



**COUNCIL MEETING OF
THE HUME CITY COUNCIL**

MONDAY, 11 SEPTEMBER 2023

7.00PM

HUME GLOBAL LEARNING CENTRE CRAIGIEBURN

UNCONFIRMED MINUTES

It should be noted that these minutes are not in their final form until Council has formally resolved to confirm them.

These minutes will be presented to Council for confirmation on Monday, 25 September 2023.

HUME CITY COUNCIL

Minutes of the
COUNCIL MEETING OF THE HUME CITY COUNCIL
held on Monday, 11 September 2023
at 7.00pm
at the Hume Global Learning Centre Craigieburn

Attendees: a: Council Cr Joseph Haweil Mayor
 Cr Jarrod Bell
 Cr Trevor Dance
 Cr Chris Hollow
 Cr Jodi Jackson
 Cr Naim Kurt
 Cr Jack Medcraft
 Cr Sam Misho
 Cr Carly Moore
 Cr Jim Overend

 b: Officers Mr Fadi Srour Acting Chief Executive Officer
 Ms Rachel Dapiran Director City Planning and Places
 Mr Hector Gaston Director City Services & Living
 Mr Adam McSwain Director Infrastructure and Assets
 Mr Carl Muller Director Customer & Strategy
 Ms Fiona Shanks Chief People Officer
 Mr Robert Costa Acting Chief Financial Officer
 Mr Joel Kimber Acting Manager Governance
 Ms Joanne Grindrod Senior Governance Officer

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 Governance Rules 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, they 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

MINUTES

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Mayor read the following:

“Hume City Council would like to acknowledge that we are meeting on Country for which the members and Elders of the Wurundjeri Woi-wurrung people and their forebears have been custodians for many thousands of years.

The Wurundjeri Woi-wurrung, which includes the Gunung-Willam-Balluk clan, are the Traditional Custodians of this land. Hume City Council would also like to pay its respects to their Elders, past and present, and to all Aboriginal and Torres Strait Islander peoples who may be here today.”

2. PRAYER

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

Councillor Karen Sherry is an apology for this meeting.

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.

There were no disclosures of conflicts of interest.

MINUTES

5. CONGRATULATIONS & CONDOLENCES

5.1 Sports Aid Grants – August 2023

The following grant recipients were presented with their certificates.

Name	Gender	Sport	Travel Category	Amount
Julian Steven Siladi	Male	Basketball	Regional Level and Victoria Travel	\$ 150.00
Camryn Moore	Female	Gymnastics	State Level and Interstate Travel	\$ 400.00
Lachlan Remeysen	Male	Basketball	Regional Level and Victoria Travel	\$ 150.00
Jonah Hall	Male	Basketball	Regional Level and Victoria Travel	\$ 150.00
Starlett Maybury	Female	Basketball	Regional Level and Victoria Travel	\$ 150.00
Jesse Dylan Mineo	Male	Basketball	National Level and International Travel	\$ 150.00
Jake Lucas Marchio	Male	Basketball	Regional Level and Victoria Travel	\$ 150.00
Meah Allwell	Female	Karate	State Level and Interstate Travel	\$ 400.00
Hayley Allwell	Female	Karate	State Level and Interstate Travel	\$ 400.00
Ryder Aldridge	Male	Basketball	Regional Level and Victoria Travel	\$ 150.00
Dean Panagopoulos	Male	Basketball	Regional Level and Victoria Travel	\$ 150.00
Rosemary Stowers	Female	Rugby League	State Level and Interstate Travel	\$ 400.00
Chloe Ene	Female	Rugby League	State Level and Interstate Travel	\$ 400.00
Nicholas Hill	Male	Basketball	Regional Level and Victoria Travel	\$ 150.00
Kofi Aden	Male	Basketball	State Level and Interstate Travel	\$ 400.00
Aitulagi Amiatsu	Male	Rugby League	State Level and Interstate Travel	\$ 400.00
Ivana Tuafuti	Male	Rugby League	State Level and Interstate Travel	\$ 400.00
Kai Crosswell	Male	Basketball	Regional Level and Victoria Travel	\$ 150.00
Giada Spedicato	Female	Karate	State Level and Interstate Travel	\$ 400.00
Isaac Di Biase	Male	Basketball	Regional Level and Victoria Travel	\$ 150.00
Jamal Abbas	Male	Basketball	National Level and International Travel	\$ 750.00
Bilal Ali Atay	Male	Taekwondo	National Level and International Travel	\$ 750.00
			<u>TOTAL</u>	\$ 6,750.00

Jamal Abbas and Bilal Ali Atay were unable to attend the meeting and will be presented with their grants separately.

5.2 Craigieburn War Memorial Group – Presentation of Certificate of Appreciation to Council.

Mr Drew Jessop and Mr Kevin O’Callaghan thanked Hume City Council and presented a certificate in recognition of the support provided by Council to the Craigieburn War Memorial Group and Remembrance Committee Inc.

