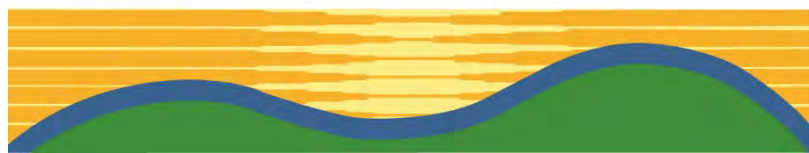


**MITCHELL SHIRE COUNCIL**



**ORDINARY COUNCIL  
MEETING  
MINUTES**

**MONDAY 30 NOVEMBER 2020**



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**MINUTES OF THE ORDINARY COUNCIL MEETING OF  
THE MITCHELL SHIRE COUNCIL HELD AT ONLINE ON  
30 NOVEMBER 2020**

**THE MEETING OPENED:** 7.00pm

**COUNCILLORS PRESENT**

Cr Annie Goble	Central Ward
Cr Louse Bannister	Central Ward
Cr Nathan Clark	Central 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

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**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 L. Bannister.

**3 APOLOGIES AND LEAVE OF ABSENCE**

**COUNCIL RESOLUTION****MOVED:** CR. B. CORNISH**SECONDED:** CR. A. GOBLE

**THAT** the apology for this meeting received from Cr B. Chisholm, due to technical difficulties, 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. A. GOBLE**SECONDED:** CR. R. ELDRIDGE

**THAT** the Minutes of the Ordinary Council Meeting held 19 October 2020, as circulated, be confirmed.

**CARRIED**

**COUNCIL RESOLUTION****MOVED:** CR. B. CORNISH**SECONDED:** CR. R. ELDRIDGE**CORNISH/ELDRIDGE**

**THAT** the Minutes of the Statutory Council Meeting held 16 November 2020, as circulated, be confirmed.

**CARRIED UNANIMOUSLY**

**6 PETITIONS AND JOINT LETTERS**

Nil

**7 PRESENTATIONS**

Nil

## 8 ADVOCACY AND COMMUNITY SERVICES

### 8.1 DRAFT COMMUNITY ENGAGEMENT POLICY 2020

**Author:** Buffy Leadbeater - Coordinator Community Development/Youth Services

**File No:** CS/12/041

**Attachments:** 1. Draft - Community Engagement Policy 2020

#### 1. Purpose

1.1 The Community Engagement Policy (the policy) outlines Mitchell Shire Council's (Council's) approach to Community Engagement and commitment to use appropriate, effective and inclusive engagement practices to support meaningful conversations with our diverse communities and stakeholders.

1.2 This Policy will be applied to the development of the Community Vision and Council Plan and aligns with the Mitchell Shire Community Engagement Framework 2018. Furthermore, the policy complies with the requirements of the Local Government Act 2020.

#### COUNCIL RESOLUTION

**MOVED:** CR. A. GOBLE

**SECONDED:** CR. F. STEVENS

**THAT** Council endorse the Draft Community Engagement Policy for public consultation.

**CARRIED UNANIMOUSLY**

## 9 GOVERNANCE AND CORPORATE PERFORMANCE

### 9.1 ANNUAL REPORT 2019/20

**Author:** Ellen McComish - Corporate Planning and Reporting Officer

**File No:** CM/20/019

**Attachments:** 1. Mitchell Shire Council Annual Report 2019/20

#### 1. Purpose

1.1 The Annual Report for the past financial year has been finalised and forwarded to the Minister for Local Government in accordance with the provisions of section 133 of the *Local Government Act 1989 (Act)*.

1.2 The report is now presented for Council's consideration.

#### COUNCIL RESOLUTION

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. A. GOBLE

**THAT** Council endorse the Annual Report for 2019/20 and notes its completion, in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

