7

CARRIED

Report No.	Report	Page in Agenda
SU536	<p>14 Sarah Street, Campbellfield - use and development of the land for a transfer station and a reduction in car parking requirements.</p> <p>Moved Cr Karen Sherry, Seconded Cr Jack Medcraft</p> <p>That council, having considered the application for the use and development of the land with a transfer station and reduction in car parking at 14 Sarah Street, Campbellfield, issues a Notice of Decision to refuse to grant a planning permit based on the following grounds:</p> <p>2.1 The application for the proposed transfer station is not supported by adequate information responding to the <i>Hume Planning Scheme</i> including under Clause 33.01 of the <i>Hume Planning Scheme</i> – Industrial 1 Zone, Clause 42.01 of the <i>Hume Planning Scheme</i> – Environmental Significance Overlay – Schedule 2, Clause 65.01 of the <i>Hume Planning Scheme</i> – Approval of an application or a plan, or Section 60 of the <i>Planning and Environment Act 1987</i>.</p> <p>2.2 The proposal is not supported by adequate information explaining and addressing the potential off site impacts of the proposal to allow for an assessment under Clause 53.10 of the <i>Hume Planning Scheme</i> – Uses with Adverse Amenity Potential.</p> <p>2.3 The proposal is not supported by adequate information addressing stormwater management objectives and standards under Clause 53.18 of the <i>Hume Planning Scheme</i> – Stormwater Management in Urban Development.</p> <p>2.4 The proposed transfer station on the subject land requires a Cultural Heritage Management Plan and no approved Cultural Heritage Management Plan has been prepared, preventing Council as the Responsible Authority from granting any authorisation as per the requirements under the <i>Aboriginal Heritage Act 2006</i>.</p> <p>2.5 The proposal is contrary to orderly and proper planning.</p>	47

CARRIED

Report No.	Report	Page in Agenda
SU538	Sustainability Taskforce New Members and Terms of Reference	87

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

2.1 That Council:

- 2.1.1 Approves the revised Terms of Reference for the Hume Sustainability Taskforce for 2021-2022.
- 2.1.2 Endorses new members for the 2021-2022 term as recommended by the appointed selection panel.

CARRIED

Report No.	Report	Page in Agenda
SU537	Statutory Planning Monthly Report - January 2021	63

Moved Cr Trevor Dance, **Seconded** Cr Jodi Jackson

That the report be noted.

CARRIED

Report No.	Report	Page in Agenda
GE496	Councillor Code of Conduct	121

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

2.1 That Council adopts the Councillor Code of Conduct with the following amendment to the actual code:

That Chapter 1, Section 5, Paragraph 3 on page 9 of the Code should read:

We understand that we are expected to use our Council provided mobile phone numbers and email addresses when communicating in our capacity as Councillors, with other Councillors, Council staff and members of the public, where appropriate.

2.2 That Council notes the Manager Governance will include hyperlinks to legislation and policies in the adopted Councillor Code of Conduct.

2.3 That Council:

- a) remove the requirement for Councillors to give an application for internal arbitration to Council's Councillor Conduct Officer for delivery to the Principle Councillor Conduct Registrar by amending section 4.2 paragraph 4 from:

An application for internal arbitration will be given to Council's Councillor Conduct Officer for delivery to the Principle Councillor Conduct Registrar, subject to any guidelines published under section 149(1)(c) of the Act.

to read:

An application for internal arbitration will be given to the Principle Councillor Conduct Registrar, subject to any guidelines published under section 149(1)(c) of the Act.

b) amend section 4.2 paragraph 5 from:

After receiving an application under section 143 of the Act, the Councillor Conduct Officer provides the application to the Councillor who is the subject of the application.

to read:

After receiving an application under section 143 of the Act from the Principle Councillor Conduct Registrar, the Councillor Conduct Officer provides the application to the Councillor who is the subject of the application.