MINUTES

6. CONFIRMATION OF COUNCIL MINUTES

The Chair deferred consideration of the minutes at 7:18pm to a later point in the meeting.

At 7:41pm the Chair recommenced discussion on consideration of the Council minutes after officers' reports.

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

- 6.1 That the minutes of the Council meeting held on 14 August 2023 are amended to reflect that Councillor Sam Misho and Councillor Jarrod Bell were not in attendance and are republished.
- 6.2 That the minutes be amended to note that between items 13.1 and 13.2 'Cr Jack Medcraft raised a discussion point in relation to an FOI application'.
- 6.3 That the Minutes of the Council Meeting held on 28 August 2023, including Confidential Minutes, be confirmed.

Councillor Sam Misho left the meeting during discussion on Councillor Jodi Jackson's motion for confirmation of minutes the time being 7:48pm .

Councillor Sam Misho returned to the meeting during discussion on Councillor Jodi Jackson's motion for confirmation of minutes, the time being 7:49pm.

LOST

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

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

The substantive motion was then put.

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

- 6.1 That the minutes of the Council meeting held on 14 August 2023 are amended to reflect that Councillor Sam Misho and Councillor Jarrod Bell were not in attendance and are republished.
- 6.2 THAT the Minutes of the Council Meeting held on 28 August 2023, including Confidential Minutes, be confirmed.

CARRIED

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

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

7. PUBLIC QUESTION TIME**PQ1034 PUBLIC QUESTION - JOHN RUTHERFORD**

Could Council please explain the reasons why they believe the legal frame work followed by the President of VCAT Justice Quigley and the three Supreme Court Judges, Justice Beach, Justice Emerton and Justice McLeish was flawed and requires review?

RESPONSE: ACTING CHIEF EXECUTIVE OFFICER

Council does not suggest that the Court of Appeal's interpretation of the legal framework within the Local Government Act 2020 was flawed.

The Court of Appeal's interpretation had not previously been considered and were not identified by any of the relevant parties in any of the previous proceedings, including VCAT.

The current framework within the Local Government Act 2020 is complex and expensive and is currently under review by Local Government Victoria (LGV). Council will refer this experience to LGV to input into their review of the Councillor Conduct Framework.

PQ1035 PUBLIC QUESTION - JOHN RUTHERFORD

In the Statement HCC v Cr T Dance the CEO Sheena Frost said

"At every stage of this process there has been a different interpretation of what constitutes serious misconduct. This reflects the fact that the legal framework is flawed, and requires review."

At the VCAT hearing Justice Quigley ruled that Cr Dance's request for an on-line attendance at the Council Conduct Panel hearing was reasonable and the refusal by the Arbiter for this to occur was incorrect and therefore there was no case of serious misconduct by Cr Dance.

Justice Quigley's interpretation of what legally constitutes misconduct in this case was very clear.

Council considers that this decision reflects a legal framework that is flawed and needs to be reviewed.

With this knowledge why did Council proceed to the Victorian Supreme Court?

RESPONSE: ACTING CHIEF EXECUTIVE OFFICER

Council appealed the VCAT decision because it considered that there were errors in significant aspects of the decision. There were proper grounds for the appeal. However, the Court of Appeal's interpretation of the Act meant that it did not matter whether the VCAT decision was right or wrong.

The Court of Appeal's interpretation had not previously been identified or raised by either parties' lawyers, the Principal Councillor Conduct Registrar, the Arbiter, members of the Councillor Conduct Panel or the President of VCAT in any of the previous proceedings, as well as the Supreme Court's Court of Appeal at the Directions Hearing.

Councillor Jack Medcraft left the meeting, the time being 7:25pm.

PQ1036 PUBLIC QUESTION GREG PERKINS

How much does it cost to build one (each) of the new speed humps being built around Sunbury, for example, in Heysen Drive in Sunbury?

RESPONSE: DIRECTOR INFRASTRUCTURE & ASSETS

It is difficult to put a standard price on speed humps as the conditions vary between different streets. The recently constructed humps in Heysen Drive cost an average of approximately \$95,000 per hump, but this amount includes removal of the old traffic treatments, changes to drainage that were required to accommodate the humps, traffic control during the works etc.

PQ1037 PUBLIC QUESTION - GREG PERKINS

On the following meetings, 26th of June 2023, 10th July & 28th August, some questions were asked regarding cameras, facial recognition and software and the like. The answers were clear and concise and I thank you for that.

Yet on the Agenda of 22nd May, 2023, page 82, it states on the 3rd point, that it was "critical" to "Implement SMART city technology". This would require much of the infrastructure and software that were asked in the questions and in the answers, were subsequently denied. It also includes planning and ordering the technology, which was denied being considered.

The Council should know their own policies.

As such, is SMART City technology going to be implemented and/or should this be removed from the record of 22nd May 2023, page 82?

RESPONSE: DIRECTOR CUSTOMER & STRATEGY

Questions responded to in June, July and August referred to Council's current technology.

Any future investment in Smart City Technology would be subject to an allocation of funding through Council's budget deliberation processes.

