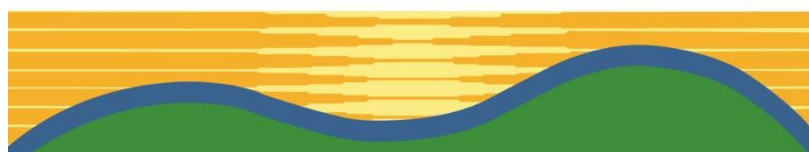


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 14 DECEMBER 2020

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
THE MITCHELL SHIRE COUNCIL HELD ONLINE ON
14 DECEMBER 2020**

THE MEETING OPENED: 7.04pm

COUNCILLORS PRESENT

Cr Annie Goble	Central Ward	
Cr Louise Bannister	Central Ward	
Cr Nathan Clark	Central Ward	
Cr Bill Chisholm	North Ward	
Cr Rhonda Sanderson	North Ward	(Chairperson)
Cr Fiona Stevens	North Ward	
Cr Christine Banks	South Ward	
Cr Rob Eldridge	South Ward	
Cr Bob Cornish	South Ward	

OFFICERS PRESENT

Mr Brett Luxford	Chief Executive Officer
Mr Laurie Ellis	Director Governance and Corporate Performance
Ms Mary Agostino	Director Advocacy and Community Services
Mr Mike McIntosh	Director Development and Infrastructure
Ms Lidia Harding	Manager Governance and Corporate Accountability

1 WELCOME

The Mayor formally opens the meeting with an acknowledgement of country and welcomes all present.

Mitchell Shire Council acknowledges the traditional custodians of the land, those of the Taungurung and Wurundjeri People. We pay our respects to their rich cultures and to Elders past, present and future.

2 GOVERNANCE DECLARATION

The declaration was read by Cr C. Banks.

3 APOLOGIES AND LEAVE OF ABSENCE

No apologies were received.

4 DISCLOSURE OF CONFLICTS OF INTEREST

In accordance with Section 130(2)(a) of the Local Government Act 2020.

Cr L. Bannister advised Councillors that although she does not have a conflict of interest in Item 10.1 Amendment C129 Wallan Area Network Improvements she wanted to make the community aware that she has previously submitted a return of consultation to council regarding the Wallan Town Master Plan in which she expressed concern over the Wallan Park being used for a future road. She also joined the Save Wallan Park Facebook group before she was elected to learn more about community's concerns on this project and is now no longer a part of this group on Facebook. She is not personally affected by this project and therefore does not have any personal interest in or bias in relation to the outcome of the matter.

Cr C. Banks declared a general conflict of interest on Item 10.2 Amendment C129 - Wallan Area Network Improvements Submission. Her property adjoins the Wallan Community Park which is in the Special Control Overlay area, and she before joining council made a submission of objection to DELWP and requested to speak at the public hearing in February 2021.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CORNISH

ELDRIDGE/CORNISH

THAT the Minutes of the Ordinary Council Meeting held 30 November 2020, as circulated, be confirmed.

CARRIED

6 PETITIONS AND JOINT LETTERS

Nil

7 PRESENTATIONS

Nil

8 ADVOCACY AND COMMUNITY SERVICES

8.1 COUNCIL TO ACQUIT THE MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE

Author: Adam Evans - Manager Local Laws and Emergency Management
Bryan McCarthy - Emergency Management and Recovery Coordinator

File No: GT/05/003

Attachments: Nil

1. Purpose

- 1.1 To seek Council's support for the disestablishment of the current Municipal Emergency Management Planning Committee (MEMPC) and establishment of a new MEMPC.

COUNCIL RESOLUTION

MOVED: CR. N. CLARK

SECONDED: CR. B. CORNISH

COUNCIL RESOLUTION

EXTENSION OF SPEAKING TIME

MOVED: CR. B. CHISHOLM

SECONDED: CR. F. STEVENS

CARRIED UNANIMOUSLY

THAT Council:

1. Authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the *Emergency Management Act 1986*, in recognition that on 1 December these provisions are repealed by s82(2) of the *Emergency Management Legislation Amendment Act 2018* and replaced by the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018*.
2. Authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018* (which inserts a new 'Part 6-Municipal Emergency Management Planning Committees' into the *Emergency Management Act 2013* on 1 December 2020).
3. Notes that, under the MEMPC Terms of Reference provided and the *Emergency*

COUNCIL TO ACQUIT THE MUNICIPAL EMERGENCY MANAGEMENT PLANNING COMMITTEE (CONT.)

