



**COUNCIL MEETING OF  
THE HUME CITY COUNCIL**

**MONDAY, 11 DECEMBER 2023**

**7.00PM**

**HUME GLOBAL LEARNING CENTRE SUNBURY**

**OUR VISION:**

*Hume City Council will be recognised as a leader in achieving social, environmental and economic outcomes with a common goal of connecting our proud community and celebrating the diversity of Hume.*

An audio recording of this meeting of the Hume City Council will be recorded and published in accordance with Council's Audio Recordings of Council Meetings Policy. The live stream of this meeting will not be recorded or published.



# HUME CITY COUNCIL

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**Notice of a  
COUNCIL MEETING OF THE HUME CITY COUNCIL**  
to be held on Monday, 11 December 2023  
**at 7.00pm**  
at the Hume Global Learning Centre Sunbury

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Attendees:	a: Council	Cr Naim Kurt Cr Karen Sherry Cr Jarrod Bell Cr Trevor Dance Cr Joseph Haweil Cr Chris Hollow Cr Jodi Jackson Cr Jack Medcraft Cr Sam Misho Cr Carly Moore Cr Jim Overend	Mayor Deputy Mayor
	b: Officers	Ms Sheena Frost Ms Rachel Dapiran Mr Hector Gaston Mr Adam McSwain Mr Carl Muller Ms Fiona Shanks Mr Fadi Srour	Chief Executive Officer Director City Planning and Places Director City Services & Living Director Infrastructure and Assets Director Customer & Strategy Chief People Officer Chief Financial Officer

## ORDER OF BUSINESS

### 1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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 Interfaith Network (HIN). In recognition of the religious diversity of residents in Hume City Council has invited the HIN to take responsibility for the opening prayer at Council meetings. This evening's prayer will be led by Milan Gyawali, from the Nepalese Hindu community, on behalf of the HIN.

**3. APOLOGIES****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.

**5. CONGRATULATIONS AND CONDOLENCES****6. CONFIRMATION OF MINUTES**

Minutes of the Council Meeting held on 27 November 2023, including Confidential Minutes.

**RECOMMENDATION:**

**THAT the Minutes of the Council Meeting held on 27 November 2023, including Confidential Minutes, be confirmed.**

**7. ASSEMBLIES OF COUNCIL****8. PUBLIC QUESTION TIME****9. OFFICER'S REPORTS**

The Mayor will ask the Councillors and gallery at the commencement of this section, which reports they wish to speak to. These reports will then be discussed in the order they appear on the notice paper.

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**10. NOTICES OF MOTION**

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**11. ITEMS TO BE TABLED**

**12. URGENT BUSINESS**

**13. DELEGATES REPORTS**

**14. CONFIDENTIAL ITEMS**

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

**RECOMMENDATION:**

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

**9.8 Temporary Change to the Chief Executive Officer's Delegation 19 December 2023 to 11 February 2024**

**Attachment 1 Recommendation 2.2 – Estimated Contract Values is confidential in accordance with Section 3(1)(a) of the Local Government Act 2020 because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.**

**The specified grounds apply because the report contains sensitive financial information and business names.**

**14.1 Future of the Sunbury Riddell Road Landfill**

**Item 14.1 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 the report contains financial matters.**

**14.2 Future Resourcing at Bolinda Road Resource Recovery Centre**

**Item 14.2 is confidential in accordance with Section 3(1)(a) of the Local Government Act 2020 because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.**

**The specified grounds apply because the report contains sensitive financial information and business names.**

**14.3 Contract – Electricity – Small to Medium Enterprise (SPC) SS-04-2018**

**Item 14.3 is confidential in accordance with Section 3(1)(a) of the Local Government Act 2020 because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.**

**The specified grounds apply because of commercial in confidence energy rates.**

**14.4 Contract - Provision of Concrete and Maintenance Services**

**Item 14.4 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.**

**14.5 Confidential Report - Hume Central Lot E**

Item 14.5 is confidential in accordance with Section 3(1)(a) and (g(ii)) of the Local Government Act 2020 because it is Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released, and 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 relates to outcomes of a market process that is subject to to commercial in confidence information.

**15. CLOSURE OF MEETING**

**SHEENA FROST  
CHIEF EXECUTIVE OFFICER**

**7/12/2023**

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<b>REPORT NO:</b>	9.1
<b>REPORT TITLE:</b>	8 Iron Bridge Road Craigieburn - Remote Seller's Packaged Liquor Licence.
<b>SOURCE:</b>	Narelle Haber, Principal Planner (Established Areas)
<b>DIVISION:</b>	City Planning & Places
<b>FILE NO:</b>	P25208
<b>POLICY:</b>	Hume Planning Scheme
<b>STRATEGIC OBJECTIVE:</b>	2.1: Facilitate appropriate urban development and enhance natural environment, heritage, landscapes and rural places
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. <i>Recommendation and Conditions</i></li><li>2. <i>Planning Provisions</i></li><li>3. <i>Zoning and Locality Maps</i></li><li>4. <i>Advertised Plan</i></li></ol>

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<b>Application No:</b>	P25208
<b>Proposal:</b>	Remote Seller’s Packaged Liquor Licence
<b>Location:</b>	8 Iron Bridge Road Craigieburn
<b>Zoning:</b>	Comprehensive Development Zone schedule 1
<b>Applicant:</b>	Yurdanur Bozkurt – CruzeBooze
<b>Date Received:</b>	6 April 2023

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## 1. SUMMARY OF REPORT:

- 1.1 Planning approval is sought for a ‘Remote Seller’s Packaged Liquor Licence’ in association with a Home-Based Business. The license will allow for the storage and distribution of liquor from the garage of the existing dwelling at 8 Iron Bridge Road Craigieburn. A planning permit is required for a liquor licence under Clause 52.27 of the Hume Planning Scheme.
- 1.2 The application was advertised by direct mail to lots in the vicinity and the erection of an on-site sign. During the public notification period, fourteen objections were received. The application is being reported to Council as the number of objections exceeds officer delegation.
- 1.3 The application has been assessed against the relevant policies and the provisions under the *Hume Planning Scheme*. It is recommended that a Notice of Decision to grant a planning permit be issued.

## 2. RECOMMENDATION:

**That Council having considered the application on its merits and the objections received, resolves to issue a Notice of Decision to grant a Planning Permit for a Remote Seller’s Packaged Liquor Licence at 8 Iron Bridge Road, Craigieburn, subject to the conditions set out in Attachment 1.**

REPORT NO: 9.1 (cont.)

3. PROPOSAL:

- 3.1 The application seeks planning permission for a Remote Seller’s Packaged Liquor Licence as part of the Home-Based Business at the premises. The primary use of the site will remain as a dwelling and the proposal does not seek to carry out any external buildings and works. The Remote Seller’s Packaged Liquor Licence will allow the occupant to store and distribute liquor from the garage of the dwelling associated with their home-based business.
- 3.2 All alcohol purchases/orders will be made online or via phone and the owner will deliver the goods via their private vehicle at a later time.
- 3.3 The dwelling/premises cannot be accessed by the general public to purchase liquor, and no liquor can be consumed onsite. There will be no sale of goods directly from the premises. The liquor sale will operate via delivery only.
- 3.4 The applicant is anticipating approximately 5 deliveries per day from the site, and he will be the sole operator/worker at the business.
- 3.5 The business will be conducted from inside the double garage of the dwelling where new fridges will be installed. The applicant has advised that they will pick up the alcohol supplies on an ‘as needed’ basis and no bulk amounts of alcohol will be kept/stored on the site.
- 3.6 The applicant has opted for reduced hours to those outlined within the Victoria Liquor Commission Guidelines (VLC), which allows for trading up to 11pm at night. The proposed trading hours are as follows:

Liquor can be **picked and packed** during the following hours:

- 9 am to 7 pm Monday to Saturday
- 10 am to 7 pm Sunday
- 12 pm to 7 pm on ANZAC Day
- any time on Good Friday or Christmas Day if agreed by the liquor regulator on your licence.

Orders can be **delivered**:

- 9 am to 7 pm Monday to Saturday
- 10 am to 7 pm Sunday
- 12 pm to 7 pm on ANZAC Day
- no delivery is allowed on Good Friday or Christmas Day.

- 3.7 The Red Line Plan showing where orders are picked and packed for delivery is limited to the double garage of the dwelling. This area also includes a refuse bin for the (mostly) cardboard waste. The disposal of the waste will be undertaken by the owner once a month or as required.

4. SITE AND SURROUNDS:

- 4.1 The subject site is located at number 8 Iron Bridge Road Craigieburn. The site is located within an established residential area, where most of the dwellings were constructed between late 2014 to mid-2015. The dwellings in the area are typically single storey brick dwellings and small well-kept front yards. Iron Bridge Road is a standard residential street which is approximately 7 metres wide, with on-street parking is permitted on either side of the roadway.

REPORT NO: 9.1 (cont.)

4.2 The site is located approximately 85 metres east of Newbury Primary School, 350 metres from Pelican Childcare Centre and 400 metres from the Hume Hockey and Lacrosse Centre Community Centre located on Grand Boulevard.

4.3 The site is surrounded by land within common zoning (Comprehensive Development Zone – schedule 1).

Title details and restrictions:

4.4 The site is described as Lot 14915 on Plan of Subdivision 721470Q. There are no easements located within the property boundaries. The property is subject to a covenant on title. The proposal does not contravene the covenant.

Planning History:

4.5 There is no relevant planning history for the site.

**5. PLANNING CONTROLS:**

5.1 The subject site is zoned Comprehensive Development Zone – Schedule 1. The purpose of the zone is *to designate land suitable for urban development* and, relevant to this application, *to ensure that non-residential users do not cause loss of amenity to people in areas set aside and used for housing*. A planning permit is not required for a home based business within this zoning.

5.2 The Development Plan Overlay – Schedule 7 also applies to the site. The purpose of this overlay is *to provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme*.

Planning permit triggers:

5.3 Clause 52.27 of *the Scheme* forms the planning permit trigger for this application. A permit is required to use land to sell or consume liquor if a licence is required under the *Liquor Control Reform Act 1998*.

5.4 A planning permit is not required for a home-based business under Clause 52.11 of the Hume Planning Scheme. The proposed business meets the requirements at Clause 52.11-1 of the Hume Planning Scheme.

Particular Provisions:

5.5 The key assessment provisions related to the proposal are Clause 52.27 – Licensed Premises, which is discussed in the assessment section of the report.

Aboriginal Cultural Heritage:

5.6 The subject site is located within an Aboriginal Cultural Heritage Sensitivity area. However, the proposal is exempt under the *Aboriginal Heritage Regulations 2018*.

Planning Policy Framework:

5.7 The Planning Policy Framework sets out the objectives and strategies relevant to this application, including those relating to land use compatibility, and maintain amenity and safety for the community. The objectives of the Planning Policy Framework have been

REPORT NO: 9.1 (cont.)

considered in the assessment to follow, and a full list of the relevant Planning Policy Framework objectives and strategies is provided as an attachment to this report.

**6. REFERRALS:**

- 6.1 This application was internally reviewed by Council’s Social Policy Planners. They provided general comments in relation to potential amenity impact. Their comments are considered and discussed later in the report and inform recommended conditions to be placed on the permit.
- 6.2 No external referrals were required for this application.

**7. ADVERTISING:**

- 7.1 The application was advertised under Section 52 of *the Act* by maintaining a notice sign on site for a period of 14 days and sending notices to adjoining property owners and occupiers.
- 7.2 A total of 14 objections have been received to date for the application.
- 7.3 It is noted that some of the information included with the advertised material related to the original proposal submitted to Council and not the current, scaled back version currently before Council, where the scale of the proposal and type of liquor license being sought was amended to minimise any impact on the residential amenity of the area. The application was not readvertised on the basis the amended proposal is a reduction in the scale of the original submission.
- 7.4 Below is a summary of the concerns raised:

Incompatibility with residential zoning and site context

- 7.5 One of the stipulations of a Remote Seller’s Packaged Liquor licence is that alcohol is not permitted to be sold directly from the house. Alcohol sales are only available via online or phone orders or an application. There are no direct sales from the site.
- 7.6 A review of the VLC website shows there are seven other Remote Sellers Packaged Liquor Licence’s already operating directly from dwellings within Hume. This type of license allows for the distribution of liquor from any zone and allows the licensee to supply liquor ordered by off-premises requests in sealed containers, bottles, or cans for consumption off the licensed premises.
- 7.7 The subject site is located 85 metres from Newbury Primary School. Liquor licenses have been obtained for businesses/properties directly across the road from the school at 439 Grand Boulevard and the Hume Hockey and Lacrosse Centre.

Property devaluation

- 7.8 Devaluation of properties is not a valid planning consideration, as determined by the Victorian Civil and Administrative Tribunal.

Amenity and traffic impacts

- 7.9 There will be minimal noise or light emitted from the premises as a result of the business. The applicant has stated that they will be ceasing operation at 7pm each night (including deliveries). There is unlikely to be any disturbance to the neighbours. This would be conditioned in any permit issued.

REPORT NO: 9.1 (cont.)

- 7.10 The business will be conducted in a manner compatible with the residential area. There is only one employee, which will be picking up the orders, processing the orders and delivering them himself. There are no outside/third-party operators associated with the business. Furthermore, the business will cease operating at 7pm each night to ensure the amenity of the area is not adversely impacted. There is only one vehicle doing the deliveries and the public cannot come to the premises to purchase or pickup alcohol. There will be no disturbance from cars coming and going or from doors opening/closing at all hours as the liquor license will have specific operating hours which must be adhered to.
- 7.11 The type of license being sought prohibits the direct sale of liquor to the public from the site. No persons will be permitted to attend the property and purchase liquor. The applicant has also confirmed that they will be personally delivering the orders and no third parties such as Uber will be coming to the property to collect orders. In effect, the business will operate like any other home-based business and not disturb neighbours or the surrounding area or make the area unsafe.

Licensing concerns

- 7.12 As part of the approval of the remote Sellers Packaged liquor licence the applicant must undertake the ‘Responsible Service of Alcohol (RSA)’ training.
- 7.13 Further, if the applicant wishes to offer rapid delivery, which is delivery within two hours of the order being made, or do promotions, they must have an alcohol management strategy. An alcohol management strategy is required to be approved as part of the approval process by the VLC. The document explains the actions to take to reduce the harm associated with the supply of liquor from the packaged liquor outlet.
- 7.14 When orders are taken on-line, there are checks taken to ensure the sale of alcohol is to persons over the age of 18 and name checks are undertaken upon delivery.

Against the objector’s religion to have alcohol served near them.

A Remote Sellers Packaged Liquor Licence means that there will be no alcohol served from the dwelling and all liquor sold must be delivered sealed/unopened.

Fire and emergency hazard.

- 7.15 Appropriate safety measures will be put in place associated with the storing of alcohol on the site.

**8. ASSESSMENT:**

- 8.1 The following assessment addresses the relevant provisions of the *Hume Planning Scheme*.

Strategic directions and Planning Policy Framework considerations:

- 8.2 The Strategic direction of *the Scheme* includes matters to be considered with regard to the sale and consumption of liquor within Hume. Specifically, it is stated that the inappropriate sale and consumption of alcohol is associated with a range of social, economic, and health harms, particularly for vulnerable groups and individuals.
- 8.3 The application is very small scale and operated as part of a home-based business. There will be no external alterations to the dwelling and the amenity of the area will not

REPORT NO: 9.1 (cont.)

be impacted by the proposal. Permit conditions have been included to ensure the hours, scale of the operation of the business does not adversely impact the amenity of the area. A review of the VLC website shows that there will be no cumulative impact with the inclusion of this liquor license.

- 8.4 The broader PPF objectives and strategies with regard to liquor licenses within the Scheme, seek to ensure the location, hours, operation, and size of the premises are considered, to ensure there is limited impact to the community and amenity on the surrounding the area.
- 8.5 The business will operate like many home-based businesses which have minimal impact on the surrounding area. Specifically, the goods will be “stored” in refrigerators in the garage, orders are placed online, and the owner of the property/business will pick and pack the order and deliver it themselves. Goods will only be delivered by the owner/operator of the business, there will be no pick-up contractors or other third parties involved. There will be no ‘display’ goods for sale or any persons coming to the property to collect goods they have purchased online.
- 8.6 Several of the strategies of the PPF are not relevant for this application due to the location, the minor scale of the proposal and, type of liquor license being sought. With regard to the stated strategies of Clause 13.07-1L-02 – Liquor Licensing, the following comments can be made:
- There will be no direct sales of liquor from the site – i.e., no customers coming directly to the house to purchase liquor;
  - The applicant (who is the resident of the dwelling) will be using his own vehicle to deliver the alcohol. Additional parking will not be required,
  - There will be no third-party delivery operators coming to the site, such as Uber deliveries.
  - The operating hours are less than those permitted for this license type as listed on the VLC website. Due to the zoning of the property, earlier closing/operating hours have been nominated to ensure there are minimal impacts on the residential area.
  - The licensed/red line area is considered ‘small-scale’ as it extends around the double garage of the dwelling only. This is the only area where the liquor will be stored, picked, and processed.
- 8.7 The operating measures to be put in place will ensure there are no adverse amenity impacts from the licensed premises on the surrounding area. Specifically, with the type of license being sought, alcohol will only be sold online or via phone or an app, there will be no music from the premises and no patrons coming to the property. Additional measures included with the application to assist in reducing possible amenity effects from the licensed premises are the trading hours have been reduced to suite the residential area (close at 7pm) and there will also be only one employee doing the picking, packing, and delivering of the goods. These matters also seek to address Council’s Social Policy Planners comments received during the assessment.
- 8.8 Conditions relating to the type of liquor licence being sought are quite restrictive and amenity concerns can be further dealt with via permit conditions to ensure there is minimal adverse amenity impacts from the use.

Clause 52.27 – Licenced Premises:

- 8.9 The purpose of Clause 52.27 (Licensed Premises) is to ensure licensed premises are situated in appropriate locations and to ensure that the impact of licensed premises on the amenity of the surrounding area is considered.

REPORT NO: 9.1 (cont.)

- 8.10 With regard to this application careful consideration needs to be made due to the location of the property within an established residential area. The type of license being sought is one which can and has been operating within residential areas of Hume. Other types of liquor licenses would not be suitable for residential areas; however, a Remote Sellers Packaged Liquor Licence can be used in association with a home-based business and have negligible impact on the area.
- 8.11 According to the VLC website, there are currently 19 Remote Seller’s Packaged Liquor Licenses currently operating throughout Hume. Seven of these licenses are conducted directly from dwellings (same operation as being proposed) and are located in seven different suburbs within Hume. It is noted that these types of licenses have historically been exempt from requiring a planning permit. However, as a consequence of the state government passing the *Liquor Control Reform Amendment Bill*, and subsequent changes made to the *Liquor Control Reform Act 1988*, as of March 2022, a planning permit is now required.
- 8.12 Having regard to the decision guidelines of Clause 52.27 the following has been determined:
- 8.12.1 As there will be no direct sales to the public and all liquor will be consumed away from the subject site, the operation of the Remote Sellers Packaged Liquor Licence as part of the home-based business will not adversely impact the amenity of the surrounding area.
- 8.12.2 The reduced operating hours proposed by the applicant whereby the operation closes at 7pm (including deliveries) will ensure there is no adverse impact on the amenity of the surrounding area.
- 8.12.3 The type of license being sought does not allow ‘patrons’ to come to the site. A Remote Sellers Packaged Liquor Licence only allows the licensee to supply liquor ordered by an off-premises request in sealed containers, bottles or cans for consumption off the licensed premises (Off-premises request means *a request for the supply of liquor by mail, telephone, facsimile, internet or other electronic communication, by a person who is not on the licensed premises at the time the request is made*). Therefore, there is no impact on the amenity of the surrounding area of patrons or members of the public coming to the premises to purchase liquor.
- 8.12.4 A Cumulative Impact Assessment was not required as part of this application as they are only required for applications for licensed premises involving:
- 1) trade after 11:00pm, and
  - 2) where the proposed venue is located within a 'cluster' of licensed premises (defined by practice note 61 as three licensed venues within a radius of 100 metres or 15 Licensed venues within a radius of 500 metres).
- 8.12.5 In this case, the business closes at 7pm and there are no other licensed venues with 100 metres of the premises and only two others within 500m of the subject site.

**9. CONCLUSION**

- 9.1 The proposal has been reviewed against the relevant policies and provisions of the *Hume Planning Scheme* and is consistent with the purpose of applicable zone and accords with Clause 13.07-1L-02 and 52.27 of *the Scheme*. The general decision

**REPORT NO: 9.1 (cont.)**

guidelines of Clause 65 of *the Scheme* and Section 60 of *the Act* have been considered, and the proposal is considered to be consistent with fair and orderly planning.

- 9.2 On this basis, it is recommended that a Notice of Decision to Grant a Planning Permit be issued.

**Attachment 1 – Recommendation and permit conditions**

That Council, having considered the application, its merits and the objections received, resolves to issue a Notice of Decision to Grant a Planning Permit for a Remote Sellers Packaged Liquor Licence at 8 Iron Bridge Road Craigieburn, subject to the following conditions:

1. The red line area as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the written consent of the Responsible Authority.
2. The online sale and delivery of alcohol must be undertaken in accordance with the liquor license approved by the Liquor Control Victoria.
3. Type of licence is Remote Sellers Packaged Liquor Licence.
4. Licenced hours of operation (picking, packing and delivery) are as follows

Liquor can be **picked and packed** during the following hours:

- 9 am to 7 pm Monday to Saturday
- 10 am to 7 pm Sunday
- 12 pm to 7 pm on ANZAC Day
- any time on Good Friday or Christmas Day if agreed by the liquor regulator on your licence.

