

Unconfirmed Minutes,
which are to be
confirmed at the
Council Meeting on
10 August 2021.

Urgent Council Meeting Minutes

8 July 2021

Council Chamber
Hobsons Bay Civic Centre
115 Civic Parade, Altona

**HOBSONS
BAY CITY
COUNCIL**



OUR MISSION

We will listen, engage and work with our community to plan, deliver and advocate for Hobsons Bay to secure a happy, healthy, fair and sustainable future for all.

OUR VALUES

Respectful

Community driven and focused

Trusted and reliable

Efficient and responsible

Bold and innovative

Accountable and transparent

Recognised

Council acknowledges the peoples of the Kulin Nation as the Traditional Owners of these municipal lands and waterways, and pay our respects to Elders past and present.

Chairperson:

Cr Jonathon Marsden (Mayor)

Strand Ward

Councillors:

Cr Daria Kellander (Deputy Mayor)

Cherry Lake Ward

Cr Tony Briffa JP

Cherry Lake Ward

Cr Peter Hemphill

Strand Ward

Cr Pamela Sutton-Legaud

Strand Ward

Cr Diana Grima

Wetlands Ward

Cr Matt Tyler

Wetlands Ward

Pene Winslade
Acting Chief Executive Officer
Hobsons Bay City Council

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Minutes of the Council Meeting held on 8 July 2021 at 6.33pm.**Present****Chairperson**

Cr Jonathon Marsden (Mayor) Strand Ward

Councillors

Cr Daria Kellander (Deputy Mayor) Cherry Lake Ward

Cr Tony Briffa JP Cherry Lake Ward

Cr Peter Hemphill Strand Ward

Cr Pamela Sutton-Legaud Strand Ward

Cr Diana Grima Wetlands Ward

Cr Matt Tyler Wetlands Ward

Officers

Ms Penelope Winslade Acting Chief Executive Officer

Mr Matthew Irving Acting Director Infrastructure and City Services

Ms Diane Eyckens Acting Director Corporate Services and Manager Corporate Integrity (Legal Counsel)

Ms Janet Dawes Acting Director Sustainable Communities

Ms Katy McMahon Manager Strategy, Economy and Sustainability

Ms Julie Brne Coordinator Governance and Information Management, and Minute Secretary

1 Council Welcome and Acknowledgement

The Chairperson welcomed members of the public and acknowledged the people of the Kulin Nation as the Traditional Owners of this land.

2 Apologies

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

Nil

3 Disclosure of Interest

In accordance with sections 127 and 128 of the *Local Government Act 2020* Councillors are required to disclose a general or material conflict of interest. A conflict of interest must be disclosed in accordance with rule 15.3 of the Hobsons Bay Governance Rules.

Disclosure must occur immediately before the matter is considered or discussed.

4 Purpose of Meeting

4.1 Confirmation of Minutes

An urgent Council Meeting has been called in accordance with section 4.4.1.5 of the Hobsons Bay Governance Rules. The meeting is proposed for the following purposes, to be separately and sequentially resolved by Council:

1. To determine to hold an urgent Council Meeting in accordance with 4.4.1.5 of the Hobsons Bay Governance Rules on Thursday, 8 July 2021

A point of order was raised by Cr Tony Briffa under rule 8.18.3.2 of the Hobsons Bay Governance Rules. Cr Briffa stated that Cr Peter Hemphill's request for the reasons for deeming the urgent Council Meeting as valid within the Governance Rules was irrelevant to the motion at hand. Mayor Cr Jonathon Marsden agreed that the question of when the meeting should have been held was irrelevant but allowed the Acting Chief Executive Officer to repeat the legal advice as requested by Cr Hemphill as it went to the heart of the matter.

Cr Daria Kellander raised a point of order, stating that remarks made by Cr Peter Hemphill in relation to the calling of the urgent Council Meeting were irrelevant, vexatious and offensive, but did not elaborate on which remarks she considered to be irrelevant, vexatious and offensive. Mayor Cr Jonathon Marsden did not accept the point of order as valid.

Cr Tony Briffa raised a point of order, stating that Cr Peter Hemphill's remark that "public transparency has gone by the wayside" was obscene. Mayor Cr Jonathon Marsden did not accept that the statement was obscene and requested the Councillors avoid insinuating or imputing that other Councillors have acted irresponsibly or improperly moving forward.

Motion

Moved Cr Tony Briffa, seconded Cr Daria Kellander:

That Council determines to hold an urgent Council Meeting in accordance with 4.4.1.5 of the Hobsons Bay Governance Rules on Thursday, 8 July 2021.

Carried

Division

For: Cr Daria Kellander, Cr Tony Briffa, Cr Jonathon Marsden, Cr Pamela Sutton-Legaud, Cr Diana Grima, Cr Matt Tyler

Against: Cr Peter Hemphill

Carried

2. To decide the validity of Notice of Rescission No. 10 - Kerbside Waste and Recycling Service Review submitted to the Chief Executive Officer on 2 July 2021

Motion

Moved Cr Tony Briffa, seconded Cr Daria Kellander:

That Council accepts the legal advice regarding the validity of Notice of Rescission No. 10 - Kerbside Waste and Recycling Service Review submitted to the Acting Chief Executive Officer on 2 July 2021 to be valid.