**CARRIED UNANIMOUSLY**



## 9.2 NAMING OF PAVILIONS - KINGS PARK SEYMOUR

**Author:** *Rebecca Argent - Governance Advisor*

**File No:** *CR/01/084*

**Attachments:** *Nil*

### 1. Purpose

- 1.1 A new agricultural pavilion has been constructed in Kings Park, Seymour. The Seymour Agricultural and Pastoral Society Inc. have submitted a proposal to name the new pavilion Grimwade Head Pavilion in acknowledgement of The Honourable Frederick Sheppard Grimwade AO and Mr Eric Charles Lentil Head and their contributions to the Seymour Agricultural and Pastoral Society, and greater community.
- 1.2 This new pavilion replaces two older structures, now demolished, that were commonly known as the Fred Grimwade and the Eric Head pavilions. However, as is often the case with older buildings the names were never officially recorded. Typically, these names are considered legacy names.
- 1.3 In line with Council's Place Naming Policy, the suggested names were assessed by Council's internal stakeholder group. It is now recommended that details of the naming proposal be released for community comment for a period of 30 days and that a further report, having regard for any comments received during the community consultation period, be prepared for Council consideration.
- 1.4 Once a formal decision is made by Council, the naming proposals will be submitted to the Registrar of Geographic Place Names.

### COUNCIL RESOLUTION

**MOVED:** CR. F. STEVENS

**SECONDED:** CR. A. GOBLE

**THAT** Council:

1. Supports in principle the naming of the new agricultural Pavilion in Kings Park, Seymour the Grimwade Head Pavilion.
2. Supports the retrospective acknowledgement of the legacy names Grimwade and Head, along with the relevant historical information, being added to VICNAMES – the Register of Geographic Names, to establish historical significance and to support the (above) proposal to name the new pavilion.
3. Supports seeking 'in-principle support' from the Registrar of Geographic Names, via Vicmap Editing Service, to request an exemption to consider the proposed Grimwade Head name.
4. Upon receiving in-principle support from the Registrar undertakes community

## NAMING OF PAVILIONS - KINGS PARK SEYMOUR (CONT.)

consultation on;

a) the retrospective naming of the Grimwade Pavilion and the Head Pavilion and;

b) the proposed naming of the Grimwade Head Pavilion and will in accordance with section 223 of the *Local Government Act 1989*, receive any written submissions and hear from any submitters requesting to be heard, at a meeting of the Community Questions and Hearings Committee.

5. At a later date, consider a Council report to make a final naming recommendation to the Registrar of Geographic Place Names.
6. Support the provision for interpretive signage to acknowledge the specific contributions of The Honourable Frederick Sheppard Grimwade AO and Mr Eric Charles Lentil Head.

**CARRIED UNANIMOUSLY**

### 9.3 NAMING OF PARK - WALLARA WATERS

**Author:** Rebecca Argent - Governance Advisor

**File No:** CR/01/064

**Attachments:** Nil

#### 1. Purpose

- 1.1 A new park situated at Bale Way, Mount Eliza Avenue, Waranga and Yan Yean Avenues in Wallara Waters, Wallan opened in October 2019. Council was initially approached by the developer Frasers Property Australia to officially name the park in November 2019. However, after the community consultation period it was discovered that the original name put forward 'Bidi Park' was not appropriate as consent for the use of the name/word had not been sought from the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, and the naming proposal was therefore terminated.
- 1.2 Frasers Properties have put forward a further three possible names based on consultation with Elders and Traditional Owners language experts of the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.  
  
Option 1: Tharra meaning White Hawk  
  
Option 2: Murrack meaning Grasshopper  
  
Option 3: Wangim meaning Boomerang as there is a "U"- shaped path in the park.
- 1.3 In line with Council's Place Naming Policy, the list of suggested names was assessed by Council's internal stakeholder group. It is now recommended that details of the naming proposal be released for community comment for a period of 30 days and that a further report, having regard for any comments received during the community consultation period, be prepared for Council consideration.
- 1.4 Once a formal decision is made by Council, the naming proposal will be submitted to the Registrar of Geographic Place Names.

#### COUNCIL RESOLUTION

**MOVED:** CR. B. CORNISH

**SECONDED:** CR. R. ELDRIDGE

**THAT** Council:

1. Supports in principle the naming of the new park situated at Bale Way, Mount Eliza Avenue, Waranga and Yan Yean Avenues in Wallara Waters.
2. Undertakes community consultation on the preferred name of "Murrack Park"

## NAMING OF PARK - WALLARA WATERS (CONT.)

(Option 2) meaning grasshopper in Woi Wurrung language and will in accordance with section 223 of the *Local Government Act 1989*, receive any written submissions and hear from any submitters requesting to be heard, at a meeting of the Community Questions and Hearings Committee.