Orders can be **delivered**:

- 9 am to 7 pm Monday to Saturday
- 10 am to 7 pm Sunday
- 12 pm to 7 pm on ANZAC Day
- no delivery is allowed on Good Friday or Christmas Day.

5. No taste testings or consumption of liquor by a member of the public is permitted on the premises.
6. Only one employee is permitted.
7. The predominant activity carried out at all times at the licensed premises must be the storage and delivery of alcohol within the licensed premises.
8. The use must at all times be conducted in a manner ensuring the residential amenity of nearby residential properties is not detrimentally affected.
9. The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the operating hours authorised under this licence.
10. No third-party delivery of liquor to the premises permitted. Liquor must not be left outside of the premises.
11. The operator must be appropriately trained in the responsible sale of liquor to the

satisfaction of the Responsible Authority. Evidence of which should be provided to Council.

12. No advertising of liquor sales permitted on the site.
13. No goods or packaging materials are to be stored or left exposed outside the building, on the street frontage.
14. Waste receptacles must not be stored outside the dwelling or on the street frontage, unless for collection purposes.
15. The storage and management of waste from the licensed premises is to be at the satisfaction of Council.
16. Once the use (liquor licence) has started, it must be continued to the satisfaction of the responsible authority.
17. At all times when the approved use is operating, a person over the age of 18 years (Manager) must be present on the premises. The operator must ensure that activities on the land do not detrimentally impact the amenity of the area to the satisfaction of the responsible authority.
18. The operator (as referred to under condition 18 of this permit) must be qualified to operate in accordance with the policies and guidelines prescribed by the Liquor Control Victoria to the satisfaction of the Responsible Authority.
19. The operator must be able:
  - (1) to make a statement at any time to any officer of the responsible authority, or an authorised person as defined under the *Liquor Control Reform Act 1998*; and
  - (2) to take action in accordance with a direction by such officer.
20. This permit will expire if one of the following circumstances applies:
  - the use is not started within two years of the date of this permit; or
  - if the use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

**Note:**

- If a request for an extension of the commencement date is made out of time allowed by the expiry condition, the Responsible Authority cannot consider the request and the permit holder/land owner(s) will not be able to apply to VCAT for a review of the matter.

**Attachment 2 – Planning Policy Framework**

**P25208: 8 IRON BRIDGE ROAD CRAIGIEBURN 3064**

**Proposal:** Remote Seller Packaged Liquor Licence

The following Planning Policy Framework objectives of the *Hume Planning Scheme* are relevant to this proposal:

Clause	Applicable objective / strategy / purpose
<i>Municipal planning strategy</i>	
02.03-3 – Environmental risks and amenity	<p>Amenity – social</p> <p><i>Certain uses have potential to create social amenity issues including the sale of alcohol from licensed premises and gaming.</i></p> <p><i>Inappropriate sale and consumption of alcohol is associated with a range of social, economic and health harms, particularly for vulnerable groups and individuals. The concentrated location of licensed premises can have negative cumulative impacts.</i></p> <p>Amenity – noise, odour and visual impact</p> <p><i>Minimise the social impacts of liquor premises and gaming venues on Hume’s community.</i></p> <p><i>Manage licensed premises and gaming venues so that they contribute positively to the activity, appearance, character and image of the area they are located and do not cause cumulative impacts.</i></p>
<i>Planning Policy Framework</i>	
13.07-1L-02 – Liquor Licensing	<p><i>Strategies –</i></p> <ul style="list-style-type: none"> <li>• <i>Provide operating hours that:</i> <ul style="list-style-type: none"> <li>➢ <i>Respond to the nature of surrounding land uses.</i></li> <li>➢ <i>Will not adversely affect the amenity of the surrounding area.</i></li> </ul> </li> <li>• <i>Manage the operation of a licensed premise to minimise adverse amenity impacts on surrounding residential and other sensitive uses.</i></li> </ul> <p><i>Policy guidelines –</i></p> <ul style="list-style-type: none"> <li>• <i>Operating measures to minimise adverse amenity impacts from licensed premises including any other measures to ensure unreasonable amenity impacts are avoided</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Whether the proposal is suitable given the nature and location of uses surrounding the proposed licensed premises including the type of licensed premises in the area, their hours of operation and patron numbers.</i></li> <li>• <i>Implementing measures to moderate possible amenity effects, proportionate to the proximity of the proposed licensed premises to residential uses and accommodation.</i></li> </ul>
17.01-1S – Diversified economy	<i>To strengthen and diversify the economy.</i>
17.02-1S - Business	<i>To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services.</i>
<b>Zoning Provisions</b>	
37.02 – Comprehensive Development Zone – schedule 1	<p>Purpose –</p> <p><i>To provide for development of land generally in accordance with any relevant comprehensive development plan.</i></p> <p><i>To ensure that non-residential users do not cause loss of amenity to people in areas set aside and used for housing.</i></p> <p><i>To provide for a range of commercial and community facilities of appropriate sizes to serve needs of existing and future residents of the area.</i></p>
43.04 – Development Plan Overlay	<p>Purpose –</p> <p><i>To implement the Municipal Planning Strategy and the Planning Policy Framework.</i></p> <p><i>To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.</i></p> <p><i>To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.</i></p>
<b>Particular Provisions</b>	
52.27 – Licensed Premises	<p>Purpose –</p> <p><i>To ensure that licensed premises are situated in appropriate locations.</i></p>

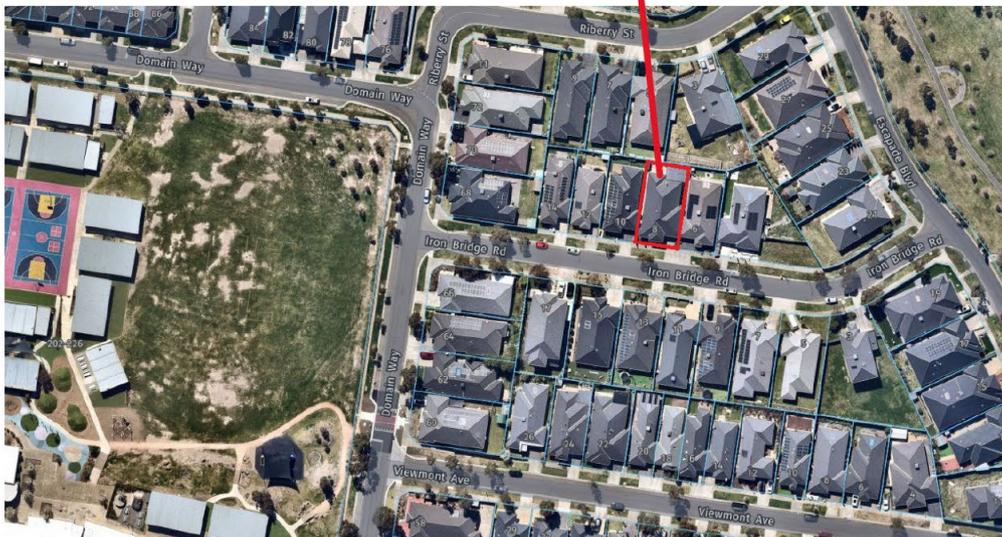
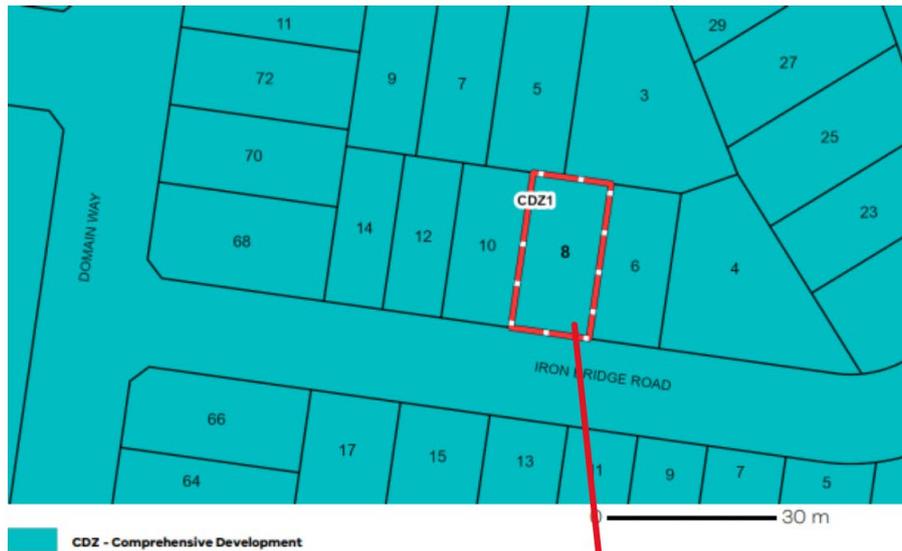
	<i>To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.</i>
65.01 – Approval of an application or plan	<i>Sets out matters the responsible authority must consider when deciding on an application or approval of a plan.</i>

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## LOCALITY MAP

P25208

8 IRON BRIDGE ROAD, CRAIGIEBURN



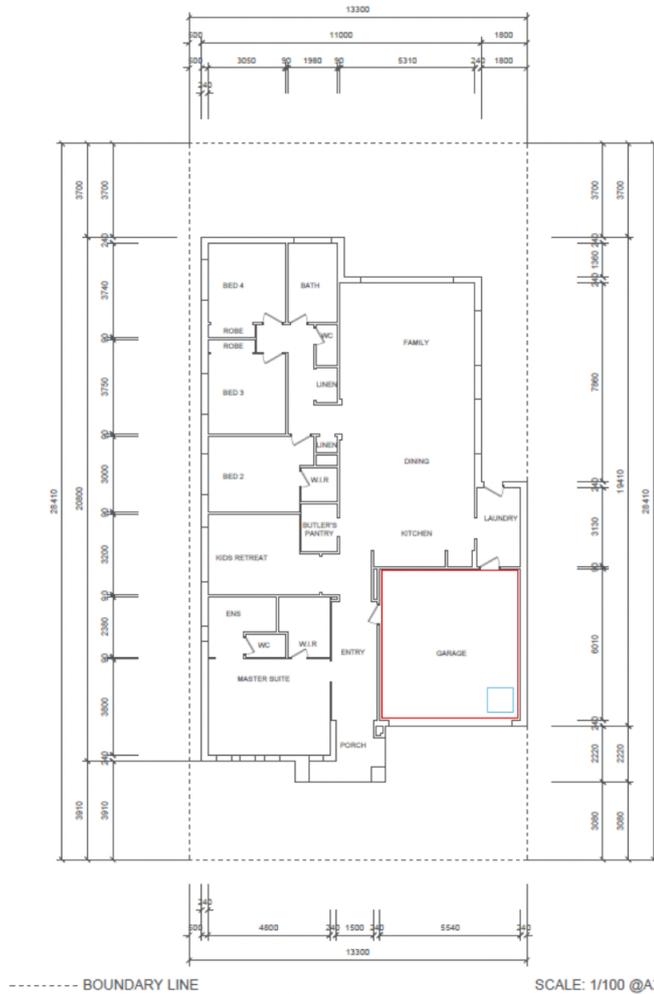


Map showing Subject site (indicated in red) in relation to the other liquor licenses in the area. Both are Limited Licenses.

**Attachment 4 – Advertised Plan**

**P25208: 8 IRON BRIDGE ROAD CRAIGIEBURN 3064**

**Proposal: Remote Seller Packaged Liquor Licence**



- 1.1 The plan has been designed to follow Clause 52.11 – HOME BASED BUSINESS of the Hume Planning Scheme
- 1.2 Remote seller's packaged liquor licence (Liquor Control Reform Act 1998 Section 11B) involves only the DELIVERY of alcohol beverages, no onsite sales or customer attendance is permitted
- 1.3 The red line shows the area of intended permitted activities. Limited to within the garage
- 1.4 Refuse (largely cardboard) will be only stored in a container indicated by blue square, and delivered to Hume Resource Recovery Centres for recycling once a month or as required

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REPORT NO:	9.2
REPORT TITLE:	Merlynston Creek Crossing – Project Update and Land Acquisition
SOURCE:	Noel Gately, Coordinator Urban Development
DIVISION:	City Planning & Places
FILE NO:	HCC22/912
POLICY:	-
STRATEGIC OBJECTIVE:	2.3: Connect our City through efficient and effective walking, cycling and public transport and road networks
ATTACHMENT:	1. <i>Proposed Merlynston Creek Crossing</i>

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**1. SUMMARY OF REPORT:**

- 1.1 This report provides feasibility evidence to support proceedings to deliver a Council Road crossing (**Road**) at Merlynston Creek by connecting Dallas Drive and Maygar Boulevard, Broadmeadows. The report and the map (attached) details benefits, costs, and proposed advocacy campaign to secure funding to construct the proposed Road (**Project**)
- 1.2 On the basis of progress to date, Council is asked to approve the recommendation to acquire approximately 3,700sqm of land located at part 120-150 Camp Road Broadmeadows also known as Maygar Barracks **Subject Land**) from the Commonwealth Department of Defence (**Defence**) to provide for the Road.
- 1.3 The expected construction cost of the Road is in the order of \$15m and funding is to be sought from all three levels of government in equal share from the Federal, State and Council.

**2. RECOMMENDATION:**

- 2.1 **Note proposed approach to progress the Project and complete the due diligence investigations to reserve the route for the proposed Council road connection at Merlynston Creek (Road).**
- 2.2 **Proposed advocacy approach to State and Federal governments for funding assistance be approved.**
- 2.3 **Note the formal offer for the purchase part of 120-150 Camp Road Broadmeadows (Subject Land) is in line with an independent valuation and within Council’s available 2023/24 budget.**
- 2.4 **Authorise the Chief Executive Officer or an approved delegate to progress sale negotiations for the Subject land within financial delegation and approved project budget.**
- 2.5 **Authorise the Chief Executive Officer or an approved delegate to sign the Contract of Sale and any other documents required in connection with the acquisition and transfer of the Subject Land.**

**3. LEGISLATIVE POWERS:**

- 3.1 *Local Government Act 2020 (Vic) (the Act)*
- 3.2 Section 112 – Acquisition and Compensation

4. (1) A Council may purchase or compulsorily acquire any land which is or may be required by the Council for or in connection with, or as incidental to, the performance of its functions or the exercise of its powers.

**REPORT NO: 9.2 (cont.)**

- 3.3 Transfer of Land Act 1958 (Vic)
- 3.4 Contract of Sale in respect of land (Contract of Sale (*Sale of Land Act* 1961))

**4. FINANCIAL IMPLICATIONS:**

- 4.1 Council’s capital works budget for 2023/24 provides \$1.5m for land acquisition and civil works for the Merlynston Creek Crossing Project (CP605085).
- 4.2 A desktop cost estimate was prepared in 2022 to inform the budget bid which secured the current financial allocation. This estimate indicates an expected total project cost of \$15m.
- 4.3 On the basis of an independent valuation report, Council proposes to purchase the Subject Land via a concessional off market transaction for \$275,000 (plus GST).
- 4.4 An advocacy campaign is being prepared seeking funding of \$5m in equal shares from the State and Federal Governments. Subject to securing these funds and noting Council’s existing \$1.5m financial contribution to the Project, as part of future budget considerations Council will be asked to allocate \$3.5m in its forward capital budget to contribute, its share totalling \$5m.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

- 5.1 To promote active transport the Road will be constructed inclusive of two-way off-road cycle path with cycle and pedestrian connections to existing paths along the Merlynston Creek corridor.

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

- 6.1 Construction of the Road will include landscaping and tree planting to mitigate urban heat.

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

- 7.1 The Charter of Human Rights and Responsibilities has been considered and in accordance with Council’s Social Justice Charter, the exploration of options for the route of the Road has been carefully chosen to avoid entering the Will Will Rook Cemetery to protect the human rights of those interred and descendants of those interred.

**8. COMMUNITY CONSULTATION:**

- 8.1 While there has been comprehensive engagement with Defence and the private landowner at 75-135 Maygar Boulevard, no public consultation has been undertaken on this Project.
- 8.2 Consultation with Blair, Riggall, and Belfast Street landowners, businesses, and residents will be required should the Road proceed. East of the Merlynston Creek, Maygar Boulevard businesses will also require consultation.
- 8.3 Council’s Housing Diversity Study maps the Northmeadows Strategic Site (the 60-hectare brownfield area industrial area dissected by Blair Street) and parts of Broadmeadows east of the Craigieburn rail line as high change areas suitable for increased housing diversity.
- 8.4 Before proceeding with the purchase of the Subject Land, section 112 of the Act requires Council to:

REPORT NO: 9.2 (cont.)

- 8.5 Any purchase or compulsory acquisition of the land by council under this section must be undertaken in accordance with the Council’s community engagement policy which includes consultation on Council’s website.

9. DISCUSSION:

9.1 Background

- 9.1.1 The Broadmeadows Structure Plan 2012 and Greater Broadmeadows Framework Plan 2017 both identify a potential road crossing across Merlynston Creek. The connection is proposed as a strategic intervention to alleviate congestion and improve amenity on Blair Street, support economic development and enhance linkages to large parcels of employment land to the east of Broadmeadows, and the Broadmeadows train station, and improve access to the amenity at Seabrook Reserve and NRL facility.
- 9.1.2 The Broadmeadows Revitalisation Board’s 2018 report to government listed as the third of five priority projects for immediate action: *‘Investigate options to unlock underutilised business and employment land and address access restrictions via the construction of a road crossing of the Merlynston Creek’*.
- 9.1.3 In response to GB item SHE046, Council’s Strategy and Policy meeting of 19 July 2021 received a report which explored the various options to reduce traffic on Blair Street. The report recommended action to progress and safeguard the recommended route for a road connecting Dallas Drive to Maygar Boulevard.

9.2 The Project

- 9.2.1 Urban renewal opportunities, traffic data, and place and movement investigations indicate there are transport and strategic benefits for investment in a new road connection to decrease the impact of traffic congestion on Blair Street.
- 9.2.2 The route for the proposed Road is shown in Attachment 1. It comprises:
- (a) land east of Dallas Drive formerly owned by Minister for Planning and now owned by Council following the August 2023 transfer of ownership of land occupied by Meadowlink;
  - (b) Council owned land along the Merlynston Creek corridor, which includes land with title showing Government Road R1. An historical but beneficial provision that has informed concept design and siting of the Road;
  - (c) private land at 75-135 Maygar Boulevard; and
  - (d) the Subject Land owned by Defence at Maygar Barracks.
- 9.2.3 There are two key reasons for progressing with this Project now. First, constructing the proposed connection is an achievable, realistic and viable solution to address known traffic impacts, generate land development benefits for this part of Broadmeadows and improve place activation of recent significant investment at Seabrook Reserve. Second is the land assembly for the Road is viable but time sensitive.
- 9.2.4 Defence are ready to proceed with the sale of the Subject Land subject to Council approval. Federal land transfers permit negotiation on sale price via a concessional off-market sale, subject to the agreement of the Department of Finance (**the Department**). The Department has acknowledged the intended use of the land for a road, and subject to Council agreeing to a

REPORT NO: 9.2 (cont.)

security of purpose deed restricting the concessional sale to use of the Subject Land for a road in perpetuity, has sought a written purchase offer from Council.

9.2.5 Following completion of an independent valuation report commissioned by Hume, the CEO submitted a formal offer to acquire the Subject Land from Defence, subject to Council approval (Attachment 2).

9.2.6 The landowner at 75-135 Maygar Boulevard is committed to making land available on their site for the Road and seeks confirmation of Project milestones for construction so that they can commence proposed subdivision of land. Additionally, the landowner is interested in an arrangement that would reimburse the cost of constructing the Road on their land and the Subject Land to Council standards.

**9.3 Road construction costs**

9.3.1 The desktop feasibility cost analysis undertaken by Assets indicates a total project cost of \$15m, inclusive of land purchase from Defence. Stages 1 and 2 of the project comprise the land purchase and design and construction of 8,440sqm of the Road from Maygar Boulevard to the Merlynston Creek at an estimated cost of \$8m.

9.3.2 Construction of the remainder of the Road and connection with Dallas Drive is estimated to cost \$7m. Confirmation of these costs will be secured upon completion of functional design and cost analysis investigations which commence upon the completion of current procurement tender.

**9.4 Strategic Justification for the Road**

9.4.1 There are few comparable urban renewal sites in Melbourne that incorporate large, underdeveloped land parcels in close proximity to high frequency public transport and nationally significant road and air infrastructure. Government’s funding of the award winning Meadowlink shared path, and the recently completed Seabrook Reserve Playspace and Rugby Centre of Excellence are important place making investments in eastern Broadmeadows.

9.4.2 Further improving the attractiveness of this part of southern Hume for private investment and economic growth could be supported by road network improvements and revising the land use planning frameworks for this precinct to position it for place and urban development uplift.

9.4.3 To inform advocacy for the Project an Investment Logic Map and Benefits Statement has been prepared.

**9.5 Risk issues**

9.5.1 Extensive due diligence investigations have been undertaken to inform the development of this strategic transport and activation Project. In asking Council to commit to the proposed land purchase, the following table is provided to alert Council to the ways in which project risks will be managed.

**Table 1 – High level risk assessment**

Issue	Comment	Mitigation
<b>Project Governance</b>	Clarity needed on authorising environment internally and with external parties including private landowner and authorities.	PCG being established with Director City Planning and Places as Sponsor.

REPORT NO: 9.2 (cont.)