Councillor Jack Medcraft returned to the meeting, the time being 7:28pm.

PQ1038 PUBLIC QUESTION - STUART MCLEOD

In response to my question regarding child safety and the increase of vehicles speed in Carnoustie Drive due to the new shallow speed humps - How has this increased the safety for children, as higher vehicle speeds do not lend itself to pedestrian safety, and its more dangerous when we reverse our cars out onto the street with speeding traffic?

RESPONSE: DIRECTOR INFRASTRUCTURE & ASSETS

Carnoustie Drive did not have a school crossing before the recent project to replace the speed humps. The raised platform adjacent to Goonawarra Primary School now incorporates a school crossing, which improves safety for children accessing the School.

PQ1039 PUBLIC QUESTION - STUART MCLEOD

Why are the new speed humps in Gullane Drive Goonawarra different to the ones in Carnoustie Drive, as the ones Gullane Drive actually slow the traffic?

RESPONSE: DIRECTOR INFRASTRUCTURE & ASSETS

Gullane Drive is not a scheduled bus route. Therefore, these humps do not need to have the more gentle, bus-friendly ramps that were required for Carnoustie Drive. They also do not require the approval of Department of Transport and Planning and bus operators.

8. OFFICERS' REPORTS

Report No.	Report	Page in Agenda
8.1	Validity of Order made under Section 26 of the Domestic Animals Act 1994	7

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

That Council:

- 2.1 **Adopts a refund scheme for infringements issued by Council under s26 of the *Domestic Animals Act 1994* that operates in the following manner:**
 - 2.1.1 **All eligible individuals are contacted via email or mail at the address listed on their s26 infringement notice advising them of their eligibility for a refund.**
 - 2.1.2 **All eligible individuals who subsequently verify their details are then provided with further information on how to receive their refund.**
 - 2.1.3 **Members of the community who think that they may be eligible to receive a refund, but who have not received any correspondence from Council because they have changed addresses, can contact Council via an online form or in writing requesting that their request for a refund be assessed and, if approved, processed.**
- 2.2 **Cancels all infringements issued under s26 of the Act which currently remain unpaid;**
- 2.3 **Make rehearing applications in instances where court orders have been made which include penalties/findings under s26 of the Act.**

CARRIED

Report No.	Report	Page in Agenda
8.2	Rate Arrears as at 30 June 2023	11

Moved Cr Sam Misho, **Seconded** Cr Carly Moore

- 2.1 **That the Rate Arrears Report as at 30 June 2023 be received and noted.**

CARRIED

Report No.	Report	Page in Agenda
8.3	Quarterly Capital Works Report - June 2023	29

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

That Council receive and note the report.

CARRIED

MINUTES

Council returned to consider Item 6 – Confirmation of Council Minutes.

9. NOTICES OF MOTION

Nil

10. ITEMS TO BE TABLED

Nil.

11. URGENT BUSINESS

Nil

12. DELEGATES REPORTS

**DEL108 ALGA'S 2023 NATIONAL LOCAL ROADS, TRANSPORT
AND INFRASTRUCTURE CONGRESS**

Councillor Jack Medcraft, Councillor Sam Misho and Councillor Joseph Haweil provided a report on the ALGA's 2023 National Local Roads, Transport and Infrastructure Congress in Canberra from 6-7 September 2023

Councillor Jim Overend left the meeting, the time being 7:56pm.

Councillor Naim Kurt left the meeting, the time being 7:56pm.

Councillor Naim Kurt returned to the meeting, the time being 7:59pm.

Councillor Jim Overend returned to the meeting, the time being 7:59pm.

DEL109 METROPOLITAN TRANSPORT FORUM

Councillor Jodi Jackson provided a report on her attendance at the Metropolitan Transport Forum held at the Melbourne Town Hall on the previous Wednesday.

MINUTES

13. CONFIDENTIAL ITEMS

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

Moved Cr Naim Kurt, **Seconded** Cr Jarrod Bell

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

13.1 Contract – Design and Construct Truck Wash Bay and Dump Pad – Sunbury Depot

Item 13.1 is confidential in accordance with Section 3(1)(g(ii)) of the Local Government Act 2020 because it is 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 of contractual matters.

13.2 Contract – Universal FOGO: Supply of FOGO Bins

Item 13.2 is confidential in accordance with Section 3(1)(g(ii)) of the Local Government Act 2020 because it is 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 contractual matters.

13.3 Procurement Policy Exemption - Sunbury Landfill and Resource Recovery Centre - Landfill Services

Item 13.3 is confidential in accordance with Section 3(1)(g(ii)) of the Local Government Act 2020 because it is 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 contractual matters.

13.4 Contract – Kerbside Collection Services: Food and Garden Organics (FOGO) Collection Service

Item 13.4 is confidential in accordance with Section 3(1)(g(ii)) of the Local Government Act 2020 because it is 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 contractual matters.

CARRIED

The meeting was closed at 8:15pm.

The meeting did not reopen to the public.

14. CLOSURE OF MEETING

The meeting closed at 8:20pm.