3. At a later date, consider a Council report to make a final naming recommendation to the Registrar of Geographic Place Names.

**CARRIED UNANIMOUSLY**

## 9.4 COMMON SEAL AND CONDUCT AT MEETINGS LOCAL LAW 2020

**Author:** Lidia Harding - Manager Governance & Corporate Accountability

**File No:** CM/13/004

**Attachments:**

1. Draft Proposed Common Seal and Conduct at Meetings Local Law 2020
2. Draft Common Seal and Conduct at Meetings Community Impact Statement

### 1. Purpose

1.1 Council has an existing Meeting Procedure Local Law 2014 which encompasses the meeting procedures for the conduct of Council and Committee meetings. This Meeting Procedure in its current form is no longer required as the Governance Rules, adopted by Council at its meeting on 17 August 2020 supersede the meeting procedures set out in this Local Law.

1.2 A revised Local Law is presented for Council's consideration which encompasses the use of Council's Common Seal and sets out offences and penalties associated with the misuse of the Common Seal and particular provisions of the Governance Rules. This Local Law will be known as the "Common Seal and Conduct at Meetings Local Law 2020".

### COUNCIL RESOLUTION

**MOVED:** CR. A. GOBLE

**SECONDED:** CR. R. ELDRIDGE

**THAT** Council in the exercise of the powers conferred by section 111 of the *Local Government Act 1989* and section 14(2c) of the *Local Government Act 2020*, Council resolves to:

1. Approve the proposed "Common Seal and Conduct at Meetings Local Law 2020" at Attachment 1
2. Give public notice of its intention to make the Local Law in accordance with section 119(2) of the *Local Government Act 1989* and invites written submissions in relation to the proposed Local Law in accordance with section 223 of the *Local Government Act 1989*.
3. Endorse the Local Law Community Impact Statement at Attachment 2 to accompany the proposed Local Law for the purposes of community consultation.
4. Hear any submissions in relation to the proposed Local Law at a meeting of the Community Questions and Hearings Committee.
5. Receive a further report to adopt the Local Law.

**CARRIED UNANIMOUSLY**

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COMMON SEAL AND CONDUCT AT MEETINGS LOCAL LAW 2020 (CONT.)

**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

**1. Purpose**

- 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. B. CORNISH

**SECONDED:** CR. A. GOBLE

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

**CARRIED UNANIMOUSLY**

**9.6 QUARTERLY FINANCE REPORT FOR 3 MONTHS ENDING 30 SEPTEMBER 2020**

**Author:** *Charlene Adams - Management Accounting Coordinator*

**File No:** *FN/12/001-02*

**Attachments:** 1. *Financial Report for the three months ending 30 September 2020*

**1. Purpose**

- 1.1 The attached report represents the first budget review for the financial year and three months of business ending 30 September 2020.

**COUNCIL RESOLUTION**

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. F. STEVENS

**THAT** Council note the contents of this report and Attachment 1 – Financial Report for the 3 months ending 30 September 2020.

**CARRIED UNANIMOUSLY**



## 10 DEVELOPMENT AND INFRASTRUCTURE

### 10.1 PLANNING PERMIT APPLICATION PLP121/20 FOR A MUTLI LOT SUBDIVISION AT 540 DAVIDSON STREET BROADFORD

**Author:** *Rees May - Statutory Planner*

**File No:** *PLP121/20*

**Attachments:**

1. *Conditions*
2. *Proposed Plan of Subdivision*
3. *Applicable Policies*
4. *Clause 56 – Residential Subdivision Assessment*
5. *Advertising Map*

<b>Property No.:</b>	114415
<b>Title Details:</b>	Lot A on Plan of subdivision 131010 (Volume 09390 Folio 840)
<b>Applicant:</b>	Ruschmeyer Nominees Pty Ltd C/- Urban Design and Management Pty Ltd
<b>Zoning:</b>	General Residential Zone – Schedule 1
<b>Overlays:</b>	None
<b>Objections Received:</b>	No objections were received.
<b>Cultural Heritage Management Plan Required:</b>	A portion of the site is found within an area of Aboriginal Cultural Heritage Sensitivity. The application has been accompanied by a Cultural Heritage Management Plan that has been approved by the Registered Aboriginal Party.
<b>Reason Reported to Council</b>	Community interest
<b>Summary Recommendation</b>	Approval of a planning permit
<b>Officer Declaration of Conflict of Interest:</b>	No officers involved in the preparation of this report have any direct or indirect interest in this matter

PLANNING PERMIT APPLICATION PLP121/20 FOR A MUTLI LOT SUBDIVISION AT 540 DAVIDSON STREET BROADFORD (CONT.)