<b>Legislative/ regulatory Requirements</b>	CHMP completed for part of the route.  Update to 2016 Flora and Fauna Assessment in progress – additional survey audit of Golden Sun Moth habitat assessment required.	Update survey audit in progress (in line with breeding season).
<b>Land access</b>	S.173 landowner agreements will be progressed under delegation.	ELT and Council to receive updates.
<b>Interface with Merlynston Creek and Melbourne Water assets</b>	Early engagement commenced.	Functional plan to be formally lodged with Melbourne Water to ensure compliance with setback/ interface requirements.
<b>Interface with Merlynston Creek Open Space Masterplan and Seabrook Reserve Stormwater harvesting project</b>	Design of road needs to include landscaping buffer, stormwater run-off and connections to pedestrian and shared user paths along Creek corridor.	Regular project updates to PCG and internal stakeholders.
<b>Issue</b>	<b>Comment</b>	<b>Mitigation</b>
<b>Site conditions</b>	Design investigations inclusive of Geotech, contamination and CHMP will identify, report on, and cost impacts that might arise from site conditions.	Regular project updates to PCG.
<b>Cost of construction/Cost escalation</b>	Consultancy services to be secured in the new year as part of functional design documentation tender.  Advocacy campaign required to cover cost of construction.	Regular project updates to PCG.  Plan to be prepared for ELT/Council approval.
<b>Traffic implications</b>	New Road may generate changes to traffic movement. Wider impacts to be considered	Include Assets and Traffic Services in PCG membership/reporting and identify potential

REPORT NO: 9.2 (cont.)

	as part of functional design.	mitigation measures as part of design of the Road.
<b>Stakeholder engagement/ community engagement</b>	Affected landowners engaged. Timing for wider engagement yet to be scheduled and in accordance with s112 of the LGA.	Plan to be prepared for PCG approval, and updates to Council.
<b>Planning approval</b>	Confirm requirements and whether offsets for use of PPRZ land for a road will be required.  Clause 52.17 (Native vegetation) and associated biodiversity policies under the Hume Planning Scheme will need to be complied with.	Regular project updates to PCG. Confirmation of requirements to be secured before commencing public engagement.  Current investigations being undertaken by Biosis to provide evidence to support planning application/

9.5.2 Council will receive updates on project progress, however on the basis of current favourable investigations it is recommended that the risks detailed above should be noted but not preclude progressing the project inclusive of the decision to purchase land from Defence.

**9.6 Transport network benefits**

9.6.1 Council will be aware of peak hour traffic congestion on Blair Street, which is a Council road, and on Camp Road west of the Merlynston Creek (state arterial road). The state has no intention of widening Camp Road, and Council has few options to mitigate the impacts of through traffic on Blair Street other than to consider network enhancements to re-route traffic and away from Blair Street.

9.6.2 Building on investigations previously undertaken by Council, Trafficworks consultants were commissioned to prepare the Blair Street, Broadmeadows – Traffic Analysis Report 2022. Their report contains an assessment of traffic counts undertaken along Blair Street between 3 and 10 February 2022 during the morning peak of 8-9am and afternoon peak of 3-4pm. Traffic counts confirm that Blair Street carries a volume of traffic well in excess of its intended function as a residential street and is currently fulfilling an arterial road function with traffic volumes of 14,000 to 17,600 vehicles per day. The target daily two-way traffic volumes for a residential connector road is typically 3,000 – 7,000 vpd.

9.6.3 Traffic works further identified that most traffic on Blair Street was recorded to be ‘through-traffic’ i.e., traffic that does not have a local destination. This was confirmed via Origin and Destination counts at 15 locations in Broadmeadows identifying a reduction in traffic volumes along Blair Street of approximately 15% in the peak hours (i.e., 1272 two-way daily trips vehicles per day).

**REPORT NO: 9.2 (cont.)**

9.6.4 These conservative anticipated traffic volume reductions of a minimum of 2,500 fewer vehicle movements on Blair Street point to potential benefits of improved amenity and safety for the businesses and community living in the vicinity of Blair Street.

9.6.5 The Road will also unlock the development potential of the 60ha Northmeadows Strategic Site and improve place and development outcomes by improving east west connections in this precinct and accommodate traffic generated from employment growth.

**10. CONCLUSION:**

10.1 Blair Street is carrying traffic volumes that exceed the recommended capacity for a local connector road. This limits potential for redevelopment and renewal of underdeveloped land in the east of Broadmeadows and creates safety and amenity impacts for existing businesses and residents.

10.2 Maximising the activation of recent investment in renewal at Seabrook Reserve through improved transport connections is a significant community benefit of the proposed Road. This Project offers opportunities to create an eastern gateway to Broadmeadows and improve access for the local community to these open space and recreation assets and the Merlynston Creek corridor.

10.3 A partnership with all levels of government is sought to secure the funds for the proposed Road, construction of which can be staged once funding streams are secured.

10.4 Council approval is sought to purchase the Subject Land from Defence.

**REPORT NO: 9.2 (cont.)**

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18.11.2020

CONCEPT PLAN

MAYGAR BOULEVARD, BROADMEADOWS EXTENSION

PRIVATE AND CONFIDENTIAL  
FOR DISCUSSION PURPOSES ONLY



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<b>REPORT NO:</b>	9.3
<b>REPORT TITLE:</b>	Safe Driver Reward Program Proposal
<b>SOURCE:</b>	Samuel Ferrier, Manager City Safety
<b>DIVISION:</b>	City Services & Living
<b>FILE NO:</b>	-
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	1.3: Promote a healthy, inclusive and respectful community that fosters community pride and safety
<b>ATTACHMENTS:</b>	Nil

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**1. SUMMARY OF REPORT:**

- 1.1 At an Ordinary meeting of Council on 14 August 2023, a Notice of Motion (NOM23/022) was passed requesting:

*That a report be presented to a future Council meeting outlining:*

- *the feasibility and merit of a council-led, safe driver reward and recognition program; and,*
- *program costs and possible funding pathways if Council were to establish such a program.*

- 1.2 This report responds to this Notice of Motion, presenting an overview of Council's existing road safety programs, evidence of the effectiveness of rewards-based programs in promoting safe driving behaviour and program operational considerations.
- 1.3 In summary, the report finds that there are both feasibility and operational challenges associated with Council establishing a safe driver reward program as originally proposed. The report details several viable alternatives that could be pursued if Council sought to expand its road safety program offerings.

**2. RECOMMENDATION:**

**That Council:**

- 2.1 Notes the findings within this report; and,**
- 2.2 Indicate whether it would like to see other alternative, recommended programs identified within this report further pursued by officers.**

**3. LEGISLATIVE POWERS:**

- 3.1 Local governments make a significant contribution to local road safety in line with legislative responsibilities and general Council efforts to promote health, safety, and livability in the community.
- 3.2 In addition to funding, planning, designing, and operating local road networks, Council engages the community on the safe use of roads and other public places, operates and staffs school crossing sites, and supports community health and safety initiatives focused on improving road safety.
- 3.3 Council's activities complement road-safety education, enforcement and engineering activities delivered by other responsible agencies including Victoria Police, the Department of Transport and Planning, Department of Health, Department of Justice and Community Safety and the Transport Accident Commission.

**REPORT NO: 9.3 (cont.)**

**4. FINANCIAL IMPLICATIONS:**

- 4.1 There are no immediate financial implications associated with this report.
- 4.2 The report identifies several programs that could be established by Council if it were inclined to expand upon its road safety programs. It includes estimated costs associated with establishing these initiatives.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

- 5.1 There are no environmental sustainability implications in response to this report.

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

- 6.1 There are no climate change adaptation considerations in respect this this report.

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

- 7.1 As a public authority, Council has a duty to act compatibly with human rights and to provide due consideration of human rights when considering and adoption new policies, services, and programs.
- 7.2 The road-safety programs canvassed in this report are consistent with and have the potential to promote rights identified within the Charter of Human Rights and Responsibilities Act 2006 (Vic), particularly the right to life, given their aim to eliminate road injury and fatalities.

**8. COMMUNITY CONSULTATION:**

- 8.1 No community consultation was undertaken in relation to this report.

**9. DISCUSSION:**

**Background**

- 9.1 During an Ordinary meeting of Council on 14 August 2023, NOM23/022 was passed requesting that officers explore the feasibility and merit of a Council-led safe driver reward program, and to identify possible funding pathways if Council were to establish such a program.
- 9.2 During further discussion on this item during the Council meeting, it was proposed that this program would involve Victoria Police officers intercepting local drivers observed to be performing safe driving behaviours, and issuing these drivers with a reward in the form of a gift card or fuel voucher.
- 9.3 In response to this NOM, this report presents:
  - 9.3.1 An overview of Council’s current road safety programs and investment in these activities;
  - 9.3.2 An overview of research literature demonstrating the effectiveness of rewards-based safe driver programs;
  - 9.3.3 Program operational considerations, including the willingness and appetite of Victoria Police to support such an initiative; and,
  - 9.3.4 Alternative viable programs that could be established by Council if it sought to expand its existing road safety programs, including an estimate of program costs and possible funding pathway.

REPORT NO: 9.3 (cont.)

**Hume City Council Road Safety Programs**

- 9.4 Hume City Council currently supports a range of road safety programs and initiatives as part of its broader community safety portfolio.
- 9.5 An overview of each of these programs, including Council’s contribution is detailed in the table below:

**Table 1: Overview of Hume City Council Road Safety Programs**

Program	Overview	Council contribution
Fit 2 Drive	<p>Fit 2 Drive workshops are offered to year 11 and 12 students across Hume City secondary schools.</p> <p>These workshops are focused on equipping students with road-related decision-making and risk assessment skills.</p> <p>These workshops are delivered by the Fit to Drive Foundation and are also supported by officers from Victoria Police and Fire Rescue Victoria.</p> <p>The availability of these workshops is promoted across local secondary schools each year through general and targeted promotional activities.</p> <p>Interested schools can book the workshop, with workshop costs covered by Council.</p>	<p>Council contributes \$27,680 annually to support the delivery of Fit 2 Drive workshops across local secondary schools.</p> <p>The available funding supports the delivery of workshops across 12 secondary schools each year.</p>
L2P mentor driver program	<p>The L2P mentor driver program assists learner drivers who do not have access to a supervising driver/vehicle to gain driving experience to obtain their probationary license.</p> <p>In Hume City, the program is coordinated by the Hume Whittlesea Local Learning and Employment Network (HWLLEN), with Council managing grant funding applications, disbursement of funds, and program reporting.</p> <p>The program supports approximately 50 young people to obtain their probationary driver’s license each year.</p>	<p>The L2P program is primarily funded by the Transport Accident Commission (TAC) who provide grants to Council to cover costs associated with program coordination, volunteer training, and vehicle costs.</p> <p>Council makes an in-kind contribution of \$10K to the program each year, used to support program vehicle costs.</p>
Hume City Council Safety Advisory Committee	<p>Council provides secretariat support to the Hume City Community Safety Advisory Committee (CSAC) and facilitates quarterly meetings of the committee.</p>	<p>Council currently contributes \$10K annually to support the operation of the CSAC.</p> <p>This funding is primarily used to support costs</p>

**REPORT NO: 9.3 (cont.)**

	<p>The CSAC has a broad focus on promoting safety in the home and the public realm, including road safety.</p> <p>The group regularly engages and collaborates with the Department of Transport and Planning, VicRoads and emergency service providers.</p> <p>The committee plays an active role in monitoring, informing, and driving community safety programs and initiatives delivered by Council and other agencies.</p>	<p>associated with venue hire, committee meeting catering, guest speakers and programs and initiatives identified by the committee.</p>
<p>Bike Education Instructor Training</p>	<p>In 2023/24, Council was successful in securing a Bike Education Instructor Training grant through the Community Road Safety Grant Program, administered by VicRoads.</p> <p>The Community Road Safety Grant Program provides funding across a range of categories including safer pedestrians, safer drivers and passengers, safer cyclists, and roadside signage.</p> <p>The Bike Education Instructor Training grant secured by Council supports the delivery of advanced instructor training to local teachers, enabling them to deliver school-based student education sessions and to facilitate student bike-riding incursions and excursions.</p> <p>The available grant funding (\$3,450) will support instructor training for a total of eight local teachers in 2023/24.</p>	<p>Council has made an in-kind contribution of \$300 to the Bike Education Instructor training to support venue hire associated with teacher training delivery.</p> <p>In addition to venue costs, Council has contributed officer resources to support training registration and coordination, program reporting, and acquittal requirements.</p>

- 9.6 Alongside the discrete programs outlined above, Council is an active participant in quarterly meetings convened by Victoria Police and the Department of Transport and Planning focused on reviewing road fatality and injury data and informing local road-related education, enforcement, and infrastructure needs.
- 9.7 Council engages a 1.0 EFT Band 6 Community Development Officer who provides administrative, secretariat, planning and delivery support across these programs. It is estimated that approximately 0.2 EFT of this officer’s time is dedicated solely to these activities.

**Safe Driver Reward Program – merits and effectiveness**

- 9.8 To determine the merits of the proposed safe driver reward program, officers performed a comprehensive search for similar programs via:
- 9.8.1 Desk-top research
  - 9.8.2 Benchmarking with other local governments; and

REPORT NO: 9.3 (cont.)

- 9.8.3 Discussions with representatives from the Department of Transport and Planning and VicRoads.
- 9.9 This search found only a small number of similar, reward-based safe driver programs. Those programs identified had been supported and delivered by a range of different agencies including private companies, road authorities and governments.
- 9.10 Of the identified programs, only a small number had been subject to detailed evaluation and measurement of their merit and/or effectiveness.
- 9.11 High-level findings and insights emerging from available evaluations are summarised below:
- 9.11.1 Community level impact:** Those programs evaluated found they had limited impact on safe driving behaviours within the community in which they were targeted, as measured through metrics such as speeding offences, road collisions and average driver speeds. Several evaluations also noted that such programs struggled to generate engagement from cohorts where unsafe driving behaviours were prevalent – such as amongst young men and probationary drivers.
- 9.11.2 Impact on individual behaviour change:** Several available evaluations explored the impact of such programs at an individual level by conducting interviews with safe drivers, as well as those who reported practicing unsafe driving behaviours. Safe drivers reported that rewards offered through the program, whilst welcome, did not act as a significant motivator for their historic or future driving behaviours. Furthermore, drivers who reported participating in unsafe driving behaviours reported that a reward was not likely to influence their behaviour.
- 9.11.3 Monitoring:** A consistent theme across all evaluations was the difficulty such programs faced in developing objective metrics suitable for identifying and measuring good driving behaviour over a period of time. To expand, evaluations noted that ‘point-in-time’ observations of safe driving behaviour did not necessarily reflect a driver’s typical or historical behaviour.
- 9.12 While noting the limited number studies specifically focused on measuring the merit/ effectiveness of reward-type safe driver programs, the available evidence suggested that such programs struggle to generate meaningful impact on behaviour at an individual and/or community level.

**Safe Driver Reward Program – operational considerations**

- 9.13 Given the proposed involvement of police officers in issuing fuel cards/gift vouchers under the program, a response was sought from Victoria Police regarding their support for such a program. This request was escalated for consideration and response from Victoria Police’s central office.
- 9.14 In a response returned to Council, Victoria Police advised that while the proposed program appeared to have some merit, it was not aligned with the local highway patrol policing response.
- 9.15 While noting the above, Victoria Police did commend Council’s commitment to improve local road safety and were eager to be consulted and engaged in future initiatives identified by Council.

REPORT NO: 9.3 (cont.)

**Alternative program options**

- 9.16 Given the limited evidence base demonstrating the effectiveness of rewards-based safe driver programs, coupled with Victoria Polices’ position on the proposed program, officers are of the view it is not feasible or viable at this time.
- 9.17 While noting this, officers have compiled an overview of other programs that may be considered by Council. In the view of officers, each of these programs is supported by a clear evidence base, community need, and have potential to meaningfully contribute to road safety outcomes in the local community:

**Table 2: Proposed Road Safety Programs:**

Proposed program	Overview	Funding considerations
Safe routes to school	<p>Safe routes to school projects are centered on improving road safety around school pickup and drop-off times and creating safe walking, cycling and scooting routes to encourage active travel.</p> <p>Such projects typically comprise identifying and delivering a mix of improvements through engineering, education, engagement and enforcement, identified in partnership between Council and the school community.</p> <p>Council has previously delivered a number of these projects across local schools with funding support provided through the former Vichealth Walk to School initiative. This grant funding has now ceased.</p> <p>Previous projects led by Council have included:</p> <ul style="list-style-type: none"> <li>• Identifying and installing alternate school pick-up and drop-off points in an effort to reduce traffic congestion and encourage active travel</li> <li>• The installation of footpath markers and wayfinding signage along safe walking routes, identified in collaboration with schools and Council traffic engineers</li> <li>• The establishment of walking school-bus groups</li> </ul>	<p>Based on insights gained through the delivery of previous initiatives, officers estimate that an investment of approximately \$6,000 is necessary to support the delivery of a robust safe route to school project per school.</p> <p>This investment is necessary to support works associated with analysis, engagement, design, delivery, and evaluation. It should be noted that this does not include costs that may be needed to deliver significant traffic management infrastructure improvements.</p> <p>The VicRoads administered Community Roads Safety Grants Program does include a dedicated funding category to support such initiatives that could be pursued by Council in future years.</p>

REPORT NO: 9.3 (cont.)

	<ul style="list-style-type: none"> <li>• School-based promotion and educational activities</li> <li>• Prioritisation and delivery of infrastructure works, such as traffic calming measures or the installation of alternate crossing points, identified through deep engagement with local schools.</li> </ul> <p>Since the discontinuation of the Vichealth Walk to School initiative, safe routes to school projects have not been offered by Council.</p> <p>Council does, however, continue to receive enquiries from schools seeking support for such initiatives, particularly in areas experiencing high traffic congestion and in newly established areas.</p>	
<p>Changing gears</p>	<p>Council currently provides support to assist in the delivery of the L2P program in Hume City.</p> <p>As detailed earlier, the L2P program supports individuals who have a current learners permit to gain necessary driving experience to obtain a probationary license.</p> <p>Officers are aware that many Hume residents also experience challenges in obtaining a learners permit due to literacy, language, and other learning difficulties.</p> <p>The Changing Gears program is an 8-day tailored training program designed to assist such individuals.</p> <p>While this program receives some funding through the Department of Transport and Planning, it is limited in the number of programs it can offer each year.</p>	<p>Changing Gears requires an investment of approximately \$4,300 for each 8-day training program delivered.</p> <p>Council could consider a direct investment to support a roll-out of this program at one or more locations in the municipality.</p>
<p>Expansion of school-based road-safety workshops</p>	<p>As detailed earlier, Council currently funds Fit2Drive workshops across local secondary schools. In the view of officers, Council’s current investment in this area adequately meets the demand for workshops from local secondary schools.</p>	<p>The Ryda program is approximately \$4,025 per school, however, this can vary dependent upon student numbers, the availability of corporate sponsors, and concessions available to schools with high levels of student disadvantage.</p>

**REPORT NO: 9.3 (cont.)**

	<p>In recent years, several schools have approached Council seeking support to establish the Ryda program. The Ryda program, developed and run by Road Safety Education Limited (RSEL), seeks to build student awareness of crash factors, understand personal factors that contribute to risks, and equip students with practical strategies and plans to mitigate road risks.</p> <p>In addition to student workshops, the Ryda program provides teachers with a range of educational materials to assist in embedding road safety into ongoing classroom learning.</p>	<p>RSEL have indicated that a monetary contribution from Council of \$8,000 would enable them to offer the program to six schools in Hume City, with the balance of funding coming from available corporate sponsors and school contributions.</p>
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**10. CONCLUSION:**

- 10.1 This report responds to a notice of motion passed by Council at its meeting on 14 August 2023, requesting a report be delivered exploring the feasibility and costs associated with establishing a Council-led reward-based program for safe drivers.
- 10.2 The report highlights that Council currently supports a range of existing programs focused on improving road safety and which complement education, enforcement and engineering activities delivered by other agencies.
- 10.3 The report concludes that a reward-based safe driver program would likely deliver limited individual and community impact. Establishing such a program is also not considered viable given it would rely upon a commitment and resourcing from Victoria Police.
- 10.4 The report identifies several viable programs if Council were to consider expanding its road safety program offerings. At the direction of Council, these programs could be further explored by officers, including the pursual of available grant opportunities.

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<b>REPORT NO:</b>	9.4
<b>REPORT TITLE:</b>	Place Names, Memorialisation, Recognition of Residents and Recognition of Former Councillors Policy Reviews
<b>SOURCE:</b>	Joel Kimber, Acting Manager Governance Peter Faull, Coordinator Governance
<b>DIVISION:</b>	Finance & Governance
<b>FILE NO:</b>	HCC11/739
<b>POLICY:</b>	Place Names Policy, Memorialisation Policy, Recognition of Residents Policy and Recognition of Former Councillors Policy Reviews
<b>STRATEGIC OBJECTIVE:</b>	3.2: Deliver responsible and transparent governance, services and sustainable assets that respond to community needs
<b>ATTACHMENTS:</b>	1. <i>Place Names Policy</i> 2. <i>Memorialisation Policy</i> 3. <i>Recognition of Residents Policy</i> 4. <i>Recognition of Former Councillors Policy</i>

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## 1. SUMMARY OF REPORT:

- 1.1 At its meeting held on 14 March 2023, Council approved placing an updated Place Names Policy on public exhibition for a period of 28 days to seek the community’s views on proposed changes to this policy.
- 1.2 This report presents Council with feedback received during the public exhibition period and recommends that the updated Place Names Policy is adopted, with several minor amendments proposed to the version that was placed on public exhibition.
- 1.3 This report also recommends that Council:
  - 1.3.1 readopts the Proposals for Memorialisation Within the Municipality of Hume Policy with minor amendments, including an updated title; *and*
  - 1.3.2 revokes the Recognition of Residents and Recognition of Former Councillors policies.
  - 1.3.3 commence a community engagement process in early 2024 to establish a ‘Name Bank’ to identify names for future use for community spaces and places.
- 1.4 Whilst the policies referred to in paragraph 1.3 above were not referenced in the report to Council at its meeting held on 14 March 2023, recommendations regarding these policies are included in this report so that all of Council’s policies related to naming proposals and memorialisation can be considered at this time.