Carried unanimously

3. To consider Notice of Rescission No. 10, if it is decided to be valid

Motion

Moved Cr Tony Briffa, seconded Cr Pamela Sutton-Legaud:

That Council considers Notice of Rescission No. 10 - Kerbside Waste and Recycling Service Review.

Carried unanimously

5 Business

5.1 Corporate Services

5.1.1 Notice of Rescission No. 10 - Kerbside Waste and Recycling Service Review

Directorate: Corporate Services
Responsible Officer: Governance Officer
Reviewer: Director Corporate Services
Attachments: Nil

Cr Tony Briffa requested the Chairperson's consent to append a document to the minutes of the meeting, which Mayor Cr Jonathon Marsden did not allow.

Purpose

To consider a Notice of Rescission received on Friday 2 July 2021 following the Council Meeting held on 29 June 2021 in relation to Item 8.3.1 Kerbside Waste and Recycling Service Review, in respect of the resolution made at that meeting.

Motion

Moved Cr Matt Tyler, seconded Cr Daria Kellander:

That Council extends Cr Matt Tyler's speaking time by two minutes.

Carried

Motion

Moved Cr Daria Kellander, seconded Cr Diana Grima:

That Council extends Cr Daria Kellander's speaking time by two minutes.

Carried

Motion

Moved Cr Pamela Sutton-Legaud, seconded Cr Peter Hemphill:

That Council rescinds the decision made on Item 8.3.1 Kerbside Waste and Recycling Service Review at the Council Meeting on 29 June 2021.

Lost

Division**For: Cr Jonathon Marsden, Cr Peter Hemphill, Cr Pamela Sutton-Legaud****Against: Cr Daria Kellander, Cr Tony Briffa, Cr Diana Grima, Cr Matt Tyler****Lost****Background**

Cr Peter Hemphill, Cr Pamela Sutton-Legaud and Cr Jonathon Marsden have given notice of the following:

We the undersigned Councillors of Hobsons Bay City Council give this Notice of Rescission relating to the decision of the Council, item 8.3.1 Kerbside Waste and Recycling Review, on the Agenda of the Ordinary Council Meeting on 29 June 2021.

Reasons for this Notice of Rescission are as follows:

The decision is inconsistent with S56 (Community Engagement Principles), S58 (Public Transparency Principles) and S60 (Governance Rules) of the Local Government Act 2020.

Such a deviation from the printed Recommendation in the OCM Agenda of 29 June 2021 gave no member of municipal community the ability to understand, consider or seek clarification on the significant policy change to the kerbside waste service.

The decision is inconsistent with the Council's adopted Waste and Litter Management Strategy 2025.

The decision has not considered the best practice guidelines of the Metropolitan Waste and Resource Recovery Group (of which Hobsons Bay is a member).

The decision was not evidence-based, ignored significant and statistically valid data from extensive community surveys and failed to acknowledge the majority community satisfaction rates of the current service expressed in the surveys.

The decision was not informed by known implementation costs to ratepayers of a changed service or the future implications to ratepayers of an increased landfill levy.

Decision

Moved Cr Daria Kellander, seconded Cr Matt Tyler:

- 1. Thanks the community for their feedback and shares the engagement results with the community as part of communication related to any changes to the service as a result of the review.**

2. **Implements changes to the residential service to:**
 - a. **Reinstate weekly general waste collection for all households.**
 - b. **Revert Food Organics and Garden Organics (FOGO) collection back to fortnightly for all households.**
 - c. **As part of a trial, extends the use of compostable paper bags for FOGO to all households who opt-in.**
3. **Develops and introduces a more tailored option for businesses to utilise only the bins they need or share, alongside consideration of improved education and compliance activities to address amenity impacts where businesses are not meeting their obligations.**
4. **Prepares a report that:**
 - a. **Explores mechanisms to continue to reduce landfill volumes and meet households waste and FOGO needs, while also minimising costs.**
 - b. **Explores opportunities to increase disposal of food organics in the FOGO bin, noting that this is currently only 2-6% of total FOGO volume. Explores mechanisms that reduces the need to rollout additional bins as part of down-sizing / upsizing in order to reduce capital costs, and the environmental impacts of rolling out additional bins and/or disposing of returned bins.**
 - c. **Recommends service charges for all upsized and additional bins in future, based on an initial one off capital cost, followed by ongoing operating costs, rather than a flat fee paid every year (i.e. explore a reduction in charges in the second and subsequent year after the capital cost of a new bin has been incurred).**
 - d. **Explores educational options that continue to increase ongoing awareness to reduce contamination rates and improve environmental outcomes.**
5. **Immediately suspends the “Pilot of Vented Caddies for FOGO” of \$25,000 (as noted in the Annual Budget 2021-22) until the report in item 4 (above) is considered.**
6. **Extends the free garbage upsize program for households who currently have a 240L bin under the Covid Upsize Program until the report in item 4 (above) is considered.**
7. **Notes the potential financial implications of changes to the service provision which would be accounted for through forecast adjustments in 2021-22.**

Carried

Hobsons Bay Governance Rules 2020

Rule 8.17.2 of the Hobsons Bay Governance Rules 2020 requires the Chief Executive Officer to list the notice of rescission on the next appropriate Council Meeting agenda, together with a brief report outlining the criteria required for the motion to be amended or rescinded.

