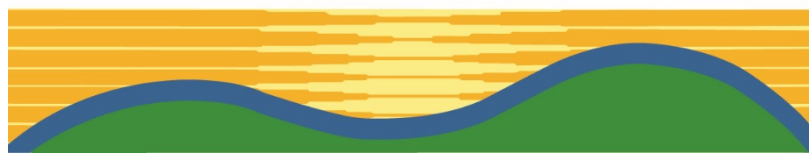


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 19 OCTOBER 2020

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
THE MITCHELL SHIRE COUNCIL HELD ONLINE ON
19 OCTOBER 2020**

THE MEETING OPENED: 7.16pm

COUNCILLORS PRESENT

Cr Annie Goble	Central Ward
Cr David Atkinson	Central Ward
Cr Bob Humm	Central Ward

Cr Bill Chisholm	North Ward
Cr Rhonda Sanderson	North Ward
Cr Fiona Stevens	North Ward

Cr David Lowe	South Ward	(Chairperson)
Cr Rob Eldridge	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.

The Mayor acknowledges the traditional owners of the Taungurung Nation and pay his respect to their Elders past and present, and its emerging and future leaders.

2 GOVERNANCE DECLARATION

The declaration was read by Cr D. Atkinson.

3 APOLOGIES AND LEAVE OF ABSENCE

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. B. HUMM

THAT the apology for this meeting received from Cr B. Cornish be accepted.

CARRIED UNANIMOUSLY

4 DISCLOSURE OF CONFLICTS OF INTEREST

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

Nil.

5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. HUMM

THAT the Minutes of the Ordinary Council Meeting held 21 September 2020, as circulated, be confirmed.

CARRIED

6 PETITIONS AND JOINT LETTERS

A petition was tabled in relation to the Broadford Structure Plan and specifically regarding the Broadford Pine Plantation. The petition requests Council to allow the Broadford Pine Plantation to remain publicly owned and accessible and not be sold to develop 40 houses on it.

A petition was tabled regarding Burke and Wills track upgrades. The petition requests Council to allocate funding to improve the condition of the Burke and Wills Track between Boundary Road (disused-Shire boundary) and McDonalds Lane. Users of this road section include recreational users of Lake Eppalock and the speed boat club, locals learning to drive, police driver training, service providers to businesses, people travelling to local wineries and to attend events and sports, school buses, chartered tourist buses, and self-driving tourists as well as local residents and B&B providers.

7 PRESENTATIONS

Nil.

8 ADVOCACY AND COMMUNITY SERVICES

Nil Reports

9 GOVERNANCE AND CORPORATE PERFORMANCE

9.1 RE-NAMING OF JUNCTION ROAD, KILMORE

Author: Daniel Chafer - Revenue Coordinator

File No: ST/04/002-02

Attachments: 1. Map of Junction Road

The recommended decision is not a Major Policy Decision, as defined in section 69(2) of the Local Government Act 2020, or a Significant Decision within the meaning of the Election Period 'Caretaker' Policy.

1. EXECUTIVE SUMMARY

- 1.1 Junction Road, Kilmore is an unsealed road that separates the unsealed section of John Street, Kilmore and the intersection of the also unsealed sections of Highgate Road, Kilmore and Murray Street, Kilmore.
- 1.2 Currently there is no distinguishable separation from John Street, Kilmore into Junction Road, Kilmore making the different sections hard to identify. This report recommends that Junction Road, Kilmore be renamed to John Street, Kilmore.
- 1.3 The proposed change will extend John Street, Kilmore by approximately 100 metres and would allow for the accurate and logical allocation of street addresses for four proposed properties that will front the affected section of road. The change does not impact any existing property addresses. A map detailing the area and proposed change is included as Attachment 1.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. B. HUMM

THAT Council:

1. Endorse changing the name of Junction Road, Kilmore to John Street, Kilmore.
2. Submit the recommendation for the agreed road name change to the Office of Geographic Place Names for registration in the *Victoria Government Gazette* and, upon registration of the name change, issue a public notice in local newspapers and update relevant signage.

CARRIED UNANIMOUSLY

9.2 DRAFT ANNUAL REPORT 2019/20 - PERFORMANCE AND FINANCIAL STATEMENTS

Author: Ellen McComish - Corporate Planning and Reporting Officer

File No: CM/20/019

Attachments: 1. Draft Annual Report 19/20 - Under Separate Cover

The recommended decision is not a Major Policy Decision, as defined in section 69(2) of the Local Government Act 2020, or a Significant Decision within the meaning of the Election Period 'Caretaker' Policy.