Cr Jack Medcraft left the meeting after the motion was moved on item GE496 – *Councillor Code of Conduct*, the time being 7:44 pm, and returned to the meeting during discussion and prior to the vote, the time being 7:51 pm

Cr Jim Overend left the meeting after the motion was moved on item GE496 - *Councillor Code of Conduct*, the time being 8:15 pm, and returned to the meeting during discussion and prior to the vote, the time being 8:20 pm

Cr Naim Kurt left the meeting after the motion was moved on item GE496 - *Councillor Code of Conduct*, the time being 8:18 pm, and returned to the meeting during discussion and prior to the vote, the time being 8:19 pm

CARRIED

A division was requested: The result of the division was as follows:

For	Against
Cr Carly Moore	Cr Trevor Dance
Cr Jodi Jackson	
Cr Chris Hollow	
Cr Karen Sherry	
Cr Jarrod Bell	
Cr Naim Kurt	
Cr Jack Medcraft	
Cr Sam Misho	
Cr Jim Overend	
Cr Joseph Hawell	

Report No.	Report	Page in Agenda
GE497	Community Engagement Policy	167

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

- That Council adopts the *Community Engagement Policy*.
- That following Council adoption, the Community Engagement Policy is reviewed in March 2022.

CARRIED

Report No.	Report	Page in Agenda
GE500	Correspondence received from or sent to Government Ministers or Members of Parliament - December 2020 - January 2021	315
	Moved Cr Karen Sherry, Seconded Cr Jack Medcraft	
	That Council notes this report on correspondence received from or sent to Government Ministers or Members of Parliament.	
		CARRIED

Reports Not Otherwise Dealt With

Moved Cr Jack Medcraft, **Seconded** Cr Trevor Dance

Report No.	Report	Page in Agenda
GE494	Building Control Services Delegation Report - 1 October 2020 - 31 December 2020	101
GE495	S173 Agreements - Building Over Easement - 1 October 2020 - 31 December 2020	117
GE498	Local Government Performance Reporting Framework - Six Monthly Report 2020/21	181
GE499	Council Plan 2017-2021 (2020/21 Actions) Second Quarter Progress Report	209

be adopted.

CARRIED

Report No.	Report	Page in Agenda
GE494	Building Control Services Delegation Report - 1 October 2020 - 31 December 2020	101
	Moved Cr Jack Medcraft, Seconded Cr Trevor Dance	
	That this report be received and noted.	

CARRIED

Report No.	Report	Page in Agenda
GE495	S173 Agreements - Building Over Easement - 1 October 2020 - 31 December 2020	117
	Moved Cr Jack Medcraft, Seconded Cr Trevor Dance	
	That Council notes the listing of all Agreements under <i>Section 173 of the Planning and Environment Act 1987</i> dealt with under delegation between 1 October 2020 and 31 December 2020 (Attachment 1).	

CARRIED

Report No.	Report	Page in Agenda
GE498	Local Government Performance Reporting Framework - Six Monthly Report 2020/21	181

Moved Cr Jack Medcraft, **Seconded** Cr Trevor Dance

That Council notes the 2019/20 Financial Year LGPRF results across Council type (Attachment One), the last 6 Financial Years comparative (Attachment Two) and the 2020/21 LGPRF data (Attachment Three) provided for the six months to 31 December 2020.

CARRIED

Report No.	Report	Page in Agenda
GE499	Council Plan 2017-2021 (2020/21 Actions) Second Quarter Progress Report	209

Moved Cr Jack Medcraft, **Seconded** Cr Trevor Dance

That Council notes the progress of actions and indicators of the Council Plan 2017-2021 (2020/21 Actions) [refer Attachments One and Two].

CARRIED

8. CONFIDENTIAL MATTERS

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

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

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
COGE306	Infringement Review Process	(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
COGE307	Resignation of Chief Executive Officer, Mr Domenic Isola and Recruitment of new Chief Executive Officer	(f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

CARRIED

The meeting was closed to the public at 8:48pm.

The meeting did not reopen to the public.

9. CLOSURE OF MEETING

The meeting closed at 9:47pm

.....
**COUNCILLOR JOSEPH HAWEIL
MAYOR**