Management Legislation Amendment Act 2018 (which inserts s59 and 59F into the *Emergency Management Act 2013* on 1 December 2020), Council's role is to establish the committee. Once established, the committee exists separately to Council and is not a committee of Council.

A vote resulted as follows:

For:

CR. C. BANKS
CR. L. BANNISTER
CR. N. CLARK
CR. B. CORNISH
CR. R. ELDRIDGE
CR. A. GOBLE
CR. R. SANDERSON

Against:

CR. B. CHISHOLM
CR. F. STEVENS

Abstained:

CARRIED

8.2 SPORT AND RECREATION VICTORIA - GRANT OPPORTUNITIES

Author: Lyn Morling - Recreation and Open Space Coordinator
Luke Douglas - Recreation Development Officer

File No: GS/04/093

Attachments: Nil

1. Purpose

- 1.1 To seek Council's endorsement for the Chief Executive Officer to approve grant applications to Sport and Recreation Victoria, should opportunities arise and application close prior to the first 2021 Council meeting.
- 1.2 To seek approval for a grant application to Sport and Recreation Victoria's Community Cricket Program, closing 1 February 2021, for a \$100,000 grant towards the Harley Hammond Cricket Net project.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. R. ELDRIDGE

THAT Council:

1. Endorses the Chief Executive Officer to approve the submission of Sport and Recreation Victoria grant applications.
2. Supports the submission of an application to Sport and Recreation Victoria for \$100,000 under the Community Cricket Program for the Harley Hammond Cricket Nets Project.

CARRIED UNANIMOUSLY

8.3 WHITBURGH COTTAGE GRANT APPROVAL

Author: Celeste Jordan - Arts, Culture and Heritage Advisor

File No: HI/04/001

Attachments: Nil

1. Purpose

- 1.1 The purpose of this report is to seek Council endorsement of the amount identified in the draft 2021-2022 budget for Whitburgh Cottage.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. B. CORNISH

THAT Council notes the confirmation of the Heritage Victoria grant for \$200,000 and endorses a Council contribution towards this project of \$407,000 to be included in the 2021/22 capital works budget.

CARRIED UNANIMOUSLY

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.

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. R. ELDRIDGE

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

CARRIED UNANIMOUSLY

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.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. C. BANKS

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

CARRIED UNANIMOUSLY

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.

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. R. ELDRIDGE

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.

CARRIED UNANIMOUSLY

10 DEVELOPMENT AND INFRASTRUCTURE

10.1 MITCHELL ENVIRONMENT ADVISORY COMMITTEE MEMBERSHIP 2020-2022

Author: Elyse Kelly - Environmental Programs Coordinator

File No: ET/03/003

Attachments: 1. Draft Revised Mitchell Environment Advisory Committee Terms of Reference

1. Purpose

- 1.1 This report details the public advertising and application process undertaken for the filling of positions on the Mitchell Environment Advisory Committee (MEAC) for the 2020-2022 term and seeks endorsement of the new committee membership and adopt the revised Terms of Reference.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. F. STEVENS

THAT Council:

1. Endorses the following individuals as members of the Mitchell Environment Advisory Committee (MEAC):

- Trevor Viénet
- Ian Julian
- Claudia James
- Jane Lovell
- Daniel Young
- Melissa Stagg
- Marie Gerrard
- Lesley Dalziel
- Chris Wootton
- Clare Watson
- Michael Watson
- Lorraine Taylor

2. Adopts the revised Terms of Reference for the Mitchell Environment Advisory Committee as per attachment 1.

CARRIED UNANIMOUSLY

10.2 AMENDMENT C129 - WALLAN AREA NETWORK IMPROVEMENTS SUBMISSION

Author: Justin Harding - Strategic Planner

File No: PL/05/286

Attachments: 1. Amendment C129 Submission
2. Amendment C129 Overview Plan

1. Purpose

- 1.1 For Council to consider and endorse the attached submission (Attachment 1) to Planning Scheme Amendment C129 which implements the planning controls to allow for construction of the State Government's Wallan Area Network Improvements (WANI) project.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CHISHOLM

Cr Banks left the meeting at 7.31pm.

