
9 GOVERNANCE AND CORPORATE PERFORMANCE

9.1 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987

Author: Rebecca Argent - Governance Advisor

File No: HR/20/001-02

Attachments: 1. Instrument of Appointment and Authorisation

1. Purpose

- 1.1 To seek the appointment of an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act.

2. Background

- 2.1 The Chief Executive Officer, by authority conferred by Instrument of Delegation from Council dated 17 August 2020, makes these appointments.
- 2.2 Under the *Planning and Environment Act 1987* Authorised Officers can only be appointed by Council resolution as the Act prohibits delegation of the power to appoint Authorised Officers under the Act.

3. Key Matters

- 3.1 Section 188(2) of the *Planning and Environment Act 1987* provides that Councils cannot delegate the power to authorise Officers for the purposes of enforcing the *Planning and Environment Act 1987*.
- 3.2 As the Authorised Officer involved enforce several other Acts and regulations other than the *Planning and Environment Act 1987*, Maddocks Lawyers' other general Instrument of Appointment and Authorisation covering these Acts and regulations will continue to operate in tandem with the separate Instrument of Appointment and Authorisation (*Planning and Environment Act 1987* only) where Authorised Officers are appointed by Council resolution.

Recommendation

THAT Council in the exercise of the powers conferred by Section 147(4) of the *Planning and Environment Act 1987*, Mitchell Shire Council resolves:

1. The members of Council staff referred to in the Instrument of Appointment and Authorisation at Attachment 1 be appointed and authorised as set out in the Instrument.
2. The Instrument of Appointment and Authorisation comes into force immediately after the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it, or until the Authorised Officer ceases to be a member of Council staff.

INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987
(CONT.)

3. The Instrument of Appointment and Authorisation be signed and sealed.

INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987
(CONT.)**4. Financial, Resource and Asset Management Implications**

- 4.1 There are no significant financial or asset management implications arising from the appointment of Authorised Officers.

5. Consultation

- 5.1 The Acting Manager Development Approvals has been consulted in preparing this report.

6. Sustainability Implications (Social and Environmental)

- 6.1 There are no significant environment and sustainability implications arising from the appointment of Authorised Officers.

7. Policy and Legislative Implications

- 7.1 *Section 224 of the Local Government Act 1989* for the appointment of Authorised Officers for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.
- 7.2 *Section 147(4) of the Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act.
- 7.3 *Section 313 of the Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in the Instrument of Appointment.

8. Alignment to Council Plan

- 8.1 Develop and adopt policies and procedures that reflect responsible, transparent and accountable management of Council finances and risks.

9. Conflict of Interest

- 9.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

10. Risk Implications

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Required staff are not provided with the right authorisations to undertake their duties	Low	Officers are authorised under relevant legislation	Yes

INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987
(CONT.)

11. Discussion

- 11.1 As the Authorised Officer involved enforce several other Acts and regulations other than the *Planning and Environment Act 1987*, Maddocks Lawyers' other general Instrument of Appointment and Authorisation covering these Acts and regulations will continue to operate in tandem with the separate Instrument of Appointment and Authorisation (Planning and Environment Act 1987 only) where Authorised Officers are appointed by Council resolution
- 11.2 The Authorisation will be signed by the Chief Executive Officer and two Councillors and the register will be updated.



S11A. Instrument - Planning and Environment Act 1987

In this instrument "officer" means -

- Kalma Rathouski

By this instrument of appointment and authorisation Mitchell Shire Council -

1. under s 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under s 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of **Mitchell Shire Council** on 17 August 2020.

The Common Seal of **MITCHELL SHIRE COUNCIL** was affixed this 15th day of December 2020 in the presence of:

.....Councillor

.....Councillor

.....Chief Executive Officer

Date:

MITCHELL SHIRE COUNCIL
S11A. Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

9.2 ASSEMBLY OF COUNCIL RECORD

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: CL/04/013-02

Attachments: 1. Assembly of Council Record

1. Background

- 1.1 This report provides Records of Assemblies of Councillors that have occurred since the last Council meeting, which includes matters considered and any conflict of interest disclosures made by a Councillor.
- 1.2 Section 58(a) of the *Local Government Act 2020* refers to the public transparency principles and states that Council decision making processes must be transparent except when the council is dealing with information that is confidential by virtue of this Act or any other Act.
- 1.3 A written record of an assembly of council includes the following:
 - (a) Names of all Councillors and members of Council staff attending.
 - (b) Matters considered.
 - (c) Any conflict of interest disclosures made by a Councillor attending the meeting.
 - (d) Whether a Councillor who has disclosed a conflict of interest as required by leaves the assembly.

