



Urgent Council Meeting Agenda

Thursday 8 July 2021
Commencing at 6.30 PM

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 Matt Tyler

Wetlands Ward

Cr Diana Grima

Wetlands Ward

Pene Winslade
Acting Chief Executive Officer
Hobsons Bay City Council

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1 Council Welcome and Acknowledgement

The Chairperson will welcome members of the gallery and acknowledge that Council is gathered on the traditional land of the Kulin Nation and offers its respect to elders past and present.

2 Apologies

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

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

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

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:	Manager Corporate Integrity (Legal Counsel)
Attachments:	Nil

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.

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.

The resolution which is the subject of this Notice of Rescission is as follows:

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.

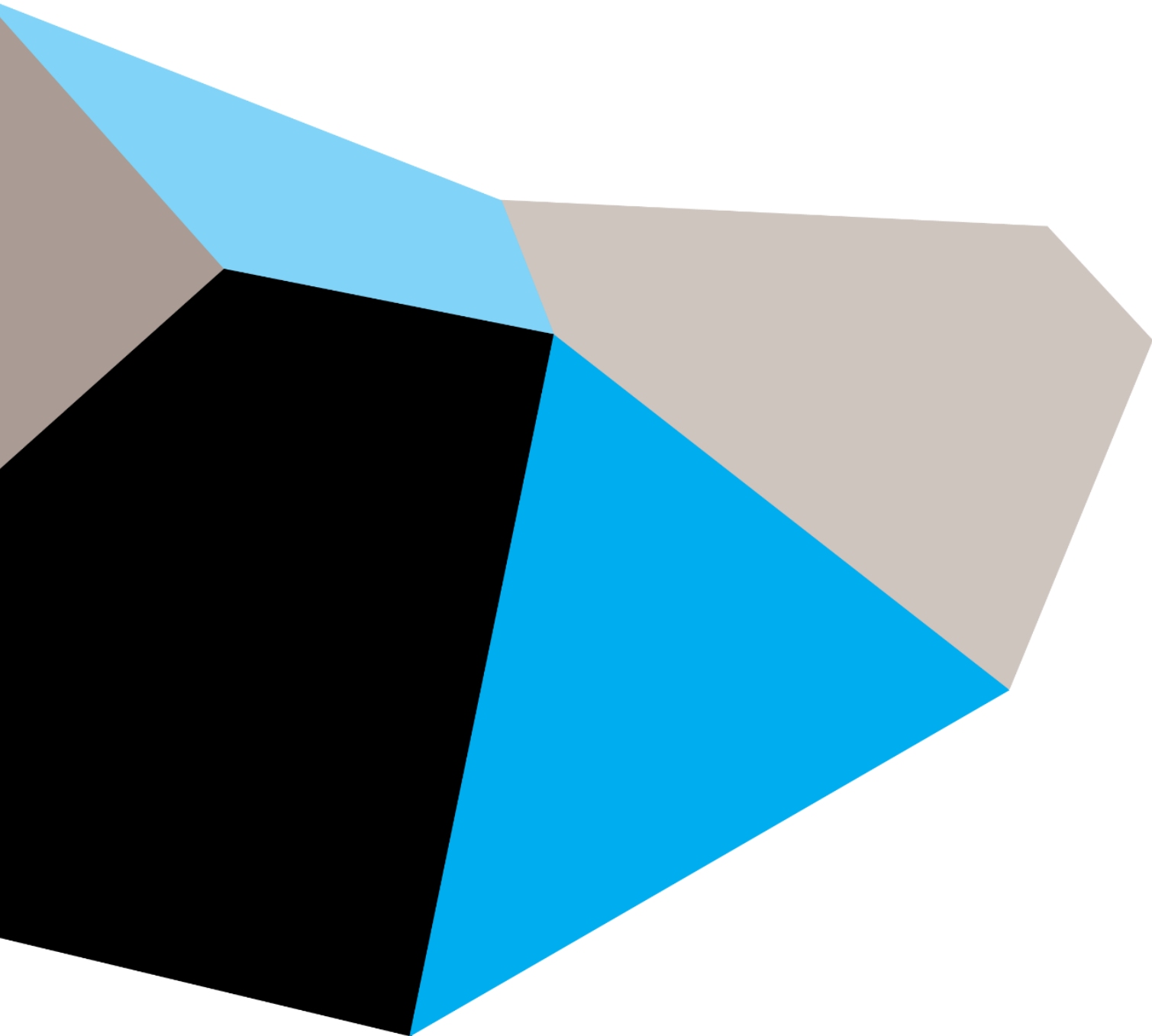
The criteria required for the motion to be amended or rescinded is set out in rule 8.17.1 of the Hobsons Bay Governance Rules which states:

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:
 - a. The decision proposed to be amended or rescinded
 - b. 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



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