



HEPBURN SHIRE COUNCIL
SPECIAL MEETING OF COUNCIL
PUBLIC MINUTES

Tuesday 22 March 2022

Virtual Meeting
via Video Conference

5:30 PM

A LIVE STREAM OF THE MEETING CAN BE VIEWED
VIA [COUNCIL'S FACEBOOK PAGE](#)

Confirmed at the Ordinary Meeting of Council held 20 April 2022

A handwritten signature in black ink, appearing to read "Tim Drylie".

Chair, Cr Tim Drylie, Mayor

MINUTES

Tuesday 22 March 2022

Virtual Meeting

via Video Conference

Commencing at 5:30 PM

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BRADLEY THOMAS

CHIEF EXECUTIVE OFFICER

Tuesday 22 March 2022

CONDUCTING COUNCIL MEETINGS VIRTUALLY

Council continues to be guided by government directives and wants to do the right thing for the health of our community during the COVID-19 pandemic. In line with these directives, the public are unable to attend this meeting in person. This meeting is being held virtually to protect the health and wellbeing of Councillors, Council Officers, and the community.

In the spirit of open, transparent and accountable governance, this meeting will be live-streamed on Council's Facebook page. The meeting will also be recorded and made available on Council's website as soon as practicable after the meeting.

Pursuant to the Ministerial Guidelines, should technology problems be encountered and we are unable to broadcast this meeting, the meeting will be adjourned until resolution or postponed.

Council's meeting will be conducted tonight in accordance with:

- The Local Government Act 2020
- The COVID-19 Omnibus (Emergency Measures) Act 2020
- The Minister's Good Practice Guideline MGPG-1: Virtual Meetings
- Council's Governance Rules; and
- The Hepburn Shire Council Councillor Code of Conduct.

1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

Hepburn Shire Council acknowledges the Dja Dja Wurrung as the Traditional Owners of the lands and waters we live and work on. On these lands, Djaara has performed age-old ceremonies of celebration, initiation and renewal. We recognise their resilience through dispossession and is a testament to their continuing culture and tradition, which is strong and thriving.

We also acknowledge the neighbouring Traditional Owners, the Wurundjeri to our South East and the Wadawurrung to our South West and pay our respect to all Aboriginal peoples, their culture, and lore. We acknowledge their living culture and the unique role they play in the life of this region.

2 SAFETY ORIENTATION

Emergency exits and convenience facilities at the venue to be highlighted to members of the public in attendance.

3 OPENING OF MEETING

COUNCILLORS PRESENT: Cr Brian Hood, Cr Don Henderson, Cr Jen Bray, Cr Juliet Simpson, Cr Lesley Hewitt, Cr Tessa Halliday, Cr Tim Drylie

OFFICERS PRESENT: Mr Andrew Burgess - Director Organisational Services, Mr Bruce Lucas - Director Infrastructure and Delivery, Ms Leigh McCallum - Director Community and Development, Mr Chris Whyte – Manager Information and Communication Technology, Ms Rebecca Smith - Acting Manager Governance and Risk

The meeting opened at 5:38pm.

STATEMENT OF COMMITMENT

“WE THE COUNCILLORS OF HEPBURN SHIRE
DECLARE THAT WE WILL UNDERTAKE ON EVERY OCCASION
TO CARRY OUT OUR DUTIES IN THE BEST INTERESTS OF THE COMMUNITY
AND THAT OUR CONDUCT SHALL MAINTAIN THE STANDARDS OF THE CODE OF
GOOD GOVERNANCE
SO THAT WE MAY FAITHFULLY REPRESENT AND UPHOLD THE TRUST PLACED IN THIS
COUNCIL BY THE PEOPLE OF HEPBURN SHIRE”

4 APOLOGIES

Mr Bradley Thomas – Chief Executive Officer

5 DECLARATIONS OF CONFLICTS OF INTEREST

Nil

6 OFFICER REPORTS

6.1 HEARING OF PUBLIC SUBMISSIONS - PROPOSED RENAMING OF GEOGRAPHIC FEATURE - JIM CROW CREEK DIRECTOR COMMUNITY AND DEVELOPMENT

In providing this advice to Council as the Coordinator Community Partnerships, I Rosalie Hastwell have no interests to disclose in this report.

ATTACHMENTS

- Nil

EXECUTIVE SUMMARY

Council undertook a community consultation process between 30 September 2021 and 12 November 2021 inviting public feedback on the proposed re-naming of Jim Crow Creek to Larni Barramal Yaluk. The outcome of the community consultation indicated overall support for the proposal. Consultation results including a summary of issues and feedback from the community were presented to Council at a briefing in December 2021.

Prior to making its decision whether to recommend the renaming of the Creek, Council is undertaking an additional step of holding a Special Meeting on 22 March 2022 at which respondents from the consultation period in 2021 have been invited to present their submissions to Council. Fourteen respondents have submitted to speak at the meeting.