2. Key Matters

2.1 An Assembly of Councillors means:

- A planned or scheduled meeting that includes at least half the Councillors and a member of Council staff (providing that the matter/s considered are intended or likely to be the subject of a future decision by the Council or an Officer decision under delegated authority); or
- An Advisory Committee of the Council where one or more Councillors are present.

Some examples include:

- Councillor Briefings – Strategy meeting, Councillor and Officer Discussion (Pre-Council meeting);
- Advisory Committees – Audit and Risk Committee, Mitchell Environment Advisory Committee, Mitchell Early Years Advisory Committee, Mitchell Fire Consultative Forum, Mitchell Youth Advisory Committee, Social Justice

ASSEMBLY OF COUNCIL RECORD (CONT.)

Advisory Committee, Australia Day Awards Committee and Mitchell Heritage Advisory Committee.

Lists of the Assembly of Councillors Records for the period November 2020 are attached.

Recommendation

THAT Council receive and note the record of assembly of Councillors.

ASSEMBLY OF COUNCIL RECORD (CONT.)

3. Financial, Resource and Asset Management Implications

3.1 There are no financial resource and asset management implications associated with this report.

4. Consultation

4.1 Assembly of Council records have been received for meetings across Council services.

5. Sustainability Implications (Social and Environmental)

5.1 This is an administration process and does not have any environment and sustainability implications associated with this report.

6. Policy and Legislative Implications

6.1 This report is in line with the requirements of Section 58(a) of the *Local Government Act 2020*.

7. Alignment to Council Plan

7.1 Item 6.4: Develop and adopt policies and procedures that reflect responsible, transparent and accountable management of Council finances and risks.

8. Conflict of Interest

8.1 No officers involved in the preparation of this report have any direct or indirect interest in this matter.

9. Risk Implications

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Perceived lack of transparency	Low	All assembly of council records and the issues discussed are made public	Yes

10. Discussion

10.1 This report outlines the assemblies of council records recorded over the 17 November to 30 November 2020 period.

ASSEMBLY OF COUNCILLORS RECORD

NOVEMBER 2020

Assembly of Councillors -

- o A planned or scheduled meeting that includes **at least half the Councillors** and a **member of Council staff**; and the matter/s considered are intended **or likely to be** subject of a future decision by the Council; **OR**
- o An **Advisory Committee** of the Council where **one or more Councillors** are present.

Assembly Details	Councillor Attendees	Officer Attendees	Matters Discussed	Conflict of Interest Disclosures
<p>Council Team Building Session 23 November 2020</p>	<p><u>In Attendance</u> Cr Rhonda Sanderson Cr Bill Chisholm Cr Fiona Stevens (attended at 10.45am) Cr Nathan Clark Cr Louise Bannister Cr Rob Eldridge Cr Bob Cornish Cr Christine Banks (attended at 10.19am)</p> <p><u>Apologies</u> Cr Annie Goble</p>	<p>Brett Luxford</p>	<ul style="list-style-type: none"> • Team Building Session 	
<p>Strategy Briefing 23 November 2020</p>	<p><u>In Attendance</u> Cr Rhonda Sanderson Cr Fiona Stevens (attended at 4.37pm) Cr Nathan Clark (attended at 4.31pm) Cr Annie Goble (attendee at 4.46pm) Cr Louise Bannister Cr Rob Eldridge Cr Bob Cornish Cr Christine Banks</p> <p><u>Apologies</u> Cr Bill Chisholm (due to technical difficulties)</p>	<p>Brett Luxford Mary Agostino Laurie Ellis Mike McIntosh James McNulty Nicole Maxwell Lidia Harding Buffy Leadbeater Karen Watson Mark Cachia</p>	<ul style="list-style-type: none"> • Draft Council Agenda 	<p>Nil</p>

