MINUTES

OF THE

COUNCIL MEETING

HELD ON

TUESDAY 25 JUNE 2019
COUNCIL

MINUTES 25 JUNE 2019

MINUTES OF A MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, 131 BELAIR ROAD, TORRENS PARK ON TUESDAY, 25 JUNE 2019 AT 7:00PM.

MEMBERSHIP:  Mayor (H Holmes-Ross)
Crs J Bange, J Berry, A Christopoulos, S Fisher, K Hockley, D Kruse, C McCarthy, D Munro, J Sanderson, K Steele, L Taeuber, A Tilley and Y Todd

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PLEDGE AND KAURNA ACKNOWLEDGEMENT

The Mayor pledged:

We acknowledge that this land we meet on is the traditional land of the Kaurna people. We respect their spiritual relationship with their country.

We, as a Council, welcome all members of the community and pledge honesty and good governance in all of our dealings.
PRESENT:

Her Worship the Mayor (H Holmes-Ross)
Crs J Bange, A Christopoulos, K Hockley, D Kruse, D Munro, J Sanderson, K Steele, L Taeuber, A Tilley and Y Todd.

J Sanderson left the meeting at 9.22pm.
K Hockley left the meeting at 10:43pm.

APOLOGIES:

Crs J Berry, S Fisher, C McCarthy.

LEAVE OF ABSENCE:

Nil.

ABSENT:

Nil.

STAFF IN ATTENDANCE:

Chief Executive Officer (M Pears), General Manager, Engineering & Horticulture (D Baker), General Manager Development Services & Community Safety (C Harrison), General Manager Organisational & Community Development (K O’Neill), Manager Property (T Vi-Alternetti), Senior Planner (C Byrne) Minute Secretary/Team Leader Governance (D Horton),

WELCOME

The Mayor welcomed those present to the meeting and advised the Chamber that the meeting was being recorded for teaching and training purposes.

BUSINESS

1. ELECTED MEMBERS’ DECLARATIONS OF INTERESTS

No Declarations of Interest were recorded.

2. CONFIRMATION OF MINUTES

2.1 FULL COUNCIL MEETING - 11 JUNE 2019

MOVED Cr Bange

That the Minutes of the Full Council Meeting held on 11 June 2019 be confirmed.

SECONDED Cr Munro

CARRIED

3. ADJOURNED MOTIONS

Nil
4. DEPUTATIONS

4.1 MR ROBERT YOUNG - PRICE MEMORIAL OVAL

Mr Robert Young was granted permission to address the Council concerning the Price Memorial Oval. Elected Members asked questions.

4.2 MR BEN FITZSIMMONS - MITCHAM RAILWAY STATION SITE

Mr Ben Fitzsimmons was granted permission to address the Council concerning the Mitcham Railway Station site. Elected Members asked questions.

5. ADJOURNED BUSINESS

Nil

6. GALLERY QUESTION TIME

7:29pm Cr Christopoulos left the meeting and returned at 7:30pm

QUESTIONS FROM THE COUNCIL MEETING – 25 JUNE 2019

6.1 MR YOUNG – STURT DISTRICT CRICKET CLUB

1. If the Sturt District Cricket Club (SDCC) doesn't spend the grant money in the time stipulated will the grants be lost?

ANSWER:
To be provided in a future agenda.

7:31pm Cr Hockley called a point of order stating Cr Christopoulos is in breach of the City of Mitcham Code of Practice Meeting Procedures (whereby Questions without Notice from Elected Members will be dealt with after all publicly notified items of business). The Mayor ruled in favour of the point of order.

7. PETITIONS

Nil
8. DECISION REPORTS

8.1 PRICE MEMORIAL OVAL - STAGE 1 FEMALE FACILITIES CHANGEROOM PROJECT UPDATE
Report Author/Manager: Joe Carbone / Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 25 June 2019)
(Location: Gault Ward)
(Consultant Used: $0)

MOVED Cr Bange

(1) That Council request the club to ask the Federal Government for re-allocation of the Community Sport Infrastructure Grant (Round 2) $385,000 towards the site services, electrical supply and infrastructure upgrades.

(2) If the Federal Government does not agree to the re-allocation of funds, Council approves a new capital expenditure of $150,000 from the 2019/2020 budget for the current unfunded portion of the site services, electrical supply and infrastructure upgrades at Price Memorial Oval, Hawthorn.

(3) That Administration ensures appropriate recognition is made of Council's contribution to the project.