OFFICER'S RECOMMENDATION

That Council:

- 1. Resolves to invite each of the submitters listed in Table 1 to speak to their submission regarding the Proposed Renaming of Jim Crow Creek for a maximum of three minutes at the Special Meeting of Council to be held on 22 March 2022.*
- 2. Considers submissions made at the Special Council Meeting prior to making its determination regarding whether to recommend to Geographic Names Victoria that Jim Crow Creek be renamed to Larni Barramul Yaluk at a future Meeting of Council.*

MOTION

That Council:

- 1. Resolves to invite each of the submitters listed in Table 1 to speak to their submission regarding the Proposed Renaming of Jim Crow Creek for a*

maximum of three minutes at the Special Meeting of Council to be held on 22 March 2022.

2. *Considers submissions made at the Special Council Meeting prior to making its determination regarding whether to recommend to Geographic Names Victoria that Jim Crow Creek be renamed to Larni Barramul Yaluk at a future Meeting of Council.*

Moved: Cr Don Henderson

Seconded: Cr Lesley Hewitt

Carried

Ms Michelle Clifford addressed Council in support of the Jim Crow Creek Rename

Ms Marnie Ireland from Wurundjeri Woi-Wurrung Cultural Heritage Corporation addressed Council in support of the Jim Crow Creek Rename

Mr Gary Lawrence addressed Council in support of the Jim Crow Creek Rename

Ms Liz Ingham addressed Council in support of the Jim Crow Creek Rename

Ms Padma Morgan addressed Council in support of the Jim Crow Creek Rename

Mr Nick Richardson addressed Council in support of the Jim Crow Creek Rename

Mr Brett Ellenport from Gathering Men addressed Council in support of the Jim Crow Creek Rename

Ms Cassandra Thorburn addressed Council in support of the Jim Crow Creek Rename

Mr David Tuck addressed Council in support of the Jim Crow Creek Rename

Ms Yvonne Deans addressed Council in objection to the Jim Crow Creek Rename

Ms Margaret Murphy and Mr Ron Liversidge gave apologies and did not address Council.

BACKGROUND

It is proposed that Jim Crow Creek be renamed to Larni Barramal Yaluk, in line with recommendations from the representatives of the local Traditional Owners the Dja Dja Wurrung.

There are a range of views within the community about whether the Creek should be renamed.

Council is committed to reconciliation, working positively today and into the future with the Dja Dja Wurrung (Traditional Owners) and other Aboriginal and Torres Strait Islander community members to learn, acknowledge and move forward together. Council's response to the request by the Traditional Owners regarding the proposed renaming of Jim Crow Creek is consistent with this position. Council has undertaken a community consultation process in line with the requirements for naming authorities as advised by Geographical Names Victoria.

Council undertook a period of Community Consultation from 30 September to 12 November 2021. This period of consultation was supported by the presentation of information on the rationale for the proposed name change and an educational video published on Council's website.

Having undertaken a clear and transparent process of consultation, Council is committed to ensuring that due process and transparency continues to be observed including addressing any concerns or objections to the proposal that have been raised by community.

As Jim Crow Creek also extends a short distance into Mount Alexander Shire, a parallel process of consultation and decision-making is being undertaken at the same time by Mount Alexander Shire Council. The two Councils will reach their determinations independently and will provide their respective recommendations to Geographic Names Victoria.

KEY ISSUES

Letters and emails were sent to respondents both for and against who submitted within the advertised consultation period in 2021. They were invited to register to speak at the Special Council Meeting on 22 March 2022. Fourteen submitters have registered to speak:

TABLE 1: Registered Speakers

Name	Suburb	
Michelle Clifford	DAYLESFORD	Supporting
Yvonne Deans	ELEVATED PLAINS	Objecting
Brett Ellenport Gathering Men	SHEPHERDS FLAT	Supporting
Chris Eyles	HEPBURN SHIRE	Objecting
Liz Ingham	Dja Dja Wurrung Country CLYDESDALE/YANDOIT	Supporting
Marnie Ireland	YANDOIT	Supporting

Wurundjeri Woi-Wurrung Cultural Heritage Corporation		
Gary Lawrence	DAYLESFORD	Supporting
Ron Liversidge	LEONARDS HILL	Objecting
Joan Mackenzie	YANDOIT	Supporting
“Padma”, S Morgan	YANDOIT	Supporting
Margaret Murphy	DAYLESFORD	Supporting
Nick Richardson	CLYDESDALE	Supporting
Cassandra Thorburn	Dja Dja Wurrung Country CLYDESDALE	Supporting
Ian Tinetti Cricket Willow	SHEPHERDS FLAT	Objecting
David Tuck	CLYDESDALE	Supporting

POLICY AND STATUTORY IMPLICATIONS

The use of Traditional Owner language also supports a number of resolutions from international frameworks including:

United Nations Decade of Indigenous Languages 2022 – 2032

The proposed renaming if renamed would be one of the first major naming’s within the United Nations Decade of Indigenous Languages.

The United Nations Group of Experts on Geographic Names (UNGEGN)

UNGEGN was established to provide a cooperative framework, allow for follow up on conference resolutions and promote standardisation of geographical names across member states. The Victorian naming rules comply with a number of UNGEGN resolutions.