## 2. RECOMMENDATION:

- 2.1 **THAT Council:**
  - 2.1.1 **revokes the Place Names Policy which was adopted on 28 August 2017;**
  - 2.1.2 **adopts the Place Names Policy which is provided as Attachment 1 of this report;**
  - 2.1.3 **revokes the Proposals for Memorialisation Within the Municipality of Hume Policy which was adopted on 28 August 2017;**
  - 2.1.4 **adopts the Memorialisation Policy which is provided as Attachment 2 of this report;**

REPORT NO: 9.4 (cont.)

- 2.1.5 **revokes the Recognition of Residents Policy which was adopted on 27 March 2017 and which is provided as Attachment 3 of this report, noting that this policy has been superseded by the Hume Community Awards;**
- 2.1.6 **revokes the Recognition of Former Councillors Policy which was adopted on 23 October 2017 and which is provided as Attachment 4 of this report.**
- 2.1.7 **establishes an internal Place Names Committee to initially consider all naming proposal applications;**
- 2.1.8 **appoints Councillor Joseph Haweil and Councillor Jarrod Bell as members of the Place Names Committee;**
- 2.1.9 **appoints the Chief Executive Officer, the Chief Financial Officer, the Manager Governance, the Manager City Life and the Coordinator Governance as members of the Place Names Committee.**
- 2.1.10 **commences a community engagement process in early 2024 to establish a ‘Name Bank’ which could be utilised to identify names for future use that recognise the diversity of the Hume community.**

**3. LEGISLATIVE POWERS:**

- 3.1 *Geographic Place Names Act 1998 (the Act);*
- 3.2 *The Naming Rules for Places in Victoria – Statutory Requirements for Naming Road, Features and Localities 2022 (the Naming Rules) which are given effect under that Act.*

**4. FINANCIAL IMPLICATIONS:**

Funding will be required to promote the community engagement process outlined in 2.1.10 above. This process would be funded from within the 2023/24 budget.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

There are no environmental sustainability implications in respect to this report.

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

There are no climate change adaptation implications in respect to this report.

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered and it was determined that no rights are engaged in the recommendations made to Council in this report.

**8. COMMUNITY CONSULTATION:**

8.1 The public exhibition for the updated Place Names Policy opened on 28 April and closed on 28 May 2023. During this time the Participate Page on Council’s website received 114 visits, of which 23 visitors informed themselves further by clicking on information within the page.

8.2 One comment was received during the public exhibition period, which was:

*I read the following acknowledgement in your website:*

REPORT NO: 9.4 (cont.)

*Hume City Council recognises the rich Aboriginal heritage within the municipality and acknowledges the Wurundjeri Woi-wurrung, which includes the existing family members of 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 Elders past, present and future.*

*Therefore name of places in Hume should reflected this acknowledgement. I suggest to name new streets in Hume after native Australian names.*

- 8.3 This comment is noted as a positive suggestion to Council, however no changes to the Place Names Policy are suggested in response to it.
- 8.4 This report recommends that Council readopts the Proposals for Memorialisation Within the Municipality of Hume Policy, with the new title of Memorialisation Policy. Because of the minor nature of the amendments proposed to this policy, which are detailed later in this report, community consultation is not recommended prior to Council considering this recommendation.
- 8.5 This report also recommends that Council revokes the Recognition of Residents and Recognition of Former Councillors policies, for the reasons outlined in this report. Community consultation is not recommended prior to Council considering these recommendations because of the low level of use of both of these policies.
- 8.6 The development of a ‘Name Bank’ would be subject to community consultation early in 2024 which would be undertaken in line with Council’s Community Engagement Framework.

**9. DISCUSSION:**

- 9.1 As advised in the report that was presented to Council at its meeting held on 14 March 2023:
  - 9.1.1 Council’s Place Names Policy is applied to investigate and determine proposals to assign or amend names of places (being a road, feature or locality) or to amend the boundaries of a road, feature or locality. This policy is also followed to establish an Avenue of Honour.
  - 9.1.2 This policy was last reviewed in August 2017 following the release of the 2016 edition of the Naming Rules. A 2022 edition of the Naming Rules has now been released. The requirements of Council, in its capacity as a Naming Authority, remain unchanged under the Naming Rules.
  - 9.1.3 The Naming Rules include the Naming Principles. The Naming Principles must be used in conjunction with the relevant statutory requirements outlined in various sections of the Naming Rules. The Naming Principles are designed to ensure that names are enduring and there is no ambiguity, confusion, error or discrimination caused by the naming or locality boundary change process. All naming principles are equally important.
  - 9.1.4 Of note to Council is the addition of new Naming Principle G, Gender Equality, which encourages gender equality in naming, and the new condition under Naming Principle I, Using Commemorative Names, that commemorative names of a deceased person should be applied no less than two years posthumously, with a naming authority required to seek an exemption if it wishes to use the name of a deceased person within 2 years.
  - 9.1.5 The following table explains the differences between the Naming Principles in the 2022 edition of the Naming Rules from the General Principles (which are now referred to as the Naming Principles) in the 2016 edition of the Naming Rules:

REPORT NO: 9.4 (cont.)

2022 Naming Principles	2016 General Principles	Change to Principle (if applicable)
Principle (A) Ensuring Public Safety	Principle (A) Ensuring Public Safety	No change
Principle (B) Recognising the Public Interest	Principle (B) Recognising the Public Interest	No change
Principle (C) Linking the Name to Place	Principle (C) Linking the Name to Place	No change
Principle (D) Ensuring Names Are Not Duplicated	Principle (D) Ensuring Names are Not Duplicated	No change
Principle (E) Recognition and Use of Traditional Owner Languages	Principle (E) Names Must not be Discriminatory	General Principle E from the 2016 edition of the Naming Rules (Names Must Not Be Discriminatory) is now Naming Principle F, with the updated title of Names Must Not Discriminate or be Offensive.  Additional guidance is provided on consulting with Traditional Owner Groups.
Principle (F) Names Must not Discriminate or be Offensive	Principle (F) Recognition and Use of Aboriginal Languages in Naming	General Principle F from the 2016 edition of the Naming Rules (Recognition and Use of Aboriginal Languages in Naming) is now Naming Principle F, with the updated title of Recognition and use of Traditional Owner languages.  Additional guidance is provided on existing names which are considered to be derogatory or patently offensive.
Principle (G) Gender Equality	Principle (G) Dual Names	General Principle G from the 2016 edition of the Naming Rules (Dual Names) is now Naming Principle H.  Naming Principle G, Gender Equality, is a new principle which encourages gender equality in naming.
Principle (H) Dual Names	Principle (H) Using Commemorative Names	General Principle H from the 2016 edition of the Naming Rules (Using Commemorative Names) is now Naming Principle I.
Principle (I) Using Commemorative Names	Principle (I) Using Commercial and Business Names	General Principle I from the 2016 edition of the Naming Rules (Using Commercial and Business Names) is now Naming Principle J.  This principle now includes a condition that commemorative names of a deceased person should be applied no less than two years posthumously. If a naming authority wishes to name within two

REPORT NO: 9.4 (cont.)

2022 Naming Principles	2016 General Principles	Change to Principle (if applicable)
		years it is required to seek an exemption.
Principle (J) Using Commercial and Business Names	Principle (J) Language	General Principle I from the 2016 edition of the Naming Rules (Language) is now Naming Principle K.
Principle (K) Language	Principle (K) Directional Names to be Avoided	General Principle I from the 2016 edition of the Naming Rules (Directional Names to be Avoided) is now Naming Principle L.
Principle (L) Directional Names to be Avoided	Principle (L) Assigning Extent to a Road, Feature or Locality	General Principle L from the 2016 edition of the Naming Rules (Assigning Extent to a Road, Feature or Locality) is now Naming Principle M.
Principle (M) Assigning Extent to a Road, Feature or Locality		This not a new principle, it is an existing principle which has been allocated a new reference number.

9.2 The changes that were proposed to the updated Place Names Policy which was placed on public exhibition, which are included in the policy which is provided as Attachment 1 of this report, are as follows:

9.2.1 The updated policy includes a clause in which Council acknowledges inequity in the naming of places and it commits to working towards equity in place naming in relation to gender, traditional owner names and languages and names and languages which reflect Hume City’s modern multicultural society.

9.2.2 The updated policy provides clarification on the criteria set out in the Naming Rules on when a living person can be commemorated, which is in exceptional circumstances and following an application to the Registrar of Geographic Names which outlines the reasons for proposing a living person’s name, including but not limited to evidence about the person’s achievements which are of national or state significance, and relevant history and association to the area which ensures a link to place.

9.2.3 A copy of a Quick Guide on the use of the Naming Rules has been included as an attachment to the updated Place Names Policy, and the submission template which is included with the policy has been updated where required so that it is compliant with the updated Naming Rules.

9.2.4 Other minor formatting changes have been made, and text reviewed and removed where it is no longer required or if it is duplicating information that is provided in the Naming Rules.

9.3 Proposed Establishment of an internal Place Names Committee

9.3.1 One change that was proposed in the updated Place Names Policy that was placed on public exhibition, but which is no longer recommended, is that the Chief Executive Officer, under the power delegated to them by Council, may approve the commencement of community consultation of an application that is being considered under the Place Names Policy on the condition that it is compliant with the Naming Principles contained within the Naming Rules.

9.3.2 At the time of its proposal, it was intended that this delegation would not have applied to applications made to use a commemorative name, a business or commercial name or a name using Traditional Owner language, except if the name is already well known in an unofficial capacity by the local community. It is also proposed that the Chief Executive Officer may sub-delegate this power

**REPORT NO: 9.4 (cont.)**

to the Chief Financial Officer, Manager Governance or Coordinator Governance.

9.3.3 It is instead proposed that Council establishes an internal Place Names Committee that will initially consider all naming proposal applications. If established, it is proposed that:

- (a) the membership of the committee would consist of two Councillors, the Chief Executive Officer, the Chief Financial Officer, the Manager Governance, the Manager City Life and the Coordinator Governance;
- (b) the committee would decide if an application proceeds to the community consultation stage or if an application is declined without any further action being taken;
- (c) the committee could refer any applications to Council if it thought that a decision to proceed to the community consultation stage was more appropriate to be made by Council. This could be, for example, applications that could have municipal wide implications, such as an application to amended suburb boundaries or names;
- (d) the committee would meet quarterly, and Councillors would receive an update on the activities undertaken by the committee following their quarterly meeting;
- (e) officers from the Governance department would provide administrative support to the committee.

9.3.4 If Council approves the establishment of an internal Place Names Committee, the final decision for all naming applications that proceed to community consultation would then be made by Council. It is not proposed that the Place Names Committee is delegated any powers to make final decisions on naming proposals.

**9.4 Gender Impact Assessment – Place Names Policy**

9.4.1 The report to Council at its meeting held on 14 March 2023 advised that a Gender Impact Assessment (GIA) would be completed for the Place Names Policy prior to a final policy being presented to Council for consideration following community consultation.

9.4.2 A GIA has been completed and no changes to the policy are recommended based on the results of the GIA, however it is recommended that Council gives strong consideration, where appropriate, to the new Gender Equality Naming Principle contained within the Naming Rules when considering naming proposal applications as a means by which to address gender inequality in naming. Council also acknowledges this inequality in the new clause which is proposed to be added to the policy in which Council commits to working towards equity in place naming.

9.4.3 The report to Council at its meeting held on 14 March 2023 also advised that a project was being undertaken which was focused on getting more public places named after women. This project conducted an analysis of registered place names within the Hume municipality which confirmed that there is a significant imbalance in approved gender-based names, with there being many more male names approved than female names.

9.4.4 The work of the project team further supports Council giving strong consideration, where appropriate, to the new Gender Equality Naming Principle contained within the Naming Rules when considering naming proposal applications, and to the inclusion of a clause in the policy which commits Council to working towards equity in place naming.

**REPORT NO: 9.4 (cont.)**

- 9.5 Recommendation to Amend the Proposed Amendments to Proposals for Memorialisation Within the Municipality of Hume Policy
- 9.5.1 It is proposed that the following amendments are made to the Proposals for Memorialisation Within the Municipality of Hume Policy:
- (a) that the title is changed to ‘Memorialisation Policy’;
  - (b) that the policy criteria stipulating that an application can be made based on recognizing the exceptional circumstances surrounding the death of an individual is removed – applications would be based on the contribution to the Hume community by an individual;
  - (c) that the requirement that applications made under this policy must comply with the Naming Principles contained within the Naming Rules is removed.
- 9.5.2 All applications made under this policy would continue to be presented to Council for consideration. If Council establishes an internal Place Names Committee, it is not proposed that applications for memorialisation would be presented to that committee for initial consideration.
- 9.6 Recommendation to Revoke the Recognition of Residents Policy
- 9.6.1 The purpose of the Recognition of Residents Policy is to recognise the outstanding achievements of Hume residents by presenting Resident of the Month awards to residents that had been nominated by a Councillor in their designated month.
- 9.6.2 It is recommended that this policy is revoked because Resident of the Month awards have not been presented for several years, and because residents can now be recognised at Council’s annual Hume Community Awards event.
- 9.7 Recommendation to Revoke the Recognition of Former Councillors Policy
- 9.7.1 The purpose of the Recognition of Former Councillors Policy is to provide a process for the recognition of former Councillors and acknowledge their contribution during their term as elected officials of Hume City Council. The policy also includes criteria for when an application can be made to name a room at a Council facility after a former Councillor.
- 9.7.2 This is a little used policy, and only two applications have been made under it in the past 10 years to name rooms at Council facilities after former Councillors.
- 9.7.3 It is recommended that this policy is revoked because former Councillors can still be recognised via applications made under Council’s Place Names and Memorialisation Within the Municipality of Hume policies, and because of the low level of use of this policy.
- 9.8 Establishment of a ‘Name Bank’ for Future Use
- 9.8.1 In early 2024, Council will commence community engagement to establish a name ‘bank’. A focus of this engagement, if approved, will be to identify names for future use that recognise the diversity of the Hume community.
- 9.8.2 In particular, names that are currently underrepresented in formal feature naming, including Traditional Owner language, female and multicultural names, will be encouraged to be submitted. Suggested names will be recorded by location.
- 9.8.3 Once a name bank is established, Council officers will undertake a proactive process to name currently unnamed features (for example existing parks and reserves or soon-to-be-constructed community facilities) using names from the name bank.

**REPORT NO: 9.4 (cont.)**

9.8.4 The name bank can also be utilized to respond to community requests for feature names.

**10. CONCLUSION:**

- 10.1 Following a period of public exhibition, it is recommended that Council adopts the Place Names Policy, which is provided as Attachment 1 of this report, with several minor amendments proposed to the version that was placed on public exhibition.
- 10.2 It is also recommended, for the reasons outlined in this report, that Council:
- (a) adopts the Memorialisation Within the Municipality of Hume Policy (Attachment 2), with a new title of Memorialisation Policy;
  - (b) revokes the Recognition of Residents Policy (Attachment 3) and the Recognition of Former Residents Policy (Attachment 4).
- 10.3 The recommendations around the development of a Place Names Committee aims to expedite the process for naming spaces and places and the community engagement process for a ‘Name Bank’ are both new ways in which we can better reflect the wishes of the community.



# PLACE NAMES POLICY

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<b>Policy Reference No.</b>	POL/185
<b>File No.</b>	HCC11/739
<b>Strategic Objective</b>	3.2 Deliver responsible and transparent governance, services and sustainable assets that respond to community needs
<b>Adopted by Council</b>	February 2002
<b>Re-Adopted</b>	
<b>Date for Review</b>	August 2027
<b>Responsible Officer</b>	Manager Governance
<b>Department</b>	Governance

**1 POLICY STATEMENT**

- 1.1 Hume City Council will comply with any applicable legislation, regulations, rules and/or policy when it receives and considers an application made under the *Geographic Place Names Act 1998* (the Act).
- 1.2 Hume City Council’s Place Names Policy outlines how Council will investigate and determine applications received to:
  - a) assign or amend names of places (being a road, feature or locality);
  - b) amend the boundaries of a road, feature or locality; or
  - c) establish an Avenue of Honour.

**2 PURPOSE**

- 2.1 The Naming Rules for Places in Victoria 2022 - Statutory Requirements for Naming Roads, Features and Localities (the Naming Rules) are the statutory guidelines provided for under section 5 of the Act. They set out step-by-step information on naming or changing the boundaries of roads, features and localities in Victoria. It is mandatory for all naming authorities in Victoria, which includes local councils, to follow the Naming Rules. Under section 6 of the Act, the guidelines must be reviewed once every five years.
- 2.2 The purpose of this policy is to:
  - a) ensure that Council follows the Naming Rules when investigating and determining applications to assign or amend names of places, and locality boundaries;
  - b) ensure that submitters of place name applications are aware of the process and principles by which Council will investigate and determine their applications.

**3 SCOPE**

- 3.1 Any public or private road, feature or locality within the Hume municipality can be named or renamed, or have its boundary changed, using the Naming Rules.
- 3.2 Council on occasion receives proposals to name Council owned assets or features and areas controlled by Council after a Hume resident or an individual who has made a significant contribution to the Hume municipality, or to locate a memorial (for example, a commemorative plaque) on Council land or assets, or areas controlled by Council. In circumstances that do not fall within the scope of this Place Names policy, applications of this type will fall under any other applicable Council policy or guidelines.

**4 OBJECTIVE**

The objective of this policy is to ensure that Council follows the Naming Rules when investigating and determining naming applications, so that there is transparency and consistency in its decision making and application of this policy.

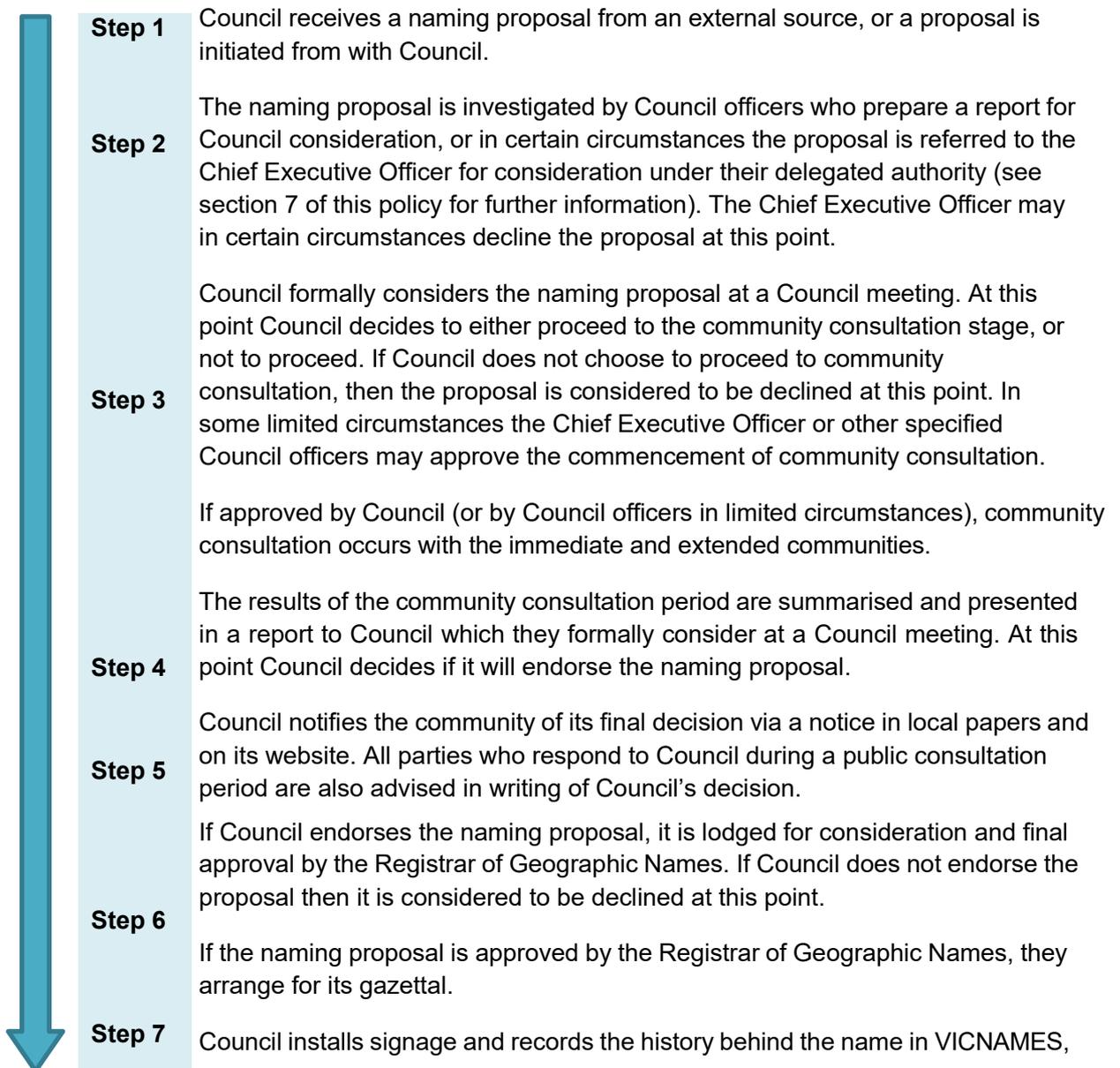
**5 POLICY IMPLEMENTATION**

- 5.1 Council will begin investigating and determining place name applications after one of

the following occurs:

- a) a Council Officer identifies a need to assign or amend the name of a place or places;
- b) a member of the general public, a community interest group or an organisation submits a written request to amend a name or change the name of a road, feature or locality, including a locality’s boundaries;
- c) a Plan of Subdivision is submitted for certification by Council. Council's subdivision certification process includes an audit of street names to ensure that new names are compliant with the Naming Rules.
- d) A Council resolution is made directing officers to commence investigating a naming proposal.