SECONDED Cr Steele

FORMAL MOTION - QUESTION BE ADJOURNED

MOVED Cr Todd

That the question be adjourned until the next meeting (9 July 2019).

SECONDED Cr Hockley CARRIED

8.2 PRICE MEMORIAL OVAL - LANDLORD APPROVAL AND COMMUNITY CONSULTATION STAGE 2 PROJECT
Report Author/Manager: Thuyen Vi-Alternetti
General Manager: Craig Harrison
(Meeting Date: 25 June 2019)
(Location: Gault Ward)
(Consultant Used: $0)

DECISION 1 - LANDLORD APPROVAL FOR STAGE 2A – PRICE MEMORIAL PROJECT

MOVED Cr Taeuber

(1) That Council notes that Sturt District Cricket Club was successful in receiving $385,000 from the Federal Government's Community Sport Infrastructure Grant
Program (Round 2) for the following works:

- Fit out of new female friendly change rooms
- Change room refurbishment
- Solar Panels
- Installation of artificial turf and lighting
- Shade structure

at Price Memorial Oval, Hawthorn with the balance of the project to be funded by the Club.

(2) That landlord approval be granted for the following works

- Fit out of new female friendly change rooms
- Change room refurbishment
- Solar Panels

at Price Memorial Oval, Hawthorn as per Attachment A, subject to Development Approval and the Sturt District Cricket Club and Mitcham Hawks Football Club being responsible for funding the ongoing operating and depreciation costs of solar panels.

(3) That Council endorses the works in (2) which results in an additional $6748 in ongoing operating costs for maintenance and depreciation. This will be included in Budget Review 1 for 2019/2020 financial year.

(4) That Council approves Sturt District Cricket Club project managing the project at Price Memorial Oval, Hawthorn subject to a works agreement between Council and the Club to manage and deliver the project and associated risks.

(5) That the Chief Executive Officer be approved to execute the works agreement and make minor variations as required between Council and the Sturt District Cricket Club and Mitcham Hawks Football Club to enable the delivery of the project.

(6) That Administration ensures appropriate recognition is made of Council’s contribution to the project.

SECONDED Cr Bange CARRIED UNANIMOUSLY

DECISION 2 COMMUNITY CONSULTATION - STAGE 2B PRICE MEMORIAL OVAL PROJECT

MOVED Cr Hockley

(1) That Administration undertakes community consultation as per Council’s Community Consultation Policy on the following works:

- Installation of artificial turf and lighting
- Shade structure
(2) That the Community Engagement Plan be circulated to the Elected Members prior to commencement of the community consultation.

(3) That at the conclusion of the community consultation period, a further report be presented to Council for consideration and a decision on granting landlord approval for Stage 2B Price Memorial Oval project.

SECONDED Cr Steele CARRIED UNANIMOUSLY

8.3 FUND MY NEIGHBOURHOOD

Report Author/Manager: Mark Swanbury / Rick Hennig
General Manager: Daniel Baker
(Meeting Date: 25 June 2019)
(Location: Council Wide)
(Consultant Used: $0)

MOVED Cr Taeuber

That Council consider an additional capital new budget of $114,000 as part of the 2019/2020 budget to deliver the reduced scope Fund My Neighbourhood projects as listed in Attachment A at the following sites:

- AA Bailey Reserve
- Downer Street Reserve
- Waite Street Reserve
- Price Memorial Oval – climbing structure only.

SECONDED Cr Bange CARRIED

A DIVISION WAS CALLED BY CR TODD AND THE DECISION WAS SET ASIDE.

For the motion: Cr Munro, Cr Tilley, Cr Hockley, Cr Kruse, Cr Taeuber, Cr Steele, Cr Sanderson, Cr Bange, Cr Christopoulos

Against the motion: Cr Todd

THE CHAIR DECLARED THE MOTION CARRIED
9. CONFIDENTIAL REPORTS

9.1 DPTI DARLINGTON UPGRADE PUBLIC ART

Report Author/Manager: Rachel Emmott
General Manager: Kate O’Neill
(Meeting Date: 25 June 2019)
(Location: Council Wide)
(Consultant Used: $0)

MOVED Cr Munro

That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders the public be excluded with the exception of staff present on the basis that the Council considers it necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider in confidence the information in this report and that the Council is satisfied with the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to the matter under consideration because the information is of the nature specified in Subsection 90(3)(i)(ii) of the Local Government Act 1999, being information the disclosure of which would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council) and; would, on balance, be contrary to the public interest and Forms part of a confidential tender process undertaken by DPTI.