1. EXECUTIVE SUMMARY

- 1.1 Council is required to complete and forward to the Minister for Local Government its Annual Report by 30 November 2020 (Attachment 1 circulated separately). The Council must not submit the Performance and Financial Statements to the Minister unless it has passed a resolution giving its approval in principle to the Performance and Financial Statements.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. A. GOBLE

THAT Council:

1. Adopts-in-principle the 2019/20 Performance Statement and Financial Report.
2. Authorises through the Chief Executive Officer for the Principal Accounting Officer to make amendments to the 2019/20 Performance Statement and Financial Report if required, and as agreed to with Council's Auditors and in consultation with Council's Audit and Risk Committee.
3. Nominates Cr Atkinson and Cr Humm to sign the 30 June 2020 Performance Statement and Financial Report in their prescribed form, as representatives of the Audit and Risk Committee.
4. Authorises the Chief Executive Officer to sign the 2019/20 Performance Statement and Financial Report in their final form.
5. Forwards a copy of the Annual Report to the Minister for Local Government Victoria by 31 October 2020.
6. Authorises that public notice be given of the availability of the report of the auditor

DRAFT ANNUAL REPORT 2019/20 - PERFORMANCE AND FINANCIAL STATEMENTS (CONT.)

under Section 9 of the *Audit Act 1994*, and the Draft Report under Section 223 of the *Local Government Act 1989*.

7. Presents for consideration and endorsement the final Annual Report 2019/20 under Section 134 of the *Local Government Act 1989* at the Ordinary Council meeting on 30 November 2020.

CARRIED UNANIMOUSLY

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

Author: Rebecca Argent - Governance Advisor

File No: GV/06/016

Attachments: 1. *Instrument of Appointment and Authorisation*

The recommended decision is not a Major Policy Decision, as defined in section 69(2) of the Local Government Act 2020, or a Significant Decision within the meaning of the Election Period 'Caretaker' Policy.

1. EXECUTIVE SUMMARY

- 1.1 The *Local Government Act 1989* provides 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.
- 1.2 The Chief Executive Officer, by authority conferred by instrument of delegation from Council dated 17 August 2020, makes these appointments.
- 1.3 Under the *Planning and Environment Act 1987*, however, Authorised Officers can only be appointed by Council resolution as the Act prohibits delegation of the power to appoint Authorised Officers under the Act.
- 1.4 With the introduction of the *Local Government Act 2020* changes to the authorisations have been made for officers who institute proceedings on behalf of Council in line with section 313 of the Act.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. D. ATKINSON

THAT 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

9.4 RESPONSE TO NOTICE OF MOTION: NO. 989 - COUNCILLOR REQUEST STATUS

Author: Rebecca Argent - Governance Advisor

File No: GV/10/007

Attachments: Nil

The recommended decision is not a Major Policy Decision, as defined in section 69(2) of the Local Government Act 2020, or a Significant Decision within the meaning of the Election Period 'Caretaker' Policy.

1. EXECUTIVE SUMMARY

- 1.1 Council at its meeting of 21 September 2020 considered Notice of Motion No. 989 seeking two summary reports be prepared on the groupings of councillor requests since the beginning of 2017.
- 1.2 One report for those submitted by Councillors themselves and the other for those raised by residents via a councillor. An example of groupings could be drainage issues, road issues and footpath issues.
- 1.3 Officers have extracted this data from the councillor requests received since 2017.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. A. GOBLE

THAT Council receive and note the information contained in the report.

CARRIED UNANIMOUSLY

9.5 ASSEMBLY OF COUNCIL RECORD

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: CL/04/013-02

Attachments: 1. Assembly of Council Record

The recommended decision is not a Major Policy Decision, as defined in section 69(2) of the Local Government Act 2020, or a Significant Decision within the meaning of the Election Period 'Caretaker' Policy.

1. EXECUTIVE SUMMARY

- 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.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. F. STEVENS

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

CARRIED UNANIMOUSLY

10 DEVELOPMENT AND INFRASTRUCTURE

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

Author: James McNulty - Manager Development Approvals

File No: CL/04/004

Attachments: Nil

The recommended decision is not a Major Policy Decision, as defined in section 69(2) of the Local Government Act 2020, or a Significant Decision within the meaning of the Election Period 'Caretaker' Policy.

1. EXECUTIVE SUMMARY

- 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. HUMM

THAT the information in the report be received and noted.

CARRIED UNANIMOUSLY

11 EXECUTIVE SERVICES

Nil Reports

12 NOTICES OF MOTION

Nil Reports

13 DELEGATES REPORTS

13.1 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

The recommended decision is not a Major Policy Decision, as defined in section 69(2) of the Local Government Act 2020, or a Significant Decision within the meaning of the Election Period 'Caretaker' Policy.

1. EXECUTIVE SUMMARY

- 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 September 2020 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

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 September 2020 be received and noted.

CARRIED UNANIMOUSLY

14 GENERAL BUSINESS

MOTION - CONGRATULATIONS – ELLE MCDONALD OF THE MELBOURNE VIXENS

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. B. CORNISH

THAT Council send a letter of congratulations to Elle McDonald of the Melbourne Vixens on her team's win (66-64) over the West Coast Fever in the Suncorp Super Netball Grand Final in Brisbane yesterday (Sunday).

Player Elle McDonald is a Seymour College teacher. This is Elle's third successful grand final in recent times. Last year, the Victorian Fury won the Australian Netball League premiership and the Seymour Lions won the Goulburn Valley League A grade final.

CARRIED UNANIMOUSLY

15 URGENT BUSINESS

Nil.

16 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. B. HUMM

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 Delegate Report - Audit and Risk Committee

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

16.3 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 30 November 2020 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

18 CLOSE OF MEETING

The meeting was declared closed at 8.06pm.

Confirmed this Monday, 30 November 2020

.....
Chairperson
Mayor, Cr David Lowe