5.2 Council will follow the step-by-step process listed below when it receives a place name application. Steps are explained in further detail later in this policy:



**6 PROCEDURE TO CONSIDER PROPOSALS TO ASSIGN OR AMEND THE NAME OF A ROAD, FEATURE OR LOCALITY, OR TO AMEND A LOCALITY BOUNDARY**

6.1 When considering a proposal to assign or amend the name of a road, feature or locality, or to amend a locality boundary, Council will follow the requirements set out in the Naming Rules, including public consultation requirement where mandatory.

6.2 The Naming Rules include the Naming Principles which must be used in conjunction with the relevant statutory requirements outlined in various sections of the Naming Rules. The Naming Principles are designed to ensure that names are enduring and there is no ambiguity, confusion, error or discrimination caused by the naming or locality boundary change process. All naming principles are equally important.

6.3 The Naming Rules can be viewed in the Naming Rules by following this [link](#), or by visiting [www.land.vic.gov.au/place-naming/understand-the-naming-process/the-naming-rules](http://www.land.vic.gov.au/place-naming/understand-the-naming-process/the-naming-rules).

6.4 A Quick Guide for the Naming Rules, which was published by the Department of Energy, Environment and Climate Action, is provided as Attachment 1 of this policy.

**7 DECISION NOT TO PROCEED WITH CONSIDERATION OF A NAMING PROPOSAL**

7.1 In accordance with clause 6.2.1 of the Naming Rules, ‘the decision to proceed with a name proposal rests with the naming authority’, being Council.

7.2 Council can choose not to proceed to public consultation with a naming proposal that has been presented to it for consideration if it decides:

- a) that the naming proposal seeks to change a long established and compliant name that is familiar to local residents and service providers, particularly to emergency service providers, and the proposal does not establish a compelling reason as to why Council would consider endorsing a change of name for such a location; *or*
- b) if for any other reason Council determines that it does not wish to proceed to public consultation for a naming proposal that has been presented to it for consideration.

7.3 The Chief Executive Officer, under the power delegated to them by Council, can reject the application and decline to present to Council for their consideration any proposal that the Chief Executive Officer has assessed as:

- a) being non-compliant with principle (D) Ensuring Names are Not Duplicated and/or principle (F) Names Must Not Discriminate or be Offensive, of the Naming Rules;
- b) being substantially similar to an application which has already been decided upon by the naming authority.

**8 CONSULTATION**

Council will comply with all consultation requirements set out under the Naming Rules.

**9 AVENUES OF HONOUR**

- 9.1 Avenue of Honour is the term given to a memorial avenue of trees, generally with each tree symbolising a person. Most avenues are in remembrance of those who fought or died in war, particularly World War I (1914–1918).
- 9.2 Avenues of Honour are a means of family members and the community expressing gratitude to individuals who sacrificed their life in major conflicts around the world in which Australia participated. They are usually a row of trees accompanied by a monument or plaques which identify and commemorate a collective of individuals from a local area.
- 9.3 To request the establishment of an Avenue of Honour, a resident or community group must provide with their written submission to Council the following information:
- the proposed site of the Avenue of Honour;
  - proposed details of the commemorative plantings;
  - details of the collective and/or all individuals to be commemorated;
  - the conflict/s in which the individuals lost their lives;
  - proposed details of any memorials, plaques and/or monuments to be included in the proposed Avenue;
  - any other information that is relevant to the submission.
- 9.4 Council officers will first check with the road authority that is responsible for the road at the location for which the Avenue of Honour is being proposed, and if appropriate, refer the proposal to them, if Council is not the naming authority for this location. This will most likely be VicRoads. If Council is the naming authority and not the road authority, it will seek the road authority’s view on the proposal and approval from them to consider establishing the Avenue of Honour, should that be deemed appropriate. Ongoing maintenance of the Avenue of Honour will also be discussed with the road authority, if it is not Council.
- 9.5 If the road authority does not approve the request for an Avenue of Honour then the applicant will be advised of this and no further action will be taken by Council.
- 9.6 If the road authority gives their approval for the Avenue of Honour, Council will then consult with other stakeholders as per the community consultation requirements contained in this policy.
- 9.7 In addition to those requirements, Council will also consult with any of the following:
- Returned and Services League of Australia (RSL)
  - Department of Veteran’s Affairs
  - Australian War Memorial
  - National Trust of Australia (Vic)
  - Local Historical Associations

## **10 OTHER MATTERS**

### *10.1 Place Names Committee*

- 10.1.2 An internal Place Names Committee will initially consider all naming proposal applications.
- 10.1.3 The membership of this committee consists of two Councillors, the Chief Executive Officer, the Chief Financial Officer, the Manager Governance and the Coordinator Governance.
- 10.1.4 The committee will decide if an application proceeds to the community consultation stage or if an application is declined without any further action being taken.

- 10.1.5 The committee can refer any applications to Council if it thought that a decision to proceed to the community consultation stage was more appropriate to be made by Council. This could be, for example, applications that could have municipal wide implications, such as an application to amended suburb boundaries or names.
- 10.1.6 This committee will meet quarterly, and Councillors would receive an update on the activities undertaken by the committee following their quarterly meeting.
- 10.1.7 Officers from Council’s Governance department will provide administrative support to the committee.
- 10.1.8 The final decision for all naming applications that proceed to community consultation would be made by Council. The Place Names Committee is not delegated any powers to make final decisions on naming proposals.

**10.2 Equity and Inclusion in Naming**

10.2.1 Council acknowledges inequity in the naming of places and it is committed to work towards equity in place naming in relation to gender, traditional owner names and languages and names and languages which reflect Hume City’s modern multicultural society.

**10.3 Naming After Living People**

10.3.1 Principle I of the Naming Rules, Using Commemorative Names, provides the following criteria regarding commemoration of a living person:

Commemoration of a living person is strongly discouraged and is generally not permitted. In exceptional circumstances, if the naming authority wishes to name a road, feature or locality after a living person, it must apply in writing to the Registrar to seek an exemption from this principle before any public consultation or a decision is made. Consent from the person should be sought prior to any exemption request being submitted to GNV. The naming authority must outline the reasons for proposing a living person’s name, including but not limited to:

- i. evidence about the person’s achievements which are of national or state significance;
- ii. relevant history and association to the area which ensures a link to place.

**11 DEFINITIONS AND ABBREVIATIONS**

**Act** means the *Geographic Place Names Act* 1998.

**Estate names** include names applied to residential estates, commercial or mixed estate. For example, residential subdivisions and business parks or commercial/industrial zoned land.

**Naming Rules** means the Naming Rules for Places in Victoria – Statutory Requirements for Naming Roads, Features and Localities 2022 or any update version of the Naming Rules., having effect under the Act

**Place** means any place or building that is, or is likely to be, of public or historical interest and includes, but is not restricted to:

- township, area, park, garden, reserve of land, suburb and locality
- topographical feature, including undersea feature;
- street, road, transport station, government school, government hospital and government nursing home.

**Registrar** means the Registrar of Geographic Names.

**12 RELATED DOCUMENTS**

- *Geographic Place Names Act 1998;*
- *Local Government Act 1989;*
- *Local Government Act 2020;*
- *Road Management Act 2004;*
- *Aboriginal Heritage Act 2006;*
- *Aboriginal Heritage Regulations 2018;*
- *AS/NZS 4819:2011 Rural and urban addressing;*
- *Survey Co-ordination Act 1958;*
- *Subdivision (Procedures) Regulations 2011;*
- Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2022;
- Hume City Council’s ‘Proposals for Memorialisation Within the Municipality of Hume’ policy;
- Quick Guide – Naming Rules for Places in Victoria 2022 (Attachment 1);
- Naming Proposal – Submission Template to Hume City Council (Attachment 2).

ATTACHMENT 1 - Quick Guide Naming Rules for Places in Victoria 2022



# Naming rules for places in Victoria

Quick guide

## What are the naming rules?

**Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities**

The naming rules provide processes and procedures for naming roads, features and localities across Victoria.

Appropriate naming is essential for identifying locations when managing emergencies and delivering goods and services in Victoria. The naming rules are based on national standards and policies. They provide a strong basis for standardised and unambiguous naming procedures across the state.

They have been developed through detailed consultation with councils, government departments, emergency agencies and public service providers.

The full version of the naming rules can be found at [www.land.vic.gov.au/thenamingrules](http://www.land.vic.gov.au/thenamingrules)

## Why is there a need for naming rules?

The naming rules provide a structure for ensuring that assigning names to roads, features and localities in Victoria is undertaken in a consistent way for the community’s benefit. Those benefits include:

- recognition and identification
- culture

- connection to country and place
- heritage
- landscape
- emergency service response and natural disaster relief
- communications, including postal and news services
- trade and commerce
- population censuses and statistics
- property rights and cadastre
- urban and regional planning
- environmental management
- map and atlas production
- navigation
- tourism.

## What can be named or renamed using the naming rules?

Any public or private road, feature or locality within Victoria can be named, renamed or have its boundary changed using the principles, requirements and procedures in the naming rules.

There are many different roads and feature types in Victoria. Responsibility for preparing naming proposals and submitting them to the Registrar of Geographic Names can vary. Please refer to the relevant sections and appendixes in the naming rules.

[delwp.vic.gov.au](http://delwp.vic.gov.au)



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## Naming rules for places in Victoria

### Who can name or rename roads, features and localities in Victoria, and who oversees the process?

Members of the public are encouraged to participate in the naming process by proposing a name, initiating a naming proposal or responding to a relevant naming authority regarding a naming proposal.

Other stakeholders include emergency service organisations, Australia Post, owners corporations, private institutions, Traditional Owners, historical societies and utility or other service providers.

They can be involved in the naming process in three ways:

- Propose to the responsible naming authority a name for a road, feature or locality, or a locality boundary
- alert a naming authority and the Registrar to an issue with an existing name for a road, feature or locality or locality boundary and request that the matter be investigated
- comment on whether a naming, renaming or boundary change proposal conforms to the naming rules.

The proposal needs to be submitted to the naming authority responsible for the area in/across which the road, feature or locality is situated – it is important to note that the council(s) or relevant naming authority(ies) should be contacted for advice because some naming authorities have their own naming policies or guidelines that augment the naming rules.

### Who should be consulted?

There are several community groups to consult regarding a naming, renaming or boundary change proposal:

- the **immediate community**, which broadly includes people who live and work within the area and owners of properties or businesses; in particular, residents, ratepayers and businesses within the immediate area directly affected by the proposal

- the **extended community**, which includes residents, ratepayers and businesses surrounding the area directly affected by the proposal; in particular, any visitor groups to the area such as shoppers, tourists, recreational or dining visitors and government (neighbouring councils) or non-government organisations with an interest in or who service the area
- Traditional Owner group(s), local historical societies and eminent individual historians; service clubs such as Lions and Rotary Clubs, Country Women’s Associations, farmers groups, school parents associations, Probus clubs, senior citizens centres, ethnic associations; and Emergency Services Telecommunications Authority (ESTA) and emergency service organisations (ESOs)<sup>1</sup>.

### How a naming authority builds awareness of a proposal and invites feedback

Building awareness of the proposal is key to engaging with the community. The following methods are discussed further in the naming rules. Each method has its own strengths and, prior to selecting one or more of the methods, naming authorities should consider the proposal’s aims and desired outcomes of community consultation. For example, a survey is conducted to investigate opinions; a voting poll is used to make a choice for one or more options.

The following methods can be used to build awareness of the proposal and invite feedback. Each one has its own advantages and conditions of use:

- notices in newspapers
- letters to the immediate or extended community
- surveys (for use only with the immediate community)
- voting poll
- Internet sites and social media
- public meetings.

<sup>1</sup> ESOs encompass agencies that include Country Fire Authority (CFA), State Emergency Services (SES), Metropolitan Fire Brigade (MFB), Victoria Police (VicPol), Ambulance Victoria (AV). If consulting ESOs, consider contacting both local and administrative management (headquarters) as well as ESTA.

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## What is an objection?

An objection is a way for members of the community to inform the naming authority that one or more people disagree with a naming or renaming proposal. An objection must explain why a proposal is opposed.

Simply lodging opposition without an explanation does not help the naming authority understand the underlying issues.

## Lodging objections

Any person or organisation can lodge an objection to a naming, renaming or boundary change proposal during the public consultation period administered by the relevant naming authority. Objections must be lodged directly with the naming authority within the minimum 30 days allocated for feedback. Naming authorities can, if necessary, provide for a longer feedback period.

## Considering objections

- Any objections received during the public consultation period must be considered by the naming authority. The naming authority is responsible for deciding the weight to be given to competing objections, having regard to the naming rules and any other relevant matters it identifies.
- All objections must be included in an assessment report, stating the objection and indicating relevance to the naming rules and the naming authority’s consideration/response to the objection.
- The naming authority need not consider objections that don’t explain reasons for the objector opposing the name.
- The decision about whether or not to proceed with a naming proposal resides with the naming authority.

## Appeals

In the case of a naming authority accepting a proposal, the letter to objectors also needs to include details of how an appeal can be made to the Registrar.

An appeal can only be made if the objector can demonstrate that either:

- the naming authority did not consider the objections during its deliberations
- the proposal does not reasonably conform to the principles and statutory requirements of these naming rules.

The letter to objectors needs to indicate that an appeal to the Registrar must be lodged within 30 days of the naming authority accepting the proposal and/or sending the letter to the objector (whichever is later).

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**ATTACHMENT 2 - Naming Proposal Submission Template to Hume City Council**

<b>APPLICANT’S NAME AND CONTACT DETAILS</b>	
Name:	
Address:	
Contact number:	
Contact email address:	
<b>IS YOUR NAMING PROPOSAL RELATED TO A:</b>	
<input type="checkbox"/>	Road
<input type="checkbox"/>	Feature
<input type="checkbox"/>	Locality
<b>IS YOUR NAMING PROPOSAL FOR A:</b>	
<input type="checkbox"/>	New name for an unnamed road, feature or locality
<input type="checkbox"/>	Renaming of a road, feature or locality
<b>PLEASE COMPLETE THE FOLLOWING DETAILS:</b>	
Proposed Name	
Location of the road or feature (please include a map with your proposal)	
Background information on why Council should consider naming or changing the name or boundary, for example, why the proposed name is considered appropriate (include any history or local relevance)	
If the proposal is a commemorative name, please include information on the person such as: <ul style="list-style-type: none"> <li>• Full name, date of birth and date of death;</li> <li>• Occupation and/or education;</li> <li>• Civil and community achievements or contributions;</li> <li>• Honours and awards received;</li> <li>• Other relevant material of historical interest.</li> </ul>	
Reason for the proposal (why the current name is not considered appropriate or any other relevant information)	

<b>GENERAL QUESTIONS</b>			
If proposing a new name or to change a name, does the proposal conform to the principles in Section 2 of the Naming Rules? Please refer to the principles below.			
	Yes	No	NA*
Principle A - Ensuring public safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle B - Recognising the public interest	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle C - Linking the name to place	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle D - Ensuring names are not duplicated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle E - Recognition and use of Traditional Owner languages	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle F - Names must not discriminate or be offensive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle G - Gender equality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle H - Dual names	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle I - Using commemorative names	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle J - Using commercial and business names	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle K - Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle L - Directional names to be avoided	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principle M - Assigning extent to a road, feature or locality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**PROPOSING A NAME USING TRADITIONAL OWNER LANGUAGE**

	Yes	No
Is a name using Traditional Owner Language being proposed?	<input type="checkbox"/>	<input type="checkbox"/>
If proposing a Traditional Owner name, does the feature already have an officially registered name or an unrecorded and/or unregistered name? If yes, the Traditional Owner name may be considered as a dual name. Please refer to Principle H.	<input type="checkbox"/>	<input type="checkbox"/>
Has the Traditional Owner name been verified by the area’s Traditional Owner group(s), and is there written evidence of this verification? Please refer to Section 7.3 of the Naming Rules.	<input type="checkbox"/>	<input type="checkbox"/>

<b>Date Adopted</b>	February 2002
<b>Date Re-Adopted</b>	
<b>Review Date</b>	Month 2027



# MEMORIALISATION POLICY

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<b>Policy Reference No.</b>	POL/190
<b>File No.</b>	HCC14/433
<b>Strategic Objective</b>	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community needs
<b>Adopted by Council</b>	23 February 2015
<b>Re-Adopted</b>	
<b>Date for Review</b>	December 2027
<b>Responsible Officer</b>	Manager Governance
<b>Department</b>	Governance

## 1. POLICY STATEMENT

- 1.1 The *Geographic Place Names Act 1998* (the Act) outlines the responsibilities held by a naming authority for the naming of roads, places and features in Victoria. The Act provides the basis for the *Naming rules for places in Victoria – Statutory requirements for naming*

*roads, features and localities* (the Naming Rules), which are made by the Governor in Council, on recommendation from the Minister, and provide the basis for Hume City Council’s **Place Names Policy**.

- 1.2 Council on occasion receives memorialisation proposals to name features, Council owned assets or areas controlled by Council after a Hume resident or an individual who has made a significant contribution to the Hume municipality, or to locate a memorial (for example, a commemorative plaque) on Council land or assets, or areas controlled by Council, in circumstances that are not covered by Council’s Place Names Policy.
- 1.3 Council’s view is that the appropriate location for the memorialisation of individuals is within a cemetery. The management and operations of cemeteries are provided for by the *Cemeteries and Crematoria Act 2003*.
- 1.4 Any application submitted for the memorialisation of an individual within Hume, in the circumstances allowed for by this policy, will only be considered if it can be demonstrated by the applicant that the deceased person made a significant contribution to the Hume community.
- 1.5 This policy provides guidelines for Council and Council Officers to follow when considering memorialisation proposals received under these circumstances.

## **2. PURPOSE**

- 2.1 To allow Council to consider memorialisation proposals received that are not covered by Council’s Place Names Policy.
- 2.2 To facilitate the memorialisation within the Hume municipality of residents or other individuals whose contribution to the Hume community are viewed as being appropriate for memorialisation.

## **3. SCOPE**

- 3.1 This policy will apply to all applications or General Business items received to memorialise individuals within the municipality of Hume, where the circumstances of the memorialisation request are not covered by Council’s Place Names Policy.
- 3.2 Proposals will only be considered for persons who are no longer living.

## **4. OBJECTIVE**

To provide members of the public, Councillors and Council staff with clear guidelines to follow when considering memorialisation proposals received in circumstances that are not covered by Council’s Place Names Policy.

## **5. POLICY IMPLEMENTATION**

### **5.1 Publication and review**

The policy and its implementation will be managed and monitored by the Manager Governance.

The policy shall be reviewed and adopted by Council at periods not exceeding 5 years.

### **5.2 Process**

Council officers will investigate memorial proposals after one of the following occurs:

- a) a Councillor requests an investigation via a notice of motion at a meeting of Council;
- b) a member of the general public, a community interest group or an organisation submits a written request.

Applicants, whether they are individuals or organisations, must provide evidence in support of their application that addresses the criteria listed in paragraph 5.3 (d) to (g) of this policy.

Applicants must clearly establish the significant contribution that the individual has made to the local community, and the association of the individual to the feature that the applicant is proposing to have named, or the location at which they are proposing to have a memorial located at. If applicants are not able to establish these elements then the proposal will not be considered.

### **5.3 Criteria for considering proposals**

The following details must be established by an applicant in their application to Council:

- a) That the memorial proposal relates to a person who is no longer living;
- b) The feature, Council asset or area controlled by Council that is proposed to be named and/or at which a memorial is proposed to be located at.

When considering a proposal, Council should consider:

- c) The reasons proposed for honouring the deceased person;
- d) The deceased person’s contribution to the community, including lengths of service;
- e) The deceased person’s association with the feature or asset that is proposed to be named in their memory, or at which a memorial is proposed to be located (that is, linking the name to the place);
- f) The level of support from the deceased person’s family for the proposal

### **5.4 Internal Consultation**

Internal consultation by Council officers, seeking input and feedback on memorialisation proposals from various departments within Council, is mandatory.

### **5.5 Public Consultation**

Public consultation on memorialisation proposals that are not covered by Council’s Place Names Policy is optional.

If a report is prepared for Council on a memorialisation proposal that is not covered by Council’s Place Names Policy, it should make comment on whether consultation is recommended for that proposal.

If a proposal is received to name or re-name a Council building, or a feature or asset that is located on Council land, Council officers should consult with user groups, clubs and/or Committees of Management that are users of or have an interest in that location.

If considered appropriate, the level of public support for a proposal can be ascertained by a public consultation process.

**5.6 Memorials Not Approved in Perpetuity**

Any memorialisation proposals approved by Council will not be approved in perpetuity, and Council may change, remove or choose not to replace any damaged or moved memorials at its discretion. This includes any approved trees or plants that are planted as a memorial to a deceased individual.

**5.7 Roadside Memorials**

Council does not support the construction of roadside memorials.

**5.8 Scattering of Ashes**

Council does not support the scattering of ashes in public areas.

**5.9 Sponsorship**

a) The approval of a memorialisation proposal which is located at or on a Council owned feature, asset, piece of land or an area that Council is responsible for, does not preclude Council from entering into a sponsorship agreement for that same feature, asset, piece of land or area that Council is responsible for.

b) If a Council owned feature, asset, piece of land or an area that Council is responsible for has been named as the result of a successful memorialisation proposal application, and Council enters into a sponsorship agreement for that feature, asset, piece of land or area that Council is responsible, Council retains the right to rename it.

