



HEPBURN SHIRE COUNCIL
SPECIAL MEETING OF COUNCIL
PUBLIC MINUTES

MONDAY 16 DECEMBER 2019

DAYLESFORD SENIOR CITIZENS ROOMS

76 VINCENT STREET

DAYLESFORD

6:00PM

MINUTES

MONDAY 16 DECEMBER 2019

Daylesford Senior Citizens Rooms

76 Vincent Street, Daylesford

Commencing 6:00PM

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EVAN KING

CHIEF EXECUTIVE OFFICER

16 DECEMBER 2019

1. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We would like to acknowledge we are meeting on Jaara people country, of which members and elders of the Dja Dja Wurrung community and their forebears have been custodians for many centuries.

On this land, the Jaara people have performed age old ceremonies of celebration, initiation and renewal.

We acknowledge their living culture and their unique role 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

This Special Meeting of Council has been called to hear public submissions to the review of *General Local Law No. 2 – Community Amenity and Municipal Places*.

Only those who made a written submission and who requested to speak will be invited to address Council. Each speaker will be allowed three minutes to speak in support of their submission.

Final consideration of *Local Law No. 2* will occur in 2020.

The Ordinary Meeting of Council for the month of December will be held on Tuesday 17 December 2019 at Doug Lindsay Recreation Reserve. Any normal Council business and public participation time will be conducted at that time.

PRESENT: Cr Licia Kokocinski, Cr Don Henderson, Cr Neil Newitt, Cr John Cottrell, Cr Greg May, Cr Fiona Robson and Cr Kate Redwood AM

IN ATTENDANCE: Mr Evan King Chief Executive Officer, Mr Bradley Thomas Director Community and Corporate Services, Mr Bruce Lucas Director Infrastructure and Development Services, Ms Katherine Toom Coordinator Governance and Information

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

Nil

5. DECLARATIONS OF CONFLICTS OF INTEREST

Nil

RECORDING OF MEETINGS

By way of notice and in accordance with section 13 of Council's Meeting Procedures - Local Law No.1:

- Any person, including any representative of the media, must not operate photographic, audio or video recording equipment or any other recording device at this Council Meeting without first obtaining the consent of Council or the Chairperson. Such consent may at any time during the course of the meeting be revoked by Council or the Chairperson.
- The Chief Executive Officer must advise the Chairperson before the commencement of the meeting of any approval to record the meeting that has been given and the Chairperson must inform those in attendance at the meeting that, subject to any relevant legislative provisions, proceedings will be recorded.
- The approval to record a meeting is subject to the business of the meeting being able to continue in an orderly and lawful manner and in a way that the rights and responsibilities of all attendees can be appropriately managed.
- This section does not apply to any member of Council staff operating any recording device for the purpose of preparing draft minutes of the meeting which will be retained for a period of three months from the date of the meeting.

For the benefit of the public gallery:

Where consent has been granted to a person for the recording of a Council meeting, such video recording should only record the Councillors and Council officers in attendance and in the conduct of the Council Meeting.

Council advise that whilst all care is taken to maintain your privacy, as a visitor in the public gallery, your presence may be recorded.

Where consent has been granted to a person to record the Council meeting, that person should obtain prior consent before the imagery of individual persons in the gallery is captured.

MOTION

5.1.1. That Council allow the filming of the meeting by the individual who has previously sought permission from the CEO to do so.

Moved: Cr Don Henderson

Seconded: Cr Fiona Robson

Carried

BEHAVIOUR AT MEETINGS

All members of the public present in the gallery are requested to:

- be courteous when addressing Council when speaking in support of your submission and to direct all comments through the Chair
- remain quiet during proceedings
- be respectful towards others present and respecting their right to their own views
- refrain from verbal abuse or harassment of a Councillor, member of staff or other members of the public
- refrain from threats of violence.

With a large public gallery in attendance, I wish to advise that in accordance with section 7 of Council's Meeting Procedures - Local Law No.1 that:

- Members of the public present at a Council Meeting must not interject the meeting.
- As the Chairperson of this meeting, I can call to order any person who is disruptive or unruly during the meeting.
- If a member of the public is called to order for improper or disorderly conduct and continues the conduct, they are in breach of Local Law No.1. As the Chairperson I can order a person to leave the Council building.
- If I am of the opinion that disorder in the gallery makes it necessary to adjourn the meeting, I may adjourn the meeting to a later time on the same day or to some later I think appropriate, up to seven days later than the time stated in the Agenda for the commencement of this meeting.
- I may ask any Authorised Officer or member of the proper authority to remove from the Council meeting any person who acts in breach of the Local Law or whom I have ordered to be removed from the gallery.

PUBLIC SUBMISSIONS UNDER SECTION 223 MEETING PROCEDURE

In accordance with Local Law No. 1, section 5.12:

- A person given a right to make a submission under section 223 of the Act and requests to appear in person (or their representative) at a Council Meeting to be heard in support of their submission may do so.
- The time limit for such hearing will be three minutes.
- All submitters to be heard will be called upon in turn by the Chair to speak.

No decision will be made by the Council on any submission received and considered or heard at tonight's meeting.