The criteria required for the motion to be amended or rescinded is set out in rule 8.17.1 of the Hobsons Bay Governance Rules which states:

A Councillor may propose a motion to amend or rescind a decision of the Council provided:

- 8.17.1.1 The previous motion has not yet been acted upon **and**
- 8.17.1.2 A notice signed by three Councillors is delivered to the Chief Executive Officer outlining:
 - i. The decision proposed to be amended or rescinded
 - ii. The meeting and date when the decision was made

Legal advice obtained by Council regarding this matter confirms that the resolution has not been acted upon and therefore the Acting Chief Executive Officer has instructed staff to defer implementation of the decision until the matter is considered at the Council Meeting on 8 July 2021.

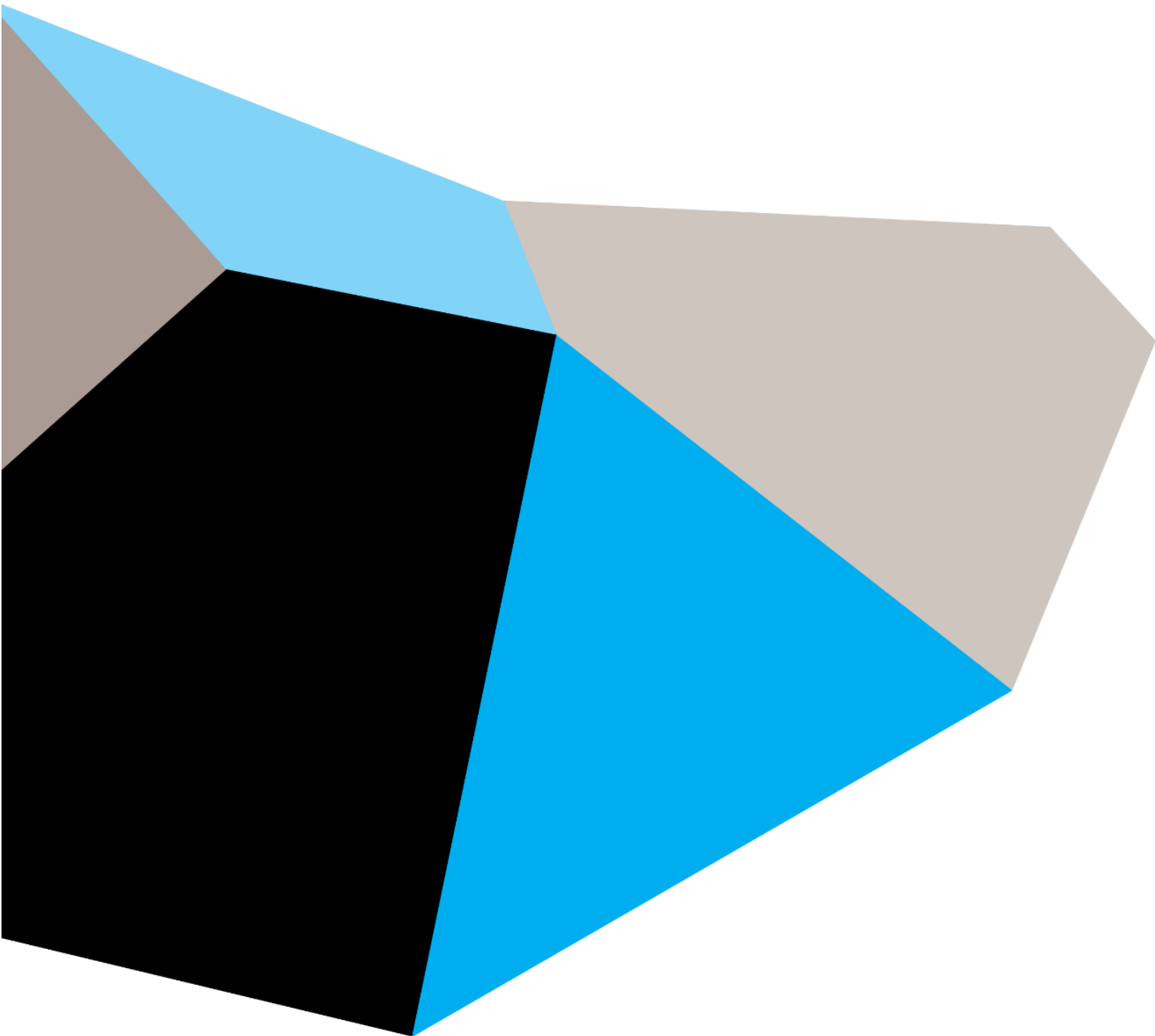
6 Close of Meeting

There being no further business, the Chairperson declared the meeting closed at 7.51pm.

Chairperson – Cr Jonathon Marsden

Signed and certified as having been confirmed.

10 August 2021



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