<p>Kilmore Sydney Street Rejuvenation</p> <p>25 November 2020</p>	<p><u>In Attendance</u> Cr Rhonda Sanderson Cr Bill Chisholm Cr Fiona Stevens Cr Nathan Clark Cr Louise Bannister</p> <p><u>Apologies</u> Cr Annie Goble</p>	<p>Chris Cheal Tim Partridge Rosario Guastalegname Jason Batty Nadira Shamid</p>	<p>Sydney Street Rejuvenation Plans</p>	<p>Nil</p>
<p>Strategy Briefing</p> <p>30 November 2020</p>	<p><u>In Attendance</u> Cr Rhonda Sanderson Cr Bill Chisholm (attended to 3,30pm session at 3.54pm) Cr Fiona Stevens Cr Nathan Clark Cr Annie Goble Cr Louise Bannister Cr Rob Eldridge (did not attend the 3.30pm session) Cr Bob Cornish Cr Christine Banks (attended the 3.30pm session at 3.58pm)</p> <p><u>Apologies</u> Nil</p>	<p>Brett Luxford Laurie Ellis Mike McIntosh Lidia Harding Gareth Antrobus Tim Partridge Narelle Liepa Ricardo Ramos Travis Conway Kate Howard</p>	<ul style="list-style-type: none"> • Councillor/CEO Discussion • Overview of Development and Infrastructure • Council Agenda 	<p>Nil</p>

9.3 DELEGATE REPORT - OVERVIEW AND UPDATE ON ACTIVITIES AND DELEGATE DELIBERATIONS

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: CL/04/001-03

Attachments: 1. Councillor Delegate Report

1. Purpose

- 1.1 This delegate's report provides an update on activities and deliberations of groups and associations for which Councillors are an appointed delegate for the period from 17 to 30 November 2020 and also other activities attended as a Council representative.

2. Background

- 2.1 The 2020 Council Elections were held on 24 October 2020. New committee and organisation delegates were appointed on 16 November 2020. This report is presented in response to NOM 881 of the 21 November 2016 meeting which requested that each Councillor submits a Delegate Report for inclusion in the monthly Council Meeting agenda. The requirement for what should be included in a delegate report was amended at the Council meeting on 20 April 2020 as follows:
- 2.2 The Delegates Reports will include:
- a) Activities attended as a nominated Council Delegate as per the list of Committee appointments at the annual Statutory Meeting; and
 - b) Other publicly advertised activities attended as an invited representative of Council.
- 2.3 The Report will not include:
- a) Assemblies of Councillors (as they are already reported in Council Agendas);
 - b) Private activities, discussions or meetings with staff and/or community members.
- 2.4 The Report should be verifiable by the Councillor from the Councillor's Council Diary.

3. Key Matters

- 3.1 Given the restrictions as a result of COVID-19 Councillors have attended meetings online and in person where possible in this period as per their appointments as delegate and other activities as a Council representative as per Attachment 1. As the 2020 Council Elections were held on 24 October 2020, this report covers the period from 17 to 30 November 2020.

DELEGATE REPORT - OVERVIEW AND UPDATE ON ACTIVITIES AND DELEGATE DELIBERATIONS
(CONT.)

Recommendation

THAT Council receive and note the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for the period 17 to 30 November 2020.

Councillor Delegate Report – November 2020

Cr Christine Banks

Nil report.

Cr Bill Chisholm

Nil report.

Cr Bob Cornish

Nil report.

Cr Rob Eldridge

Nil report.

Cr Annie Goble

Nil report.

Cr Nathan Clark

Nil report.

Cr Louise Bannister

Nil report.

Cr Rhonda Sanderson

Cr Sanderson submitted the following Delegate report for this period:

Other meetings and events attended as a Council representative include:

26 November 2020 - Mitchell Community Energy Annual General Meeting, online. I was pleased to conduct the election of the new committee.

27 November 2020 - Wandong History Group 'Anniversary of the end of World War 2' event, Wandong Public Hall. This was a fantastic event which included an historical display, the unveiling of a series of 4 Poppy Art glass panels and a brief memorial service.

29 November 2020 - Seymour Historical Society Annual General Meeting and General Meeting, 'Volunteers Building' Kings Park, Seymour. I was honoured to conduct the election of the new committee.

Cr Fiona Stevens

Nil report.