Council will consider all submissions and will consider adoption of the Local Law in early 2020.

6. OFFICERS' REPORTS

6.1. DRAFT GENERAL LOCAL LAW NO. 2 OF 2019 – COMMUNITY AMENITY AND MUNICIPAL PLACES

DIRECTOR INFRASTRUCTURE AND DEVELOPMENT SERVICES

In providing this advice to Council as the Coordinator Community Safety, I David George, have no interests to disclose in this report.

PURPOSE

The purpose of this report is for Council to provide an opportunity for submitters to speak to their submissions in response to the *Draft General Local Law No. 2 of 2019 – Community Amenity and Municipal Places* at a formal meeting of Council.

BACKGROUND

The *Draft General Local Law No. 2 of 2019 – Community Amenity and Municipal Places* has been on public exhibition in accordance with Section 223 of the Local Government Act 1989 for the period 21 September 2019 to 2 October 2019. The public notice was published in The Courier on 21 September 2019 and the Advocate on 25 September 2019.

Further notice was given in accordance with Section 223 of the *Local Government Act 1989* for a period of 28 days from 14 November 2019. The public notice was published in The Courier on 9 November 2019, The Advocate on 13 November 2019 and the Victorian Government Gazette on Thursday 14 November 2019.

The Act provides for a person making a submission, the opportunity to be heard at a meeting of Council and the public notice stipulated the same.

ISSUE/DISCUSSION

A number of submissions have been received during the Section 223 public exhibition period with some indicating that they wish to address Council in relation to their submission.

The submission period closes after preparation of this report. All submissions will be appended to the minutes.

COUNCIL PLAN/LEGISLATIVE COMPLIANCE

Local Government Act 1989 Section 119

(2) The Council must give notice in the Government Gazette and public notice stating

- (a) the purpose and general purport of the proposed local law; and
- (b) that a copy of the proposed local law and any explanatory document can be obtained from the Council office; and

(c) that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.

FINANCIAL IMPLICATIONS

There are no financial implications noted in relation to the hearing of the submissions.

RISK IMPLICATIONS

There are no risk implications noted in relation to the hearing of the submissions.

ENVIRONMENTAL/SOCIAL/ECONOMIC IMPLICATIONS

No environmental/social/economic implications in relation to hearing of submissions.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

Community and stakeholder engagement was undertaken in March 2019 and April 2019 through online submissions and community drop in sessions.

Drop in sessions were held again on 26 November 2019 in Glenlyon, 3 December 2019 in Daylesford and 5 December 2019 in Creswick.

CONCLUSION

Under the *Local Government Act 1989* Council must give public notice as soon as practicable after Council has prepared any of the above documents. This public notice was published in the 21 September 2019 edition of The Ballarat Courier and the 25 September 2019 edition of The Advocate.

Submissions from the public were invited for a period of 28 days from the date of advertising and initially closed on at 5:00pm on 21 October 2019.

A further period was provided for receipt of public submissions which extended to 5:00pm on 13 December 2019. The Act provides a person making a submission by the due date has the opportunity to be heard at a Meeting of Council.

OFFICER'S RECOMMENDATION

That Council

6.1.1. receives and notes the submissions received;

6.1.2. resolves to allow each of the submitters who requested to speak in their submission a maximum of 3 minutes to speak in support of their submission;

6.1.3. thank all submitters for their submissions and confirms that Council will respond in writing to each submission.

Dr David Holmgren addressed Council in support of his submission.
Dr Patrick Jones addressed Council in support of his submission.
Mr Per Bernard addressed Council in support of his submission.
Ms Tammi Jonas addressed Council in support of her submission.
Ms Airlie Maris addressed Council in support of her submission.
Mr Peter O'Mara addressed Council in support of his submission.
Mr Rod Kirby addressed Council in support of his submission.
Ms Nikki Marshall addressed Council in support of her submission.
Ms Jen Bray addressed Council in support of her submission.
Mr Mark Dickenson addressed Council in support of his submission.
Ms Loris Duclos addressed Council in support of her submission.
Ms Debora Mermade addressed Council in support of her submission.
Ms Janet Wheatley addressed Council in support of her submission.
Mr Peter Rice addressed Council in support of his submission.
Ms Natasha Morgan addressed Council in support of her submission.
Mr Vasko Drogriski addressed Council in support of his submission.
Ms Gillian Trebilcock addressed Council in support of her submission.
Mr Peter Tindal addressed Council in support of their submission.

MOTION

That Council

6.1.1. Receives and notes the submissions received;

6.1.2. Resolves to allow each of the submitters who requested to speak in their submission a maximum of 3 minutes to speak in support of their submission;

6.1.3. Thank all submitters for their submissions and confirms that Council will respond in writing to each submission.

Moved: Cr Don Henderson

Seconded: Cr Fiona Robson

Carried

**ATTACHMENT 1 - PUBLIC SUBMISSIONS TO THE REVIEW OF
GENERAL LOCAL LAW NO. 2 – COMMUNITY AMENITY AND
MUNICIPAL SPACES**

7. CLOSE OF MEETING

The meeting closed at 7:15pm.