Recommendation

Eldridge/Chisholm

THAT Council endorse and lodge the submission (Attachment 1) to the exhibited Planning Scheme Amendment C129. This submission will form the basis of Council's position at the future Government Land Standing Advisory Committee for Amendment C129 and subsequent discussions with State agencies.

CARRIED UNANIMOUSLY

Cr Banks returned to the meeting at 7.41pm .

10.3 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION

Author: *Ricardo Ramos - Acting Manager Development Approvals*

File No: *CL/04/004*

Attachments: *Nil*

1. PURPOSE

- 1.1 The following is a summary of planning activity before the Victorian Civil and Administrative Tribunal (VCAT) as well as a list of decisions on planning permit applications dealt with under delegated powers for the period detailed.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CORNISH

THAT the information in the report be received and noted.

CARRIED UNANIMOUSLY

11 EXECUTIVE SERVICES

Nil Reports

12 NOTICES OF MOTION

12.1 NOTICE OF MOTION: NO. 995 - FUNDING OF FIRE REDUCTION AND PREVENTION

Author: *Councillor Bill Chisholm*

File No: *FP/14/004*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 14 December 2020.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. C. BANKS

THAT Council officers correspond with the State Government in particular, the Premier and the Minister for Emergency Services and other relevant parties to express Councils concerns regarding the lack of funding allocated to fire prevention by various State Government departments and agencies. At a time when Council are trying to do additional works and increase spending to make our communities safer, there appears to be no corresponding funding increases from the State Government.

CARRIED UNANIMOUSLY

13 DELEGATES REPORTS

Nil Reports

14 GENERAL BUSINESS

14.1 Motion of Condolence – Vale Cr Andrew Goldman

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. A. GOBLE

THAT Council writes to a letter of condolence to both Moira Shire Council and the family of Cr Andrew Goldman who passed away on 2 December 2020.

Cr Goldman was a well-known and respected local businessman and recently elected Moira Shire councillor who was confirmed as one of two people who tragically died after a helicopter crashed in the NSW Southern Highlands.

Cr Goldman was elected as a councillor for the 2020-2024 term and was looking forward to contributing to the improvement and growth of the Moira Shire.

On behalf of councillors and staff we extend our thoughts to his family at this difficult time.

CARRIED UNANIMOUSLY

15 URGENT BUSINESS

Nil.

16 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. F. STEVENS

THAT in accordance with Section 66(1) and 66(2)(a) of the *Local Government Act 2020*, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under Section 3(1), as specified below.

16.1 Confirmation of Minutes of previous Confidential Meeting

s3(1)h confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)

The Minutes of the previous confidential meeting of Council contain information that has been determined by Council to be confidential in accordance with s3(1) of the Local Government Act 2020.

16.2 RFT132782 - Windham Street Road Upgrade Works (Stage 1)

s3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

16.3 Financial Year 20/21 Plant Replacement - Grader

s3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

16.4 Footpath and Cycleways Renewal Program – Tender Award

s3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

Procurement Report.

16.5 Kerb Renewal Program – Tender Award

s3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

Procurement.

16.6 RFT132779 Harley Hammond Reserve Multipurpose Courts Reconstruction

s3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

16.7 Tender Wallan Community Services Hub

s3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

16.8 Delegate Report - Audit and Risk Committee

s3(1)(l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

16.9 Australia Day Awards 2021

s3(1)(l) Information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

16.10 Re-opening of Meeting to members of the public

CARRIED UNANIMOUSLY

17 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 15 February 2021 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

18 CLOSE OF MEETING

The meeting was declared closed at 8.25pm.

Confirmed this Monday, 15 February 2021

.....
Chairperson
Mayor, Cr Rhonda Sanderson