**5.10 Lodgement of Successful Memorialisation Proposals with the Registrar of Geographic Names**

Memorial proposals approved by Council will not be submitted to the Registrar of Geographic Names for official naming and inclusion in VICNAMES, which is the which is the database that stores information and data related to all officially registered and recorded features, locality and road names in Victoria, unless this is specifically requested by Council.

**6. DEFINITIONS AND ABBREVIATIONS**

**6.1 Geographic Name:**

In relation to a place, means the name registered in the Register as the name for that place.

**6.2 Memorial Proposal:**

A proposal to honour the life of a deceased person who has made a significant contribution to the Hume community by the naming of a Council owned feature or asset, or by the locating of a memorial on Council land, in circumstances that are not covered by Hume City Council’s Place Names Policy.

**6.3 Naming Rules:**

The *Naming Rules for Places in Victoria – Statutory Requirements for Naming Roads, Features and Localities 2022*, having effect under Part 2 of the *Geographic Place Names Act 1998*.

**6.4 Registrar:**

The Registrar of Geographic Names appointed under Section 7, *Geographic Place Names Act 1998*.

**6.5 VICNAMES :**

The database that stores information and data related to all officially registered and recorded features, locality and road names in Victoria.

**7. RELATED DOCUMENTS**

- Hume City Council Place Names Policy
- *Local Government Act 2020*
- *Geographic Place Names Act 1998*
- Naming Rules for Places in Victoria – Statutory Requirements for Naming Roads, Features and Localities 2022
- *Cemeteries and Crematoria Act 2003*

<b>Date Adopted</b>	23 February 2015
<b>Date Re-Adopted</b>	
<b>Review Date</b>	28 February 2023

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# RECOGNITION OF RESIDENTS POLICY

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<b>Policy Reference No.</b>	POL/193
<b>File No.</b>	HCC04/31
<b>Strategic Objective</b>	5.2 Create a community actively involved in civic life
<b>Adopted by Council</b>	28 November 2011
<b>Re-Adopted</b>	27 March 2017
<b>Date for Review</b>	28 February 2023
<b>Responsible Officer</b>	Manager Governance
<b>Department</b>	Governance

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**RECOGNITION OF RESIDENTS POLICY**

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**1 POLICY STATEMENT**

Council will recognise the achievements of Hume residents in support of a culture of community connection and engagement, caring for others, self-sacrifice and bringing about positive social change.

**2 PURPOSE**

**2.1** To provide a guideline for:

- a) recognising the outstanding achievements of Hume residents in any field;
- b) recognising the outstanding community contribution, high service of community duty and public spirit of Hume residents.

**3 SCOPE**

This policy applies to residents of Hume City, and non-residents who show an outstanding commitment to the Hume Community.

**4 OBJECTIVE**

This policy is aimed at fostering community pride by recognising and promoting the achievements and outstanding contributions of Hume City residents.

**5 POLICY IMPLEMENTATION**

**Criteria**

**5.1** The selection criteria for resident of the month is:

- Demonstrated commitment to building a strong Hume community;
- Strong sense of community spirit and/or civic worth;
- Caring for others;
- Self-sacrifice; or
- Outstanding achievement in arts and culture/sports/academic/leadership/ volunteering.

**Process**

**5.2** Councillors take turns nominating up to two recipients per council meeting as per a schedule developed at the start of the Council year. The schedule is developed taking into consideration how many opportunities each Councillor has had to nominate in their electoral term, and the meeting venue i.e. for a meeting held in Craigieburn it would be appropriate for a Councillor from that ward to nominate a resident.

**5.3** Councillors are to provide the Senior Governance Officer with their nominations for the monthly award together with a brief outline of the reasons for the nomination at least a week before the Council Meeting which the award will be presented at.

**5.4** The successful nominee is invited, with a guest, to attend the next ordinary meeting of Council and the pre-meeting dinner.

**5.5** The successful nominee is presented with a Certificate of Recognition by the Mayor at the commencement of the Council meeting.

<b>Policy Reference No:</b>	POL/193	<b>Responsible Officer:</b>	Manager Governance
<b>Date of Re/Adoption:</b>	27 March 2017	<b>Department:</b>	Governance
<b>Review Date:</b>	28 February 2023		

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**RECOGNITION OF RESIDENTS POLICY**

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**5.6** If the successful nominee is unable to attend the meeting for which they have been nominated, they will invited to the next Ordinary Council Meeting, with a guest, to attend dinner and be presented with their Certificate of Recognition by the Mayor.

**6 DEFINITIONS AND ABBREVIATIONS**

Nil

**7 RELATED DOCUMENTS**

Nil

<b>Date Adopted</b>	28 November 2011
<b>Date Re-Adopted</b>	27 March 2017
<b>Review Date</b>	28 February 2023

<b>Policy Reference No:</b>	POL/193	<b>Responsible Officer:</b>	Manager Governance
<b>Date of Re/Adoption:</b>	27 March 2017	<b>Department:</b>	Governance
<b>Review Date:</b>	28 February 2023		

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# RECOGNITION OF FORMER COUNCILLORS POLICY

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<b>Policy Reference No.</b>	POL/192
<b>File No.</b>	HCC12/403
<b>Strategic Objective</b>	5.3 Provide responsible and transparent governance, services and infrastructure which responds to and supports community need
<b>Adopted by Council</b>	June 2000
<b>Re-Adopted</b>	23 October 2017
<b>Date for Review</b>	28 February 2023
<b>Responsible Officer</b>	Manager Governance
<b>Department</b>	Governance

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**RECOGNITION OF FORMER COUNCILLORS POLICY**

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**1 POLICY STATEMENT**

Council will recognise the contribution of Councillors during their term in office by inviting immediate past Councillors of Hume City Council to a civic reception following an election at which they were not returned to office, and formally presenting them with a ‘Certificate of Appreciation’ and gift.

Former Councillors may also be recognised by having a room within a Council owned facility named after them. For this to occur, certain criteria, which are outlined in this policy, must be met.

**2 PURPOSE**

The purpose of this policy is to provide a process for the recognition of former Councillors and acknowledge their contribution during their term as elected officials of Hume City Council.

**3 SCOPE**

This policy applies to Hume City Councillors not returned to office following an election.

**4 OBJECTIVE**

To provide guidelines for formally recognising immediate past Councillors for their contributions during their term/s as elected officials of Hume City Council.

**5 FINANCIAL IMPLICATIONS**

*Presentation of Gift*

5.1 The gift provided to unreturned Councillors should be representative of the number of consecutive terms in office that the Councillor has served immediately prior to them not being returned to office. It is not meant to recognize a previous term or terms in office that the Councillor has served prior to their most recent term or terms. The value of the gift will be up to \$250 per term served.

5.2 The costs incurred for the purchase of a gift are to be recovered from the Members of Council budget.

*Room Naming*

5.3 There will be minimal costs associated with naming a room in a Council facility after a former Councillor. The one-off costs will be for room name signage (if required); a plaque within the named room recognising the former Councillor’s efforts and contribution; and the costs associated with an official launch event. The costs incurred will come from the annual Civic Receptions budget.

**6 POLICY IMPLEMENTATION**

*Recognition of Immediate Past Councillors*

6.1 Immediate past Councillors of Hume City Council are to be formally recognised for their contribution to the Hume community as soon as practical after a Council election.

<b>Policy Reference No:</b>	POL/192	<b>Responsible Officer:</b>	Manager Governance
<b>Date of Re/Adoption:</b>	23 October 2017	<b>Department:</b>	Governance
<b>Review Date:</b>	28 February 2023		

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**RECOGNITION OF FORMER COUNCILLORS POLICY**

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6.2 Following a Council election, a civic reception is held to welcome the new Mayor and Council. Immediate past Councillors, who were not returned to office at the election, will be invited to the civic reception where they are formally presented with a 'Certificate of Appreciation' and a gift.

*Room Naming*

6.3 Council can approve that a room at a Council facility can be named after a former Councillor if the following criteria are met:

- a. the former Councillor made a significant contribution over a period of time;
- b. the former Councillor realised a project and delivery of outcomes;
- c. the overall positive contribution to Hume City Council and to the whole community by the former Councillor;
- d. there were no conduct issues associated the former Councillor, and they adhered to good practices;
- e. the former Councillor has not been involved in any official capacity with Hume City Council for at least 2 Council terms.

6.4 Proposals to name a room within a Council facility after a former Councillor can be initiated by current Councillors, the Chief Executive Officer, or a member of the community.

**7 DEFINITIONS AND ABBREVIATIONS**

Nil

**8 RELATED DOCUMENTS**

Nil

<b>Date Adopted</b>	June 2000
<b>Date Re-Adopted</b>	23 October 2017
<b>Review Date</b>	28 February 2023

<b>Policy Reference No:</b>	POL/192	<b>Responsible Officer:</b>	Manager Governance
<b>Date of Re/Adoption:</b>	23 October 2017	<b>Department:</b>	Governance
<b>Review Date:</b>	28 February 2023		

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<b>REPORT NO:</b>	9.5
<b>REPORT TITLE:</b>	Councillor Conduct Matter Update
<b>SOURCE:</b>	Sheena Frost, Chief Executive Officer Chris Bradbury, Senior Integrity Officer
<b>DIVISION:</b>	Chief Executive Officer
<b>FILE NO:</b>	HCC12/403
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	3.2: Deliver responsible and transparent governance, services and sustainable assets that respond to community needs
<b>ATTACHMENT:</b>	1. <i>Transcript of Proceedings</i>

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**1. SUMMARY OF REPORT:**

- 1.1 In a closed council report of 19 December 2022 Council resolved to commence an application to the Court of Appeal of the Supreme Court relating to Councillor conduct matters and to make this decision public.
- 1.2 This followed a Councillor Conduct Panel, then a VCAT appeal against the finding of the Panel.
- 1.3 The Court of Appeal (the Court) hearing relating to *Hume City Council v Dance* was heard on Thursday 24 August 2023 before Justices Emerton, Beach and McLeish.
- 1.4 At the commencement of the hearing, Justice Beach expressed a view on the construction of the definition of “serious misconduct” as it relates to Councillor conduct that had not been raised in any previous hearings – the Panel or at VCAT.
- 1.5 In light of this threshold question being raised, Council was provided an opportunity to withdraw its appeal, and this was done.
- 1.6 The definition raised by the Court were not previously considered and were not identified by any of the relevant parties in any of the previous proceedings.
- 1.7 The matters raised are considered relevant to raise with Local Government Victoria as they pertain to the application of the Councillor Conduct Framework under the Local Government Act 2020.
- 1.8 It is recommended Council provide its transcript of the Hearing to Local Government Victoria to inform both its application of the Councillor Conduct Framework in Victoria and to inform a review underway into the Framework.

**2. RECOMMENDATION:**

**That Council:**

- 2.1 **Note the report.**
- 2.2 **Write to Local Government Victoria providing a copy of the transcript to inform its application of the Councillor Conduct Framework and reviews of the Framework already underway.**
- 2.3 **Send a copy of this correspondence to the Minister for Local Government, the Hon. Melissa Horne MP.**

**3. LEGISLATIVE POWERS:**

*Local Government Act 2020*

REPORT NO: 9.5 (cont.)

**4. FINANCIAL IMPLICATIONS:**

- 4.1 Costs associated with Councillor conduct matters are reported regularly to Council.
- 4.2 Costs incurred in relation to the original Application for Councillor Conduct Panel, initial Appeal to the Victorian Civil and Administrative Tribunal and subsequent Appeal to the Supreme Court are detailed in the table below:

<b>Matter</b>	<b>Legal costs (both parties)</b>	<b>Other costs</b>	<b>Total</b>
<b>CCP</b>	\$65,465	\$13,776	\$79,241
<b>VCAT</b>	\$75,145	\$743	\$75,887
<b>Supreme Court</b>	\$59,139 (council only)	NIL	TBC

- 4.3 All Councillors are entitled to coverage under Council’s Directors and Officers Insurance Policy. Council paid costs up to the excess amount under that Policy, ie \$50,000. Any costs over that amount are paid by the insurer. Costs related to this matter were covered under this policy.
- 4.4 Councillors provided advice to officers when reviewing a draft of this report in September 2023 that they wished the full financial information to be provided. Officers have been seeking clarification from our insurers on the full financial information as it relates to the 50% costs order of the Court of Appeal, but to date that information request has not been resolved.
- 4.5 In October 2023 Council’s lawyers received an invoice for 50% of the fees totaling \$39,820.49. This invoice has been forwarded to our insurers and requests have been made for details about the costs.
- 4.6 As such the full financial details that Council has sought are unable to be confirmed.

**5. DISCUSSION:**

**Background**

- 5.1 In March 2021, Cr Dance commenced an internal arbitration process against Cr Medcraft, alleging that Cr Medcraft had made false and misleading statements.
- 5.2 The Arbiter’s finding was tabled to Council on 12 July 2021 dismissing the application.
- 5.3 The Arbiter’s report included comment that the applicant had failed to comply with Council’s internal arbitration process.
- 5.4 On 26 July 2021 the Council resolved to convene a Councillor Conduct Panel (CCP) alleging serious misconduct by Cr Dance on the basis he had failed to comply with the direction of an Arbiter.
- 5.5 The Principal Conduct Registrar convened a Panel, and the hearing took place on 26 November 2021. On 29 April 2022, the CCP handed down its decision and found that Cr Dance had engaged in serious misconduct (was reported to Council on 9 May 2022).
- 5.6 Cr Dance appealed to VCAT, and on 8 December 2022 the President of VCAT upheld that appeal.
- 5.7 On 19 December 2022, Council determined to appeal this decision and the matter was listed for hearing (the Hearing) on Thursday 24 August 2023.

**REPORT NO: 9.5 (cont.)**

**Current**

- 5.8 At the commencement of the Hearing, Justice Beach expressed views relating to the definition of serious misconduct as defined in the Local Government Act 2020.
- 5.9 The threshold definition had not been identified or raised by either parties’ lawyers, the Principal Councilor Conduct Registrar, members of the Councillor Conduct Panel or the President of VCAT in any of the previous proceedings.
- 5.10 The Court of Appeal acknowledged these issues were new and offered Council the opportunity to withdraw its application. Given that proceeding with the matter would rely on arguments already determined by the Court of Appeal to be irrelevant, the CEO advised our lawyers to withdraw the application. Costs were awarded on a 50% basis.
- 5.11 Officers consider that the view expressed by the Court of Appeal further supports that there are issues with the legislation.
- 5.12 This view complements already acknowledged concerns regarding the legislative framework and its ability to manage Councillor Conduct matters in a timely and efficient manner.
- 5.13 It is the view of officers that had the Court of Appeal’s definition been commonly understood at the start of the process that the Panel would not have been convened in December 2021.
- 5.14 Officers form this view, as the effect of the interpretation as discussed at the Appeal would mean no sanctions should apply to a Councillor who initiates an arbitration process, and then does not comply with it.
- 5.15 The Court of Appeal noted this was a matter raised by themselves, and had not been raised previously, which accounted for why costs were awarded on a 50% basis.
- 5.16 Given the relevance of this interpretation to the application of the Councillor Conduct Framework it is recommended that the transcript be provided to Local Government Victoria to inform the way in which any future such applications are determined.
- 5.17 The timely and inefficient processes relating to Councillor conduct matters has a detrimental impact on both Councillor and staff health and wellbeing, as well as being time consuming and costly.
- 5.18 It is relevant for Council to write to LGV noting the adverse impacts this has and refer the experience to LGV in support of the review of the Framework.
- 5.19 It is not recommended Council take any further action other than referring the transcript to LGV and the Minister for Local Government.

**6. CONCLUSION:**

In consideration of all the relevant factors, it is recommended that Council takes no further action in relation to this matter.

**REPORT NO: 9.5 (cont.)**

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TRANSCRIPT OF PROCEEDINGS

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(Unrevised)

S EAPCI 2023 0013

SUPREME COURT OF VICTORIA

CIVIL DIVISION – COURT OF APPEAL

MELBOURNE

THURSDAY 24 AUGUST 2023

BEFORE EMERTON P, BEACH and McLEISH JJA

B E T W E E N

HUME CITY COUNCIL

v

TREVOR DANCE

MR J. STOLLER with MS M. CANANZI appeared on behalf of the  
Applicant.

MR E. GISONDA with MR S. JENKINS appeared on behalf of the  
Respondent.

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Epiq Australia Pty Ltd  
4/190 Queen Street Melbourne

Telephone: 8628 5555  
Facsimile: 9642 5185

1 MR STOLLER: If it pleases the court, my name's Stoller.

2 I appear with my learned friend, Ms Cananzi, for the  
3 applicant.

4 EMERTON P: Thank you, Mr Stoller.

5 MR GISONDA: If the court pleases, my name is Gisonda.

6 I appear with Mr Jenkins for the respondent.

7 EMERTON P: Thank you, Mr Gisonda. Yes, Mr Stoller. You can  
8 take it that we have read the materials.

9 MR STOLLER: Yes.

10 EMERTON P: And we've paid particular attention to the  
11 legislation.

12 MR STOLLER: Thank you for that indication. The proposed order  
13 in which we intend to address the court is by more or less  
14 adopting the order of our learned friends, which is first  
15 to address ground 2 with aspects of ground 4 which relate  
16 to ground 2, then to address ground 1, again with aspects  
17 of ground 4 that relate to ground 1, and to tidy up ground  
18 4.

19 EMERTON P: Ground 4 is the reasons ground, isn't it?

20 MR STOLLER: Yes, and that – ground 4 is very much interrelated  
21 with both grounds 1 and 2.

22 EMERTON P: I would have thought ground 3 as well.

23 MR STOLLER: Yes, yes.

24 EMERTON P: Isn't that the natural justice ground?

25 MR STOLLER: That is the natural justice ground, yes.

26 BEACH JA: Ground 3 for myself doesn't appear to have any real  
27 relevance at all. Either the construction's right or it's  
28 wrong. If it's right and you were denied natural justice,  
29 well, it's right. We're not going to send it back so you  
30 could make an argument about if the construction's right.  
31 It's subsumed within the construction point, isn't it?

1 MR STOLLER: Yes, your Honour's beaten me to the point that  
2 I don't propose to make substantial submissions in respect  
3 of ground 3, having regard to that point that was  
4 well-made by our learned friends, and your Honour now, by  
5 way of very brief background, the matter arises initially  
6 from an internal arbitration process which was commenced  
7 by Councillor Dance, and the respondent to that  
8 arbitration process was another councillor.

9 The arbiter, as part of that arbitration process,  
10 required the respondent to attend a directions hearing in  
11 person on 17 June 2021 and a final hearing on 24 June  
12 2021, and Councillor Dance, it's common ground, did not  
13 attend either of those hearings.

14 The Councillor Conduct Panel was subsequently  
15 convened, and Councillor Dance found to have engaged in  
16 serious misconduct within the meaning of paragraph (a) of  
17 the definition in s3 of the Local Government Act, in that  
18 he had failed to comply with the internal arbitration  
19 process by not attending either hearing. Councillor Dance  
20 sought review of that decision before VCAT, and the  
21 question that the tribunal was required to address was  
22 whether Councillor Dance's conduct in not complying with  
23 the directions to attend those hearings constituted a  
24 failure to comply.

25 BEACH JA: Was there not an antecedent question as to whether  
26 paragraph (a) of the definition applied to Councillor  
27 Dance, given he was the moving party, not the party in  
28 respect of whom the complaint was made?

29 MR STOLLER: In my respectful submission, no.

30 BEACH JA: Well, that requires a construction of paragraphs (a)  
31 to (d) of the definition of serious misconduct. No-one's

1 argued this before.

2 MR STOLLER: No.

3 BEACH JA: But speaking for myself, it appears to be at least  
4 arguable, if not more than arguable, that the reference to  
5 a failure by a councillor is a reference to a failure by a  
6 councillor who is the subject of the internal arbitration  
7 process. If one goes to paragraph (b) of the definition,  
8 one sees 'the failure by a councillor to comply with a  
9 direction'. That could only – that councillor in (b)  
10 could only be a councillor in respect of whom an internal  
11 arbitration process was initiated, and one might ask the  
12 question: why is it given a wider construction in (a) than  
13 in (b)?

14 And then if one looks at (c) and (d), which deal  
15 with the Councillor Conduct Panel hearings, one sees (c),  
16 'The failure of a councillor to attend a councillor  
17 conduct panel hearing in respect of that councillor.' So  
18 if Councillor Dance had made a complaint of serious  
19 misconduct rather than misconduct, and if it had gone to a  
20 Councillor Conduct Panel and he had failed to attend –  
21 that is, he, Councillor Dance, presumably he's not guilty  
22 of serious misconduct because he doesn't – he's not the  
23 councillor in respect of whom the Councillor Conduct Panel  
24 hearing was convened.

25 And one wonders why, on a proper and harmonious  
26 construction of these paragraphs, could one be guilty of  
27 serious misconduct in not attending an internal  
28 arbitration process, when one couldn't, if one made a more  
29 serious allegation and didn't attend a Councillor Conduct  
30 Panel. Anyway, you can see how I'm thinking, and that's  
31 thus my question to you. Is there not an anterior

1 question?

2 And if the anterior question is resolved against  
3 your client, then this case collapses like a house of  
4 cards, and we would not be granting leave whatever we  
5 thought of the reasons of the tribunal. But you deal with  
6 that in whatever course you think is appropriate in your  
7 argument.

8 MR STOLLER: I'll endeavour to deal with it immediately. We'll  
9 endeavour to deal with it immediately, if we may. There  
10 is a clear distinction between the wording of (a) and (c)  
11 in that (c), with respect, correctly identified.  
12 There - - -

13 EMERTON P: Well, it refers specifically to attendance, whereas  
14 (a) refers to compliance with process, whatever that  
15 means.