SECONDED Cr Christopoulos

CARRIED UNANIMOUSLY

THE GALLERY LEFT THE MEETING AT 8:10PM SO CONFIDENTIAL MATTERS COULD BE DISCUSSED AND THE AUDIO RECORDING WAS STOPPED.

MOVED Cr Munro

(1) That having considered the said information or matter pursuant to Section 90(2) and (3) under Part 3 of Chapter 6 of the Local Government Act 1999, the Council orders pursuant to Section 91(7) of the Local Government Act 1999 that the Report, Attachment A and Minutes of Agenda Item No 9.1 be communicated to the Department of Planning, Transport and Infrastructure and otherwise be kept confidential until such time that the project does not prejudice a commercial advantage on a third party.

(2) That the Chief Executive Officer be authorised to review the confidentiality order annually.

(3) That pursuant to Section 91(9)(c) of the Local Government Act 1999 the Chief Executive Officer be authorised to revoke this order

SECONDED Cr Todd

CARRIED UNANIMOUSLY

FOLLOWING DISCUSSION OF CONFIDENTIAL MATTERS, THE MEETING MOVED OUT OF CONFIDENCE 8:19PM AND THE AUDIO RECORDING WAS RECOMMENCED.
10. DISCUSSION ITEMS FOR FUTURE DECISION

Nil

11. INFORMATION ONLY REPORTS

11.1 MITCHAM MEMORIAL LIBRARY AND BROWN HILL CREEK PROJECT CLOSURE REPORT
   Report Author/Manager: Ursula Hickey & Rick Hennig
   General Manager: Kate O'Neill
   (Meeting Date: 25 June 2019)
   (Location: Council Wide)
   (Consultant Used: $0)

   MOVED Cr Bange

   That the report be received for information only.

   SECONDED Cr Sanderson
   CARRIED UNANIMOUSLY

12. RECOMMENDATIONS FROM COMMITTEES

12.1 CEO PERFORMANCE REVIEW COMMITTEE - TUESDAY, 11 JUNE 2019

12.1.1 CHIEF EXECUTIVE OFFICER KEY PERFORMANCE INDICATORS 2018/19
   Report Author/Manager: Matthew Pears
   General Manager: Matthew Pears
   (Meeting Date: 11 June 2019)
   (Location: Council Wide)

   MOVED Cr Munro

   That Council endorse the Committee recommendation listed below;

   SECONDED Cr Todd
   CARRIED UNANIMOUSLY

   MOVED Mayor Holmes-Ross
   The CEO Key performance indicators (2019/20) to drive a customer focussed organisation are as follows:

   Innovation
   • CEO to report quarterly to Council (public agenda) about innovations underway at the City of Mitcham, under the following headings:

     To be grouped under the five goals of the Strategic Management Plan once finalised.
(For information the draft goals are currently:
  o Accessible & Connected Community
  o Sustainable City
  o Dynamic & Prosperous Economy
  o Vibrant & Rich Culture
  o Customer Experience & Innovation)

Human Resources
- Establish a Diversity Employment Program within the City of Mitcham,
- The number of staff with current individual MyPlans to be greater than 80%.
- 100% of Safety Committee and Safety Leadership Meetings are conducted and minuted.

Finance
- Council to achieve recurrent savings of $500,000 with a stretch target of $750,000.
- Full-Time Equivalent employee numbers (greater than twelve months) remain at or below 257 without a Council decision.
- Council Satisfaction with the accountability and transparency of financial reporting to Council

Transparency and Accountability
- Administration report to Council twice a year on the status of legislatively required policies and an action plan to achieve compliance,
- Complete a rating review to the satisfaction of Council which includes consideration of: differential rating, separate rates, items which can be included on the rates notice, rebates, rate relief and special rates,
- Complete a representation review to the satisfaction of Council,
- Every Manager to have a Team Plan,
- Establish a Service Reporting Framework to the satisfaction of Council,
- Minimum of Four reports to Council on the status of capital and operating projects
- Establish a new Strategic Management Plan and priority themes.

SECONDED Cr Todd CARRIED UNANIMOUSLY
13. COUNCIL ASSESSMENT PANEL

Nil

14. REPORTS FROM REGIONAL SUBSIDIARIES

Nil

15. NOTICES OF MOTION

15.1 CR KAREN HOCKLEY - DISABILITY ACCESS IN BLACKWOOD

MOVED Cr Hockley

That council engage with the land owners in Blackwood to encourage them to improve disability access in the area. Of particular concern are:

- the northern side of the Magnet Shopping Centre, and
- disability access car parks in the Foodland complex.