## 1. SITE MAP



## 2. PURPOSE

- 2.1 Council has received an application for a multi lot subdivision and removal of native vegetation at 540 Davidson Street, Broadford. The site is subject to the General Residential Zone and is not affected by any planning scheme overlays.
- 2.2 The application was advertised by sending letters to adjoining landowners and occupiers and placing a notice on the site. No objections were received.
- 2.3 The application has been referred to a Council meeting for review as it is noted the previous subdivision approval and subsequent construction of Davidson Street proved controversial to surrounding residents and it was therefore deemed appropriate to report this matter to Council.
- 2.4 Given the residential zoning, access to services and the site's location within walking distance of the Broadford Town Centre, public transport, schools and parks the proposal is considered appropriate.
- 2.5 The proposal demonstrates compliance with the relevant policies and provisions of the Mitchell Planning Scheme. It is therefore recommended that a planning permit be issued subject to conditions.

PLANNING PERMIT APPLICATION PLP121/20 FOR A MUTLI LOT SUBDIVISION AT 540 DAVIDSON STREET BROADFORD (CONT.)

**RECOMMEND COUNCIL RESOLUTION**

**MOVED:** CR. F. STEVENS

**SECONDED:** CR. B. CORNISH

That this item be deferred.

**CARRIED UNANIMOUSLY**

**10.2 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

**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. 994 - COLLECTION OF ILLEGALLY DUMPED RUBBISH

**Author:** *Councillor Annie Goble*

**File No:** *LL/06/240*

**Attachments:** *Nil*

#### COUNCIL RESOLUTION

**MOVED:** CR. A. GOBLE

**SECONDED:** CR. L. BANNISTER

**THAT** Council officers prepare a report detailing the current costs associated with the ongoing collection of illegally dumped rubbish throughout the Shire and a costing of a potential hard rubbish collection service.

**CARRIED UNANIMOUSLY**

## 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

#### 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 from 1 to 23 October 2020 and also other activities attended as a Council representative.

#### COUNCIL RESOLUTION

**MOVED:** CR. B. CORNISH

**SECONDED:** CR. A. GOBLE

**THAT** Council receive and note the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for period from 1 to 23 October 2020 be received and noted.

**CARRIED UNANIMOUSLY**

## 14 GENERAL BUSINESS

### COUNCIL RESOLUTION

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. F. STEVENS

**THAT** Council writes a letter of letter of congratulations to Karen Christensen for receiving the Anzac of the Year Award for Victoria.

**CARRIED UNANIMOUSLY**

## 15 URGENT BUSINESS

Nil

## 16 CONFIDENTIAL BUSINESS

### COUNCIL RESOLUTION

**MOVED:** CR. A. GOBLE

**SECONDED:** CR. B. CORNISH

**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 RFT132725 - Greenhill Reserve - Cricket Net Reconstruction Project**

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

#### **16.3 RFT: 132769 Greenhill Reserve Main Oval Change Room Female Friendly Upgrade Project**

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

#### **16.4 RFT132768 - LB Davern Reserve - Court 3 and 4 Resconstruction Project**



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

**16.5 RFT132767 - Broadford Sports Precinct - Football Pitch Redevelopment**

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

**16.6 Spray Seal Tender Award - Contract 132715**

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

**16.7 Asphalt Resurfacing and Associated Services 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.

**16.8 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 14 December 2020 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

**18 CLOSE OF MEETING**

The meeting was declared closed at 7.54pm.

Confirmed this Monday, 14 December 2020

.....

**Chairperson**

**Mayor, Cr Rhonda Sanderson**