16 MR STOLLER: Yes.

17 EMERTON P: Now, 'process' may or may not include complying  
18 with every direction or requirement.

19 MR STOLLER: Yes. The matter has been run by both parties as  
20 if to comply with the process, it is necessary to comply  
21 with the directions to - - -

22 EMERTON P: Well, I wonder about - speaking for my own part,  
23 I wonder whether that's correct, because under the  
24 regulations, if there's any deficiency in the conduct of  
25 the complainant, if I can put it that way, Councillor  
26 Dance in this case, in respect of the arbitration, the  
27 solution that's given is simply to dismiss the complaint.

28 MR STOLLER: Yes.

29 BEACH JA: Your point's a good one. None of this has been  
30 argued before. But we have to look at what is the proper  
31 construction of this section, not limited by what the

1 parties - how the parties might have chosen to run this,  
2 for the very purpose of determining whether any more  
3 resources should be expended on this case by granting  
4 leave.

5 MR STOLLER: Yes, yes. So the first point in response is that  
6 (a) and (c) are different. One is directed to the  
7 councillor that is the subject of the process, and one is  
8 not, specifically at least, directed to that person, and  
9 from that difference, your Honours might infer a different  
10 intention in respect of that.

11 EMERTON P: So the arbitration process should be much more  
12 exacting?

13 MR STOLLER: That's what - - -

14 EMERTON P: In respect of the person who brings the complaint.

15 MR STOLLER: Well, not - - -

16 EMERTON P: Than the more serious councillor - what's it  
17 called?

18 BEACH JA: Conduct panel.

19 EMERTON P: Yes, councillor conduct panel.

20 MR STOLLER: Not necessarily only in respect of the councillor  
21 who brings the complaint, but other councillors who might  
22 be required to participate in an arbitration process.

23 BEACH JA: So your submission is, paragraph (a) covers not only  
24 the complaining councillor, and the councillor in respect  
25 of whom the complaint is made, but it includes other  
26 councillors who may or may not have anything to do with  
27 this dispute or may or may not consider themselves as  
28 having anything to do with this dispute?

29 MR STOLLER: Yes, that it conceivably could.

30 BEACH JA: Does that mean councillors of other cities as well,  
31 within the bounds of Victoria?

1 MR STOLLER: Conceivably, in circumstances where part of the  
2 change to the Act that was implemented by the 2020 changes  
3 was to incorporate a centralised and consistent internal  
4 arbitration process across the State to replace the  
5 previous mish-mash of - - -

6 BEACH JA: For myself, it would be an extraordinary  
7 construction, if not overreach, to say that an arbiter,  
8 appointed by the council of one city, could make demands  
9 of councillors of other cities which, if not complied  
10 with, constitute serious misconduct.

11 MR STOLLER: Yes, well, even accepting that to be so, it  
12 doesn't preclude two from the same council being required  
13 to be involved in that process.

14 McLEISH JA: It may not preclude it, but - aren't we looking at  
15 provisions that are in the division of the Act called  
16 'Councillor Conduct', which you would think were directed  
17 at addressing departures from good practice by  
18 councillors? And a literal reading of the definition of  
19 serious misconduct seems to bring in potential  
20 circumstances that are peripheral to that.

21 In other words, to apply those provisions to someone  
22 who's not the subject of a misconduct allegation seems to  
23 go beyond the primary purpose of Division 5 of Part VI of  
24 the Act, and that's in the context where these are  
25 effectively penal provisions. So why wouldn't they be  
26 read more narrowly, consistently with that purpose, than  
27 the perhaps more literal approach that you're asking us to  
28 adopt?

29 MR STOLLER: There are perhaps two reasons. The first is that  
30 we would submit that the provisions are protective, rather  
31 than punitive or penal - although, accepting that, like

1 any disciplinary scheme, a protective sanction can have  
2 punitive consequences and will often need to, to achieve  
3 deterrence and the like. But taking it back a step and  
4 looking at it at a broader level, part of the reason that  
5 the Act was changed in 2020 was that, in the preceding  
6 number of years, the State had seen fit to dismiss entire  
7 councils. And that's a matter of public record. It's not  
8 a matter I anticipated having to make submissions on  
9 today, but that - - -

10 BEACH JA: But so what? Where does that get us?

11 MR STOLLER: So part of the - - -

12 BEACH JA: Go on.

13 MR STOLLER: Part of the rationale for the internal - part of  
14 the reason that some of those councils were dismissed was  
15 because of significant and intractable internal disputes  
16 within councils. And part of what the internal  
17 arbitration process in this Act endeavours to do is to  
18 ensure those complaints can be resolved.

19 BEACH JA: Well, this one's easily resolved. He's the  
20 complainant; he doesn't turn up. As the President says,  
21 under the regulations, 'Dismissed. Next case. All out  
22 for tea and bikkies.'

23 MR STOLLER: Yes. Well, yes, that's right, inasmuch as the  
24 complaint's dismissed and the arbitration process is  
25 determined. But that doesn't resolve the underlying  
26 complaint in the way that's envisaged by the Act, which is  
27 that - - -

28 BEACH JA: Well, it does. You brought a complaint, you didn't  
29 turn up, and it was dismissed.

30 MR STOLLER: Yes, well, it resolves the arbitration process,  
31 but it doesn't resolve the underlying dispute in any

1 meaningful way.

2 BEACH JA: I'm not sure I'm following you. In the same way -

3 assume - - -

4 EMERTON P: The same way a court does.

5 BEACH JA: Yes. Someone brings a case. They don't turn up.

6 Their case is dismissed. That's the end of it.

7 MR STOLLER: Yes.

8 BEACH JA: The dispute's resolved.

9 MR STOLLER: Yes, I appreciate that. The court, though, is  
 10 directed to making orders to determine a dispute. While  
 11 that is the outcome of the internal arbitration process,  
 12 its aims are broader than that. There's also, and I don't  
 13 have the provisions because I hadn't anticipated having to  
 14 address this question, but in the previous version of the  
 15 legislation, which is the Local Government Act 1989, the  
 16 head of 'Serious Misconduct' in paragraph (a) of the  
 17 definition in s3 provided: "'Serious misconduct' means,  
 18 (a), the failure of a Councillor to attend a Councillor  
 19 Conduct Panel hearing formed to make a finding in respect  
 20 of that Councillor.'

21 So having regard to that legislative history, as  
 22 well as the difference between (a) and (c) in the current  
 23 draft, it is clear, in my respectful submission, that what  
 24 the legislature has done is expanded that  
 25 paragraph (a) - - -

26 BEACH JA: So what would be the purpose, though, of limiting in  
 27 (c), saying, 'Look, it's very bad if you make a complaint  
 28 of misconduct and don't turn up, but it's not bad at all  
 29 if you make a complaint of serious misconduct and don't  
 30 turn up'?

31 MR STOLLER: That's something I don't have an answer to, off

1 the top - - -

2 BEACH JA: Well, there's got to be some rational legislative  
3 reason for this. If there isn't, it tells against the  
4 construction that you're advancing. For myself, it would  
5 seem that if it's not 'bad' serious misconduct to fail to  
6 attend a more serious hearing, why would we construe these  
7 general words in (a) as making it 'bad' - to use my  
8 word - - -

9 MR STOLLER: Yes. Well - - -

10 BEACH JA: - - - for not attending a less serious hearing?

11 MR STOLLER: And certainly for the two reasons I've identified.  
12 Because of that change - under the previous iteration of  
13 the Act, this councillor's conduct would not be captured.  
14 The previous iteration of serious misconduct provided the  
15 failure of a councillor to attend - - -

16 EMERTON P: This is a panel hearing. So the next level up?

17 MR STOLLER: Yes.

18 EMERTON P: Although I gather that, under the previous version  
19 of the Local Government Act, there weren't these two  
20 different - - -

21 MR STOLLER: Levels, no, that's right.

22 EMERTON P: - - - processes. There was a single process.

23 MR STOLLER: Yes.

24 EMERTON P: So the new legislation introduced this arbitration  
25 process.

26 MR STOLLER: Arbitration process, yes. And included a  
27 requirement - and that, I suppose, is the difference  
28 between the arbitration process and the councillor conduct  
29 panel process. The arbitration process is intended, among  
30 other things, to resolve underlying disputes between  
31 council members before they become intractable disputes of

1 the type that necessitated the dismissal of entire  
2 councils.

3 EMERTON P: I'm curious to know, too, why there's a specific -  
4 former - serious misconduct that applies to directions by  
5 an arbiter, and that's in paragraph (b), whereas  
6 paragraph (a) simply refers to process. So paragraph (b)  
7 provides that it's serious misconduct to fail to comply  
8 with a direction given under s147, and that's a direction  
9 given once the process has been completed, as it were.

10 MR STOLLER: Yes.

11 EMERTON P: Or almost completed. Once the hearing and so forth  
12 has been conducted in whatever form. They are - I think  
13 the heading in the legislation is 'Sanctions'. So it's a  
14 direction by way of a - a sanction by way of a direction.

15 MR STOLLER: Yes.

16 EMERTON P: The specific provision for the failure to comply  
17 with that to be serious misconduct. In (a), you've just  
18 got this general word, 'process'.

19 MR STOLLER: Yes.

20 EMERTON P: Does 'process' include directions, in circumstances  
21 where there's a specific provision for certain types of  
22 directions to be serious misconduct.

23 MR STOLLER: Yes, it does. Sub-section (a) has got to be given  
24 some work to do and some meaning, as your Honour - - -

25 EMERTON P: Well, it might be engagement with the process. Not  
26 completely turning your back on it and ignoring it, but it  
27 might not be that every little thing that you're asked to  
28 do, that you don't do for whatever reason, is serious  
29 misconduct. Particularly, as I said before, in  
30 circumstances where the regulations provide that,

31  
32 The arbiter may discontinue the hearing if the  
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1                   arbiter considers that the applicant has not  
2                   responded or has responded inadequately to a  
3                   request for further information.

4                   That seems to assume that the applicant provides  
5                   information to the arbiter - that's the role of the  
6                   applicant - in order for the arbiter to determine whether  
7                   or not there's been a breach of the conduct rules. But  
8                   their role is - that's essentially their role, and if they  
9                   don't perform that role, then the solution is to  
10                  discontinue the hearing.

11 MR STOLLER: Yes, if they don't provide that information, that  
12                  is a solution. Here, in the context of a contest on the  
13                  facts, the applicant was directed to attend the hearings.  
14                  And it's accepted by both parties throughout the process  
15                  or at least from the time of the VCAT hearing that a  
16                  failure to comply with the directions to attend the final  
17                  hearing and the directions hearing is a failure to comply  
18                  with the process, more or - - -

19 BEACH JA: That might be wrong.

20 EMERTON P: That's what the question is.

21 BEACH JA: That concession by your learned friends might be  
22                  wrong and, if it is, we're not going to grant you leave on  
23                  the basis of some wrong concession or erroneous concession  
24                  made in the hearings below.

25 MR STOLLER: No, that's understood. The ultimate submission is  
26                  that wherever that line is drawn, as your Honour said  
27                  earlier, that could it be any little failure in the  
28                  process, even accepting that it could not be any little  
29                  failure in the process. The failure to attend a final  
30                  hearing, when directed to do so, must constitute a failure  
31                  to constitute a failure to comply with the process.

32 BEACH JA: Well, not necessarily. If someone says, 'Look,

1 I have an irrational fear of in-person hearings and  
2 I simply won't come, but I am available on the screen.  
3 The Court of Appeal sits and hears cases all the time with  
4 people on the screen. You people are no more important  
5 than the Court of Appeal. I am keen to engage in the  
6 process. I wish to appear, but I wish to appear  
7 electronically'. Why is that a failure to comply with  
8 process?

9 MR STOLLER: Because the process required personal attendance  
10 at the final hearings. That's the way that the arbiter  
11 established the process or that's the process that was  
12 established by the arbiter.

13 EMERTON P: Am I mistaken in this? I mean, internal  
14 arbitration process is a process to determine whether a  
15 councillor has breached the code of conduct. Each council  
16 creates its own code of conduct. I presume they are  
17 approved in some form or other by the department or the  
18 minister or whatever. There's a code of conduct. The  
19 arbitration process has been established in order to  
20 determine whether there has been a breach by a councillor  
21 of the code of conduct. Is that correct?

22 MR STOLLER: Yes, that's right.

23 EMERTON P: And in this case, there was an alleged breach of  
24 the code of conduct in the form of misrepresenting to the  
25 other councillors that a landfill or was it a recycling  
26 facility, something like that, was inspected daily.

27 MR STOLLER: Yes.

28 EMERTON P: So, the arbitration process was set up in order to  
29 determine whether that was a misrepresentation.

30 MR STOLLER: Yes.

31 EMERTON P: Ultimately, it was decided on the basis of a number  
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1 of emails?

2 MR STOLLER: And the absence of the applicant.

3 EMERTON P: Well, you say that, but Councillor Dance evidently

4 provided some written evidence that was relevant to

5 whether or not this facility was inspected daily or

6 fortnightly or monthly or whatever it was, and then

7 Councillor Medcraft provided other written information

8 that suggested it was inspected daily.

9 MR STOLLER: Yes.

10 EMERTON P: And there was a determination made based on the

11 existence of that material.

12 MR STOLLER: Yes.

13 EMERTON P: Is that right?

14 MR STOLLER: Yes, that's right.

15 BEACH JA: So, Councillor Dance's failure to attend was really

16 quite immaterial. The arbiter looked at the material

17 provided, he heard the evidence of Councillor Medcraft,

18 and said that he was satisfied that Councillor Medcraft

19 was of the opinion that the tip site - so, had not

20 actively misled anyone. What's the problem here? I don't

21 understand. I mean, if this case really is about, 'Look,

22 because we can yank someone's chain, and we did, and they

23 didn't comply, we're going to tag them with a finding of

24 serious misconduct' when it really made no material

25 difference to the way the arbitration was conducted or

26 ultimately resolved. Then - - -

27 MR STOLLER: The difficulty - - -

28 BEACH JA: I won't finish that sentence.

29 MR STOLLER: The difficulty from the council's perspective is

30 that if there are no consequences for someone simply

31 initiating an internal arbitration process and then

1 stepping out, leaving the other party to deal with it and  
2 the arbiter to have to convene a hearing or to have to be  
3 engaged by the council at cost. That you - - -

4 BEACH JA: What could Councillor Dance say? If the council  
5 already complains about - says, 'I honestly believe what  
6 I was saying was true', Councillor Dance has no further  
7 evidence to give. He's given over the written material,  
8 it can be considered. And as for, you know, the question  
9 of initiating meritless complaints, well, that's not what  
10 he's charged with. And, if it was, then why doesn't the  
11 deal have the same consequences for someone who makes a  
12 more serious allegation?

13 McLEISH JA: It will be dealt with under the general misconduct  
14 provisions, wouldn't it?

15 MR STOLLER: Yes.

16 McLEISH JA: There wouldn't be no consequence. It would fall  
17 within a failure to comply with prescribed standards of  
18 conduct and, if it didn't, then there might be no  
19 consequence. But that would be the question, wouldn't it?  
20 We're in the realm of serious misconduct. So, the  
21 question is really why would be treated in that way?

22 EMERTON P: It seems to be a storm in a teacup.

23 BEACH JA: It really does.

24 MR STOLLER: Yes.

25 BEACH JA: Would you like us to stand down while you get some  
26 instructions about where this case might go?

27 MR STOLLER: Yes.

28 BEACH JA: Yes. Stand down the Court.

29 EMERTON P: Yes, adjourn the Court, thanks.

30 EMERTON P: Mr Stoller.

31 MR STOLLER: Yes. Thank you, your Honours, for that time.

1 I am instructed to withdraw the application.

2 EMERTON P: Very good. Are there any consequential orders that  
3 anybody seeks?

4 MR GISONDA: Yes. The respondent seeks its costs, your Honour.

5 EMERTON P: All right. Are we meant to dismiss the appeal?

6 BEACH JA: Mr Stoller, while the president's making a note, is  
7 there any reason why they shouldn't have their costs?

8 MR STOLLER: I do make a submission that the matters raised by  
9 the Court today are not matters that have been raised by  
10 the respondent, either at VCAT or in this Court, and that  
11 it's on the basis of those matters raised by the Court  
12 this morning, the matter is - that leave to withdraw is  
13 being sought; and in those circumstances, similarly, that  
14 there ought be no order as to costs.

15 EMERTON P: All right. The order will be that leave to  
16 discontinue the application for leave to appeal is  
17 granted, and the order in relation to costs - we're  
18 proposing to give you 50 per cent of your costs,  
19 Mr Gisonda. Do you have anything to say about that,  
20 Mr Stoller?

21 MR STOLLER: No, your Honour.

22 EMERTON P: Right. Do you have anything to say about it?

23 MR GISONDA: Yes.

24 BEACH JA: Specifically on the basis that this is not - I mean,  
25 you could have raised this point earlier and - - -

26 MR GISONDA: Yes.

27 BEACH JA: - - - acting reasonably, as the applicant has, it  
28 might have discontinued the appeal then. This was our  
29 point, not yours.

30 MR GISONDA: Well, your Honour, in response to that, the  
31 submission is that insofar as the argument was about

1 Councillor Dance's willingness and attempts to participate  
2 in the process, the directions – the application says, in  
3 its written submissions, that the process – sorry, the  
4 directions from the arbiter is the process. The argument  
5 of Councillor Dance is that, no, the process is not the  
6 directions of the arbiter; it's the opportunity to be  
7 heard at that hearing, and he tried to do that.

8 BEACH JA: We understand the arguments, Mr Gisonda. This case  
9 would have been resolved far more simply if you'd put in a  
10 one page response that says, 'Paragraph (a) doesn't apply  
11 to Councillor Dance,' in fact, if you'd argued it before  
12 justice Quigley at VCAT. For myself, I don't see why you  
13 should get any more than 50 per cent of your costs. You  
14 should get some of them.

15 MR GISONDA: I certainly can't argue with the fact that the  
16 application of sub-s(a) to Councillor Dance was not a  
17 point taken at the hearing below. If the Court pleases.

18 EMERTON P: Very good. The order's been made to discontinue –  
19 to give leave to discontinue the application for leave to  
20 appeal; and the second order will be that the applicant  
21 pay 50 per cent of the respondent's costs of the  
22 application for leave to appeal on the standard basis.  
23 Anything further? Adjourn the Court, please.

24 - - -

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<b>REPORT NO:</b>	9.6
<b>REPORT TITLE:</b>	Chief Executive Officer Annual Report on the Performance and Activities of Community Asset Committees
<b>SOURCE:</b>	Sheena Frost, Chief Executive Officer Joel Kimber, Acting Manager Governance
<b>DIVISION:</b>	Chief Executive Officer
<b>FILE NO:</b>	HCC20/482
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	3.2: Deliver responsible and transparent governance, services and sustainable assets that respond to community needs
<b>ATTACHMENTS:</b>	Nil

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**1. SUMMARY OF REPORT:**

- 1.1 Under section 47 of the *Local Government Act 2020* (the Act), a Chief Executive Officer must submit an annual report to Council in relation to the activities and performance of a Community Asset Committee in respect of which the members have been given a delegation under the Act.
- 1.2 Council has two Community Asset Committees of which the members have been given a delegation under the Act, being the Gladstone Park Community Centre Committee of Management and the Foresters Hall, Westmeadows Committee of Management.
- 1.3 This report to Council is the annual report required under section 47 of the Act, with the annual reporting period being 1 July 2022 to 30 June 2023.

**2. RECOMMENDATION:**

**THAT Council notes this report.**

**3. LEGISLATIVE POWERS:**

*Local Government Act 2020*

**4. FINANCIAL IMPLICATIONS:**

There are no financial implications arising from the matters contained in this report.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

There are no environmental sustainability considerations arising from the matters contained in this report.

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

There are no climate change adaptation considerations arising from the matters contained in this report.

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered and it was determined that no rights are engaged in the matters raised in this report.

REPORT NO: 9.6 (cont.)

8. COMMUNITY CONSULTATION:

Community consultation is not required prior to the Chief Executive Officer presenting their annual report to Council in relation to the activities and performance of a Community Asset Committee as per the requirements of section 47 of the Act.

9. DISCUSSION:

9.1 At its meeting held on 24 August 2020, Council established the Gladstone Park Community Centre Committee of Management and the Foresters Hall, Westmeadows Committee of Management as Community Asset Committees under section 65 of the Act.

9.2 Following these committees being established by Council, Council’s Chief Executive Officer delegated to the members of each committee the powers, functions and duties that they required to operate their respective facilities under section 47 of the Act via instruments of delegation dated 27 August 2020.

9.3 The Chief Executive Officer’s instruments of delegations to members of Council’s Community Asset Committees includes the following mandatory requirements as required under section 47 of the Act:

9.3.1 the specified limit on any financial delegation and the specified purpose for which the financial delegation may be used;

9.3.2 compliance with specified governance requirements to ensure appropriate standards of probity are met.

9.4 The Chief Executive Officer’s instruments of delegation to members of Council’s Community Asset Committees also stipulate that the following information will be included in the Chief Executive Officers annual report to Council:

9.4.1 any matters recorded in the minutes of a committee meeting that the Chief Executive Officer determines should be reported to Council;

9.4.2 a summary of the financial performance of the committee;

9.4.3 a summary of the user group and hire activity of the committee;

9.4.4 the Chairpersons annual report presented to the Committee at its AGM;

9.4.5 any other matter determined by the Chief Executive Officer.