SECONDED Cr Todd

AMENDMENT

MOVED Cr Christopoulos

1. That council engage with the following land owners in Blackwood to encourage them to improve disability access in the area.

- the northern side of the Magnet Shopping Centre, and
- disability access car parks in the Foodland complex.

2. That Administration provide feedback to Council following the engagement process with the two identified commercial land areas for a Council wide approach.

SECONDED Cr Hockley

CARRIED

SUBSTANTIVE MOTION

MOVED Cr Hockley

1. That council engage with the following land owners in Blackwood to encourage them to improve disability access in
the area.

- the northern side of the Magnet Shopping Centre, and
- disability access car parks in the Foodland complex.

2. That Administration provide feedback to Council following the engagement process with the two identified commercial land areas for a Council wide approach.

SECONDED Cr Todd  
CARRIED UNANIMOUSLY

15.2 CR KATARINA STEELE - COMMUNITY CENTRES BROCHURE

MOVED Cr Steele

That Council publish in brochure form the annual program of Mitcham's Community Centres for 2020 to be distributed in the city's libraries, community centres, public places. That the brochure will list the Community Centre's addresses, description of the activities, contact details, prices etc.

SECONDED Cr Bange  
TIED

The Mayor used her casting vote to vote in the negative.  
LOST
A DIVISION WAS CALLED BY CR TODD AND THE DECISION WAS SET ASIDE.

For the motion: Cr Todd, Cr Tilley, Cr Steele, Cr Sanderson, Cr Bange
Against the motion: Cr Munro, Cr Hockley, Cr Kruse, Cr Taeuber, Cr Christopoulos

THE CHAIR DECLARED THE MOTION  
TIED

The Mayor used her casting vote to vote in the negative.  
LOST

ADJOURNMENT OF MEETING

THE MEETING ADJOURNED AT 9:22 pm.

9.22pm Cr Sanderson left the meeting.
RESUMPTION OF MEETING
THE MEETING RECONVENED AT 9:37pm.

CR DARREN KRUSE – MOTION WITHOUT NOTICE

MOVED Cr Kruse

That the following questions and answers be recorded in the minutes;

1. Does the Mayor intend to continue to use her discretion under Regulation 36 (6) to record the formal meetings of council as a general principle, but still subject to her discretion?

2. My second question is; Are any recordings made (tonight and 2 weeks ago) a discoverable "document" within the meaning of the FOI Act 1991 and are there any exemptions that would exempt these recording documents from being disclosed in a FOI Act application?

SECONDED Cr Taeuber

15.3 CR DARREN KRUSE - AUDIO RECORDING AND PUBLISHING OF COUNCIL MEETINGS

MOVED Cr Kruse

1. That if a Council meeting is recorded, the recording is posted on the Council website at the same time the Minutes are released for a period of at least two years.

2. That an article announcing this innovation is published in the next Mitcham Community News and on the Council’s Facebook page.

SECONDED Cr Hockley

A DIVISION WAS CALLED BY CR KRUSE AND THE DECISION WAS SET ASIDE.

For the motion: Cr Tilley, Cr Hockley, Cr Kruse,

Against the motion: Cr Munro, Cr Todd, Cr Taeuber, Cr Steele, Cr Bange, Cr Christopoulos

THE CHAIR DECLARED THE MOTION LOST
EXTENSION OF MEETING

MOVED Cr Bange

The meeting be extended to 10.50pm or when the Agenda is finished, whichever is earlier.

SECONDED Cr Taeuber

AMENDMENT

MOVED Cr Munro

The meeting be extended to finalise Item 15.5.

The Mayor did not accept the above as an amendment.

SUBSTANTIVE MOTION

MOVED Cr Bange

The meeting be extended to 10.50pm or when the Agenda is finished, whichever is earlier.

SECONDED Cr Taeuber

FORMAL MOTION - QUESTION BE PUT

MOVED Cr Christopoulos

That the question be put.

SECONDED Cr Todd

SUBSTANTIVE MOTION WAS PUT

MOVED Cr Bange

The meeting be extended to 10.50pm or when the Agenda is finished, whichever is earlier.