Principle F: Recognition and use of Aboriginal languages in naming

- UNGEGN Resolution V/22 Aboriginal/ native geographical names
- UNGEGN Resolution VIII/1 Promotion of minority group and indigenous geographical names
- UNGEGN Resolution IX/5 Promotion of the recording and use of indigenous minority and regional language group geographical names

Linking place names to the United Nations Sustainable Development Goals

Place naming is one of the important ways that the Victorian Government, industry and communities can work together to support the SDGs. Most of the SDGs require

standardised names of places and roads to deliver the work needed to achieve the goals.

SDG 10: Reduced inequalities

Target / Indicator

Place name connection

Target 10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

Support and encourage naming of places after minority groups and ensure equality in the naming of places

Council Plan 2021-2025

Embracing our past and planning for the future

3.1 Partner with and empower our Traditional Owners and broader community to acknowledge, understand, celebrate and preserve our area's cultures, traditions and environs.

A dynamic and responsive Council

5.2 Actively communicate, inform and engage with our community about events and decision-making

Embracing our past and planning for the future

3.1 Partner with and empower our Traditional Owners and broader community to acknowledge, understand, celebrate and preserve our area's cultures, traditions and environs.

A dynamic and responsive Council

5.2 Actively communicate, inform and engage with our community about events and decision-making

GOVERNANCE ISSUES

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

SUSTAINABILITY IMPLICATIONS

Linking place names to the United Nations Sustainable Development Goals

Place naming is one of the important ways that the governments, industry and communities can work together to support the United Nations Sustainable Development Goals (SDGs). Most of the SDGs require standardised names of places

and roads to deliver the work needed to achieve the goals, as well as for effective reporting.

SDG 10: Reduced inequalities

Target / Indicator

Place name connection

Target 10.3 Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard

Support and encourage naming of places after minority groups and ensure equality in the naming of places

FINANCIAL IMPLICATIONS

Council is guided in its process for community consultation on this matter by Geographic Names Victoria, DEWLP. Responses to the community consultation indicated that Council should proceed with considering the proposal.

Concerns and issues raised by respondents to the community consultation undertaken in 2021 can be summarised as follows:

- Disagree with the process of counting non-responses from immediate community as tacit approval
- Belief that “Jim Crow” name is not derogatory
- Desire to maintain current name as part of local history
- Renaming may cause confusion

Having undertaken a clear and transparent process of consultation, Council is committed to ensuring that due process and transparency continue to be observed.

All respondents for and against who provided address details have been sent letters or emails advising them of the next steps in the process, including the opportunity to register by 15 March 2022 to speak at the Special Council Meeting on 22 March.

Following this meeting, a detailed report on the results of the consultation process and a recommendation regarding the Proposed Renaming of Jim Crow Creek will be presented for consideration by Council at its meeting on 20 April. Council will then submit its recommendation to Geographic Names Victoria for consideration.

The final decision to accept or reject the proposal is made by the Registrar at the Office of Geographic Names (OGN).

Risk of offensive comments at Special Council Meeting

There is a risk that some community members may make comments that are offensive to Aboriginal people at the Special Council Meeting.

This risk will be managed by:

- Community members wishing to address the Special Council Meeting must complete a form with a summary of the content of their submission.
- The Chairperson will manage spoken submissions at the Meeting

Timing of Council meetings and co-ordination of communications

The timing of the Hepburn Shire Ordinary Meeting of Council aligns with the timing of the Mt Alexander Shire in April 2022. Communications of the respective decisions will minimise potential confusion in the community and media.

The two Councils may not make the same recommendation

Hepburn Shire and Mt Alexander Shire Councils may form different recommendations. Both recommendations will be considered by the Registrar. It is anticipated that if there is not an agreed position, Geographic Names Victoria would then make its own recommendation to the Registrar in line with its policies on place naming and the use of Indigenous Language.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The Shire of Hepburn is the lead partner in this project and has established a Naming Committee of key stakeholders including DJAARA, NCCMA (North Central Catchment Management) Mount Alexander Shire Council.

Advice has been sought and followed from Geographic Names Victoria, DEWLP to ensure a fair and transparent process for gauging community sentiment prior to both Councils forming their recommendations on the renaming of the Creek. The engagement period for consultation was undertaken between 30 September and 12 November 2021 using a survey which was directly mailed to immediate community and also publicly available for the wider community to respond.

Letters and emails were sent to respondents both for and against who submitted within the advertised consultation period in 2021. They were invited to register to speak at the Special Council Meeting on 22 March 2022. A public notice was also placed advising of the Special Meeting of Council and details were provided on the Participate Hepburn page.

Following Hepburn Shire Council's decision at its meeting on 20 April 2022, a detailed assessment report and Council's recommendation will be submitted to Geographic Names Victoria.

Council will advise the community of the outcome and will keep the community updated on specific dates for each step in the process via its Participate Hepburn website.

If Council determines to recommend the proposed renaming it will email or write to all objectors from the engagement phase 30 September – 12 November 2021 informing them of Council's decision and the reasons for this, including outlining Council's response to the objections and informing objectors that they can appeal to Geographic Names Victoria.

7 CLOSE OF MEETING

The Meeting closed at 6:38pm.