9.5 The information provided for reporting items 1 to 5 listed below is for the reporting period 1 July 2022 to 30 June 2023:

9.5.1 Reporting Item 1: Any matters recorded in the minutes of a committee meeting that the Chief Executive Officer determines should be reported to Council:

(a) The Gladstone Park Community Centre Committee of Management met on 19 July 2022, 4 October 2022, 21 February 2023 (Annual General Meeting) and 16 May 2023. The meeting minutes record routine committee business and do not contain any matters which require reporting to Council.

(b) The Foresters Hall, Westmeadows Committee of Management met on 3 November 2022 when it held its Annual General Meeting and a General Meeting, and on 23 February 2023 when it held a General Meeting. The meeting minutes record routine committee business and do not contain any matters which require reporting to Council.

9.5.2 Reporting Item 2: A summary of the financial performance of the committee:

(a) Both the Gladstone Park Community Centre Committee of Management and the Foresters Hall, Westmeadows Committee of Management made an operating profit for the 2022/2023 financial year.

REPORT NO: 9.6 (cont.)

- (b) Both committees provided Council with financial information as per the requirements of the Chief Executive Officer’s instruments of delegation.
- 9.5.3 Reporting Item 3: A summary of the user group and hire activity of the committee;
- (a) The user groups that hired the Gladstone Park Community Centre during the reporting period were:
- (i) Council run Maternal Child Health Services for first time parents;
  - (ii) Sri Lankan dance classes;
  - (iii) Local badminton groups;
  - (iv) Local basketball training;
  - (v) Fitness classes;
  - (vi) Martial arts and karate;
  - (vii) Church services;
  - (viii) Indoor soccer;
  - (ix) Sri Lankan Education courses;
  - (x) Various courses run by Hume U3A;
  - (xi) Yoga.
- (b) The user groups that hired the Foresters Hall, Westmeadows during the reporting period were:
- (i) Karate;
  - (ii) Ballet classes;
  - (iii) Exercise classes;
  - (iv) Line dancing;
  - (v) Fitness classes
  - (vi) Samoan Church.
- 9.5.4 Reporting Item 4: the Chairpersons annual report presented to the Committee at its Annual General Meeting (AGM):
- (a) The Chairperson’s annual report from the Annual General Meeting of the Gladstone Park Community Centre Committee of Management was made verbally at the meeting.
- (b) The Chairman’s report from the Annual General Meeting of the Foresters Hall, Westmeadows Committee of Management, which is taken from the meeting’s minutes, was as follows:
- The Chair acknowledged and thanked Council for the prompt response to major issues such as the floor, interior repairs and painting (14-18 November), and safety matters.*
- The Chair notes the hall continued to be managed quite capably and the Hall finances remain sound despite the fall of in revenue in the 21/22 financial year due to the ongoing COVID 19 pandemic restrictions.*
- The Committee looks forward to ongoing cooperation from user groups.*
- 9.5.5 Reporting Item 5: any other matters that the Chief Executive Officer determines should be included in their annual report to Council:

**REPORT NO: 9.6 (cont.)**

- (a) Both the Gladstone Park Community Centre Committee of Management and the Foresters Hall, Westmeadows Committee of Management welcomed new members during 2023. At its meeting held on 13 February 2023 Council appointed Andrew Musgrove and Leigh Hattenfels as members of the Gladstone Park Community Centre Committee of Management, and at its meeting held on 13 June 2023 Council appointed Gary Ball as a member of the Foresters Hall Centre Committee of Management.
  - (b) There are no other matters that require reporting to Council for the reporting period 1 July 2022 to 30 June 2023.
- 9.6 Previous reporting to Council advised that each committee’s instrument of delegation from the Chief Executive Officer would be reviewed, in consultation with both the Gladstone Park Community Centre Committee of Management and the Foresters Hall, Westmeadows Committee of Management. This review has not yet commenced but it is anticipated that it will commence in early 2024.

**10. CONCLUSION:**

- 10.1 A Chief Executive Officer must submit an annual report to Council in relation to the activities and performance of a Community Asset Committee in respect of which the members have been given a delegation by the Chief Executive Officer.
- 10.2 This report to Council is the Chief Executive Officer’s annual report to Council in relation to the activities and performance of the Gladstone Park Community Centre Committee of Management and the Foresters Hall, Westmeadows Committee of Management for the period 1 July 2022 to 30 June 2023.

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<b>REPORT NO:</b>	9.7
<b>REPORT TITLE:</b>	Aitken Hill Community Centre – Kindergarten Expansion Project
<b>SOURCE:</b>	Cathy Marshall, Executive Officer Community Services
<b>DIVISION:</b>	City Services & Living
<b>FILE NO:</b>	HCC 19/49
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	1.1: Create learning opportunities for everyone to reach their potential, through all stages of life
<b>ATTACHMENT:</b>	1. <i>Attachment 1 - Proposed location Aitken Hill Modular Kindergarten</i>

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#### 1. SUMMARY OF REPORT:

In September 2023, Hume City Council was formally advised that its application for a Building Block Partnership – Modular grant for Aitken Hill Expansion Project had been approved by the Department of Education, and that the Victorian School Building Authority (VSBA) will take responsibility to plan and deliver a two-room relocatable modular kindergarten at 40 Waterview Blvd Craigieburn by Term 1 2025.

The Aitken Hill project is one of five kindergarten expansion projects supported by the Victorian State Government Building Block Partnership Program.

To support the delivery of this new modular kindergarten and associated outdoor learning space, officers are seeking Council’s approval to utilise a parcel of land adjoining the Aitken Hill Community Centre so that the relocatable building can be integrated with existing kindergarten facilities.

It is proposed that a maximum of 1600m<sup>2</sup> of public open space to the south of the existing Aitken Hill Community Centre is earmarked for the new two room modular kindergarten. This allocation of space is inclusive of approximately 480m<sup>2</sup> should additional car parking be required to support the development.

#### 2. RECOMMENDATION:

That Council

2.1 approves the use of 1600m<sup>2</sup> (maximum) public open space adjoining the Aitken Hill Community Centre for the purposes of the delivery of a new 2 room kindergarten relocatable facility as detailed in Attachment 1.

2.1 authorises officers to enter into a peppercorn lease with the Department of Education for the use of the modular facility, noting that the lease will be for a period of up to 20 years.

2.2 notes at the conclusion of the lease term the land will be re-instated as public open space.

#### 3. LEGISLATIVE POWERS:

3.1 Children’s Services operate within the legislative context of the *Education and Care Service National Law Act 2010* and *Education and Care Services National Regulations 2011*.

3.2 Funded Kindergarten programs must also operate in accordance with the Department of Education and Training’s (DET) Kindergarten Guide 2016 and its successor versions.

#### 4. FINANCIAL IMPLICATIONS:

**REPORT NO: 9.7 (cont.)**

- 4.1 State Government has committed as part of tranche 1 projects \$7.4 million dollars to support 5 kindergarten projects at a total project cost of \$14,075,750.
- 4.2 As part of state government funding package, Aitken Hill Modular Kindergarten facility has attracted a funding contribution of \$2 million dollars. These funds will be used by the State government to design, procure and deliver a two-room modular on behalf of Council, in accordance with current children’s services regulations.
- 4.3 Hume City Council’s Capital Works Budget (Project Number 605124) has committed \$100,000 in 2023/24 and identified a further \$1,019,200 in 2024/25 to support additional project costs such as carparking (if required), furniture and equipment fit out, security and IS requirements and any additional landscaping requirements to improve the amenity of the asset. These additional items will ensure current service delivery standards.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

The delivery of a two-room modular facility will be the responsibility of the Victorian State Government. Hume City Council will however work with the VSBA to ensure that the delivery outcome responds to Council’s environmental sustainability requirements.

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

There are no climate change implications related to this report.

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

The Human Rights Charter allows for the protection of families and children and the rights of the child to reach their full potential in life. The rights are supported through the development and implementation of the learning programs provided for all children accessing the Council’s children’s services.

**8. COMMUNITY CONSULTATION:**

- 8.1 No direct community consultation has occurred to date in relation to the proposed siting of the two room modular facility.

**9. DISCUSSION:**

- 9.1 The Victorian Government has introduced early years reforms known as Best Start, Best Life (BSBL) that impacts all kindergarten providers through a commitment to deliver the following outcomes:
  - 9.1.1 Free Kinder for all 3- and 4-year-old children at participating services from the start of 2023. and
  - 9.1.2 Four-Year-Old Kindergarten will transition to ‘Pre-Prep’ over the next decade, becoming a universal 30-hour a week program of play-based learning available to every 4-year-old child in Victoria. The staged roll-out will begin in 2025.
- 9.2 To assist with the delivery of the BSBL reforms, the Victorian Government has committed a total investment of almost \$14 billion. This funding has been set aside to co-invest in infrastructure with local councils, not for profit kindergartens providers and other asset owners across the state.
- 9.3 In April 2023, Hume City Council resolved to enter into a Building Block Partnership Agreement with the Victorian State Government, to deliver funded kindergarten places via identified infrastructure investment projects.
- 9.4 In July 2023, the state government committed to co-contribute \$7.4 million across five projects, resulting in the delivery of 280 new funded kindergarten places by 2026.
- 9.5 Aitken Hill two room modular facility is one of the five approved kindergarten expansion projects.

**REPORT NO: 9.7 (cont.)**

- 9.6 The Kindergarten Infrastructure Project Control Group lead by Hector Gaston Director City Services and Living has considered site options for this development and recommend to Council the identified site south of the existing Aitken Hill Community Centre (See Attachment 1) as the most suitable location for the following reasons.
- 9.6.1 The site has been assessed by the VSBA and deemed suitable to accommodate the modular facility.
- 9.6.2 The site is adjacent to existing car parking facilities including Aitken Hill Community Centre and Aitken Hill Recreation Reserve.
- 9.6.3 The site provides good connection and entry to the Aitken Hill Community Centre, providing families with ease of access to services and programs offered at the Centre, and
- 9.6.4 The identified site will best support an integrated kindergarten delivery model, including the co-location of outdoor play and learning spaces.
- 9.7 It should be noted that the proposal to utilise passive open space for this development will result in the removal of approximately 12 juvenile trees and 60 linear metres of pathway works.
- 9.8 There are several sites across the city where public open space has been used to facilitate the delivery of temporary kindergarten modular facilities over the past 10 years. These sites include Sunningdale Children’s Centre, Bradford Avenue Kindergarten and Newbury Child and Community Centre to name a few. One of the benefits of colocation of both community Centre and public open space land is the ability for Council to be more flexible and responsive to emerging community infrastructure and service needs across land boundaries.

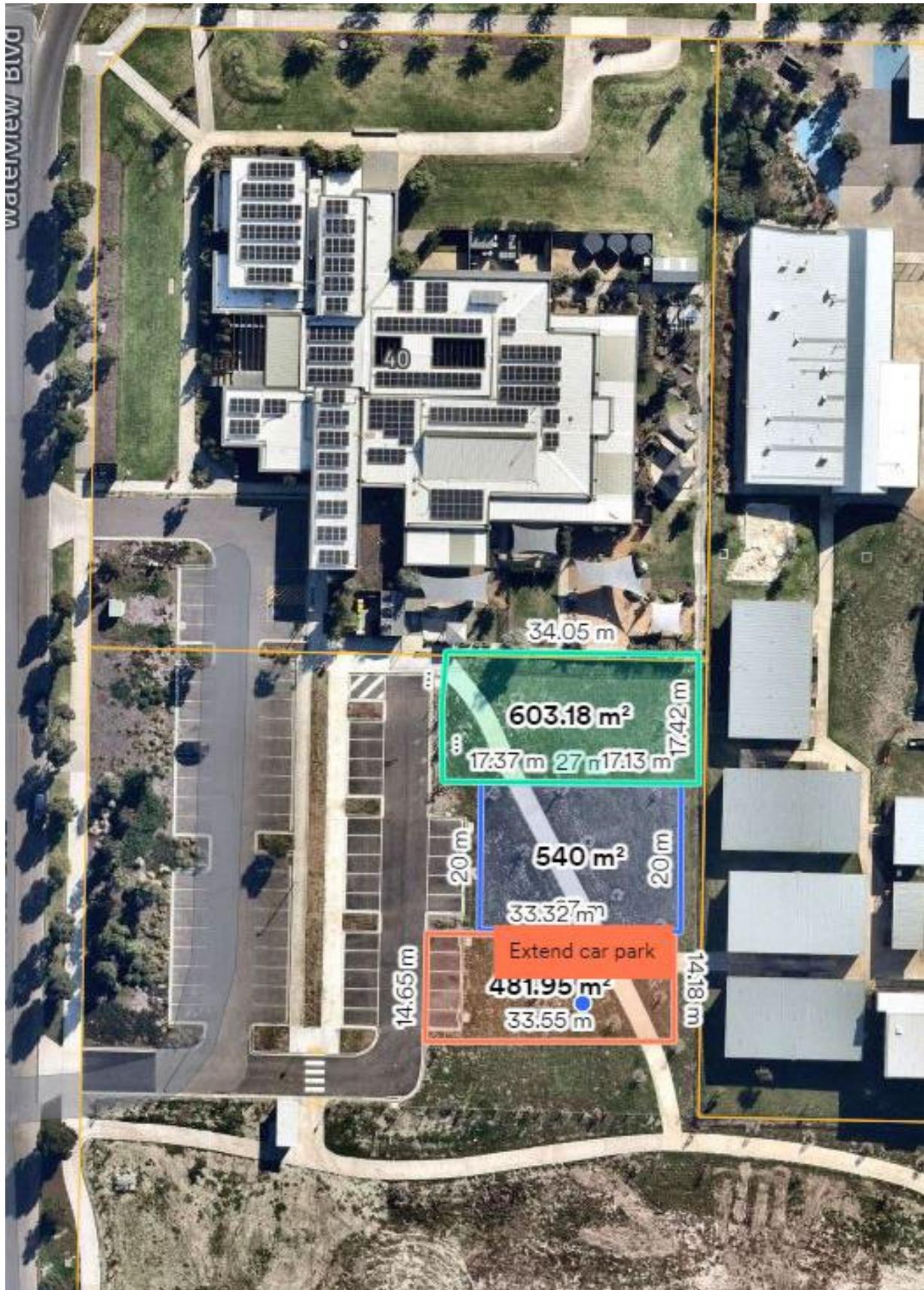
**10. CONCLUSION:**

Kindergarten forms an important part of the Council’s integrated early years services and programs and supports families and children to grow, learn and develop. Access to a high-quality kindergarten program is one of the few proven strategies for lifting developmental outcomes for all children. Evidence shows that two years of kindergarten has more impact than one, especially for the children most likely to be developmentally vulnerable.

**REPORT NO: 9.7 (cont.)**

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**Attachment 1 – Proposed Location - Aitken Hill Kindergarten Modular**



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<b>REPORT NO:</b>	9.8
<b>REPORT TITLE:</b>	Temporary Change to the Chief Executive Officer's Delegation 19 December 2023 to 11 February 2024
<b>SOURCE:</b>	Fadi Srour, Chief Financial Officer
<b>DIVISION:</b>	Finance & Governance
<b>FILE NO:</b>	HCC14/405
<b>POLICY:</b>	-
<b>STRATEGIC OBJECTIVE:</b>	3.2: Deliver responsible and transparent governance, services and sustainable assets that respond to community needs
<b>ATTACHMENT:</b>	1. <i>Recommendation 2.2 - Estimated Contract Values - Confidential</i>

**1. SUMMARY OF REPORT:**

- 1.1 This report recommends a temporary increase in the current limitation on the power delegated to the CEO – to award a contract not exceeding the value of \$1 million (including GST).
- 1.2 It is proposed that this variation is for the period 19 December 2023 to 11 February 2024.

**2. RECOMMENDATION:**

- 2.1 That in accordance with section 11(1) of the Local Government Act 2020, Council amends its instrument of delegation to the Chief Executive Officer for the period 19 December 2023 to 11 February 2024 for a temporary increase in the current limitation on the power delegated to the CEO not exceeding \$3 million (including GST).
- 2.2 That in accordance with section 11(1) of the Local Government Act 2020, Council amends its instrument of delegation to the Chief Executive Officer for the period 19 December 2023 to 11 February 2024 for a temporary increase in the current limitation on the power delegated to the CEO to award the following contracts, which may exceed the \$3 million (including GST) temporary delegation requested in recommendation 2.1:

Contract No.	Contract Name
30 22 3335	Fairways - Remediation Works at Lake Reserve
30 23 3459	Construction of Kinder Expansion at Merrifield South and Kalkallo North Community Centre
30 23 3460	Provision of Minor Civil Works for Hume City Council
30 23 3461	Provision of Concreted Indented Parking Bays and Kerb & Channel Rehabilitation
30 23 3462	Provision of Stormwater Rehabilitation for Hume City Council
30 23 3478	Ligar Street, Sunbury - Road Reconstruction
30 23 3493	Road Reconstruction - Geach Street, Dallas

**REPORT NO: 9.8 (cont.)**

**3. LEGISLATIVE POWERS:**

3.1 *Local Government Act 2020* – Section 11.

Council is given the power to delegate any of its powers, duties and functions, other than for stipulated exceptions, under the Act as specified in section 9 of this report.

**4. FINANCIAL IMPLICATIONS:**

This Report recommends a temporary increase of the CEO financial delegations to ensure that key tenders can be awarded over the Christmas Holiday period when there is a large break between Council Meetings.

**5. ENVIRONMENTAL SUSTAINABILITY CONSIDERATIONS:**

Environmental sustainability has been considered and the recommendations of this report give no rise to any matters.

**6. CLIMATE CHANGE ADAPTATION CONSIDERATIONS:**

There are no considerations that impact on climate change adaptation as a result of this report.

**7. CHARTER OF HUMAN RIGHTS APPLICATION:**

The Charter of Human Rights and Responsibilities has been considered and the recommendations of this report give no rise to any matters Community Consultation.

**8. COMMUNITY CONSULTATION:**

Community consultation is not required in relation to this Report.

**9. DISCUSSION:**

9.1 The effective functioning of local government at an operational level is achieved by Council delegating to staff the powers that are conferred to it through various pieces of legislation and regulations. In many cases there are conditions and limitations placed on Council officers in the exercising of a delegated power.

9.2 The decision of a delegate of Council is deemed to be a decision by Council.

9.3 A current limitation on the powers delegated to the CEO is that the CEO cannot award a contract exceeding the value of \$1 million (including GST).

9.4 The primary purpose for this proposed temporary change to the Chief Executive Officer’s Delegation from 19 December 2023 to 11 February 2024 is to ensure that contracts for capital works projects can be awarded promptly over that period, until the first briefing session prior to the Council meeting of 12 February 2024. During this period, it is also possible that service contracts may also be awarded up to the increased value.

**10. CONCLUSION:**

As provided by section 11(1) of the Act, Council may delegate certain powers, duties or functions through an Instrument of Delegation to the Chief Executive Officer and this report recommends a temporary change to that Instrument through the resolution of this report.

**REPORT NO:** 10.1  
**REPORT TITLE:** NOM23/031 - Cr Trevor Dance  
**SOURCE:** Veronica Rowley, Governance Officer  
**DIVISION:** Finance & Governance  
**FILE NO:** HCC22/688

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I hereby request that pursuant to Council's Governance Rules and Code of Conduct for Councillors that the following motion be included in the Agenda of the next Council Meeting.

**1. RECOMMENDATION:**

THAT: all future council meetings that are live streamed have the live stream recorded and is available on council public web site ongoing within two days of the council meeting.

**2. OFFICER COMMENTS**

Current planning for a new Council Chamber will include the ability for this to be undertaken. In the interim Council officers support this motion as it would provide an additional way of communicating the decisions made by Councillors at Council meetings transparently. This could commence from the first Council meeting in 2024 (12 February).

**REPORT NO: 10.1 (cont.)**

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<b>REPORT NO:</b>	10.2
<b>REPORT TITLE:</b>	NOM23/032 - Cr Naim Kurt
<b>SOURCE:</b>	Veronica Rowley, Governance Officer
<b>DIVISION:</b>	Finance & Governance
<b>FILE NO:</b>	HCC22/688

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I hereby request that pursuant to Council's Governance Rules and Code of Conduct for Councillors that the following motion be included in the Agenda of the next Council Meeting.

**Background information:** The Hume region is known for its diverse community and high religious participation. However, concerns have arisen about the location of new places of worship in growth areas, often in industrial zones. This trend hampers integration with the community, impacting accessibility, parking, and overall development viability. The absence of places for religion in precinct plans exacerbates the issue, forcing emerging communities to establish religious spaces in unsuitable areas, hindering cohesive development and posing challenges for residents and authorities.

**1. RECOMMENDATION:**

**THAT: Council through the Mayor write to the State Government regarding Places of Worship in Growth Areas. The letter should:**

- 1. Highlight the high rate and diversity of religious participation in Hume compared to the rest of Victoria.**
- 2. Note the absence of land reserved for places of worship within town and neighborhood centres in Precinct Structure Plans.**
- 3. Recognise the challenges faced by newer migrant groups in financing and acquiring land in residential areas for places of worship.**
- 4. Acknowledge the prevalent issue of new places of worship being situated in industrial and green wedge areas, leading to poor community integration in growth areas.**
- 5. Request the State Government to conduct a review of planning controls and regulations to facilitate the relocation of Places of Worship to more community-friendly locations, such as town centres.**

**2. OFFICER COMMENTS**

Officers acknowledge the multicultural mix of Hume's community leads to a variety of faiths and religious participation. With so many new Places of Worship being located in industrial areas, there is very poor integration with the broader community. Officers will prepare a letter to:

1. The Ingrid Stitt MLC, Victorian Minister for Multicultural Affairs, and
2. The Hon. Sonya Kilkeny MP, Victorian Minister for Planning.

Officers will also raise this matter in future advocacy discussions with the Department of Transport and Planning.

**REPORT NO: 10.2 (cont.)**

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