SECONDED Cr Taeuber

CARRIED

15.4 CR DARREN KRUSE – PARKING AT MITCHAM LIBRARY CARPARK

This motion was withdrawn.
15.5 CR ANDREW TILLEY - POTENTIAL LAND ACQUISITION FOR A PARK AND RIDE REQUEST TO THE SOUTH AUSTRALIAN GOVERNMENT

MOVED Cr Tilley

1. That Council write to the South Australian Minister for Transport, Infrastructure and Local Government and Minister for Planning, Stephan Knoll MP requesting that the South Australian Government purchase Allotments 27 & 28 in File Plan 14384 in CT 5594/222 & 223 known as 250 – 252 Belair Road Torrens Park, located adjacent to the Torrens Park Railway Station for the purposes of providing a park and ride area for commuters.

2. That Council also write to the Federal Minister for Infrastructure, Transport and Regional Development the Hon Michael McCormack MP, requesting support for Council’s request for the South Australian Government to purchase Allotments 27 & 28 in File Plan 14384 in CT 5594/222 & 223 known as 250 – 252 Belair Road Torrens Park, for the purposes of providing a park and ride area for commuters.

SECONDED Cr Christopoulos

VARIATION

The Mover with the consent of the Seconder sought and was granted leave of the meeting to vary the motion as follows;

That Council write to the State and Federal governments requesting they purchase the following for the purpose of providing a park and ride area for commuters;

- Allotments 27 & 28 in File Plan 14384 in CT 5594/222 & 223 known as 250 – 252 Belair Road Torrens Park, located adjacent to the Torrens Park Railway Station

SUBSTANTIVE MOTION

MOVED Cr Tilley

That Council write to the State and Federal governments requesting they purchase the following for the purpose of providing a park and ride area for commuters;

- Allotments 27 & 28 in File Plan 14384 in CT 5594/222 & 223 known as 250 – 252 Belair Road Torrens Park, located adjacent to the Torrens Park Railway Station.

SECONDED Cr Christopoulos CARRIED UNANIMOUSLY
16. MOTIONS WITHOUT NOTICE
Nil

17. QUESTIONS ON NOTICE

17.1 CR DARREN KRUSE - SECTION 270 OF THE LOCAL GOVERNMENT ACT 1999 - INDEPENDENT REVIEW OF A DECISION POLICY AND NEW FRIVOLOUS AND VEXATIOUS COMPLAINTS POLICY

QUESTION

1) briefly explain why does the staff consider the Independent Review Policy require review and why do we need a new Vexatious Complaint Policy?

2) explain how process for reviewing the Independent Review Policy and the proposed new Vexatious Complaint Policy will work, including any required community consultation;

3) provide an update on the likely timeframes

ANSWER

1) The Independent Review of a Decision Policy requires review due to;
   b. Given recent requests for Section 270’s, the “significant interest” test which may trigger a refusal to consider an application requires further clarification.

   An unreasonable complainant policy that addresses frivolous or vexatious complainant requests does not currently exist. This is a policy gap in relation to managing repeated requests that in essence do not differ substantially from previous requests nor provide new relevant information.

2) As both Policies are considered ‘public’, the process will essentially include the following;
   a. Administration edit of the Independent Review of a Decision Policy and creation of Frivolous or Vexatious Complainants Policy.
   b. Both policy documents brought to Council seeking approval for community consultation. The Public Consultation Policy requires the following action as a minimum;
      i. Publish a notice in a newspaper and website (min 28 days)
      ii. Invite submissions from the public
      iii. Prepare a report for Council decision that summarises community feedback, provide suggested amendments (if any as a result) and to seek final approval by Council of the policy documents.
3) Work has commenced with these policy documents scheduled to be brought to Council as part of an Organisational Policy review schedule/process by November 2019.

17.2 CR HOCKLEY - TREES

QUESTION

In the current financial year:

- How many mature trees have had preventative maintenance pruning to maintain the balance and health of the tree?
- How many requests to remove a mature tree have been rejected?
- How many mature trees have been removed?

ANSWER

To be provided in 9 July 2019 Full Council Agenda.

10.43pm Cr Hockley left the meeting.

18. QUESTIONS WITHOUT NOTICE

Nil

19. MAYORAL BUSINESS

Nil

20. WRITTEN REPORTS BY ELECTED MEMBERS

RECOMMENDATIONS ADOPTED EN BLOC

MOVED Cr Bange

That the recommendations for Item 20.1 – 20.2 be adopted en bloc.

SECONDED Cr Steele

20.1 CR LINDY TAEUBER - CARRICK HILL TRUST SIX MONTHLY REPORT

That the report be received for information only.

20.2 CR DARREN KRUSE - MT BARKER PUBLIC CONSULTATION CAT BYLAW
That the report be received for information only.

CLOSE:

There being no further business the meeting closed at 10:47pm.