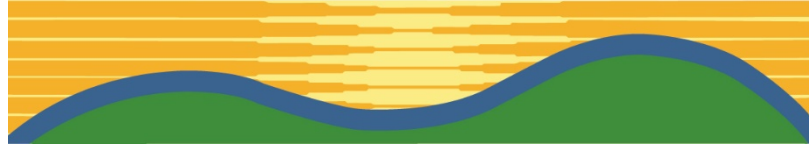


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 18 MAY 2020

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**MINUTES OF THE ORDINARY COUNCIL MEETING OF
THE MITCHELL SHIRE COUNCIL HELD AT MITCHELL
CIVIC CENTRE, 113 HIGH STREET BROADFORD ON
18 MAY 2020**

THE MEETING OPENED: 7.07pm

COUNCILLORS PRESENT

Cr Annie Goble	Central Ward	(joined the meeting at 7.25pm)
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	
Cr Bob Cornish	South Ward	

OFFICERS PRESENT

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

1 WELCOME AND GOVERNANCE DECLARATION

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.

The declaration was read by Cr B. Chisholm.

2 APOLOGIES AND LEAVE OF ABSENCE

No apologies were received.

3 DISCLOSURE OF CONFLICTS OF INTEREST

Nil.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CORNISH

THAT the Minutes of the Ordinary Council Meeting held 20 April 2020, as circulated, be confirmed.

CARRIED UNANIMOUSLY

5 PETITIONS AND JOINT LETTERS

In accordance with Clause 66 of Local Law No. 4 – Meeting Procedures.

A petition with 9 signatures from the residents of the western end of Arrowsmith Street, Beveridge was tabled. The petition asks Council to compete the street structure (sealed street, footpath, curb and channels for water, gas etc.).

6 PRESENTATIONS

In accordance with Clause 65 of Local Law No. 4 – Meeting Procedures

Nil.

7 ADVOCACY AND COMMUNITY SERVICES

7.1 NOTICE OF INTENTION TO LEASE 119 WELLINGTON STREET, WALLAN (WALLAN YOUTH SERVICES HUB)

Author: Buffy Leadbeater - Coordinator Community Development/Youth Services

File No: CS/04/19

Attachments: Nil

Reference: CS/04/19

SUMMARY

The purpose of this report is to advise of the intention to enter into a lease with The Bridge Youth Services Incorporated for the occupation of the Council owned property located at 119 Wellington Street, Wallan.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. R. ELDRIDGE

THAT Council:

1. Note that the legislative processes required under section 190 (s115 of the *Local Government Act 2020*), section 82A(2) and section 223 of the *Local Government Act 2020* have been completed in relation to the proposal to enter into a lease with The Bridge Youth Services Inc. for the occupation of the Council owned property located at 119 Wellington Street, Wallan and that no submissions have been received in response to the Public Notice.
2. Authorise the signing of the lease with The Bridge Youth Services Incorporated for the premises at 119 Wellington Street, Wallan for a four year term of 1 July 2020 to 30 June 2024.
3. Has fulfilled its obligations for giving Public Notice as described in Recommendation 1 of this report and resolve that Council enter into a lease with The Bridge Youth Services Inc. on the proposed terms, being a four-year lease.

CARRIED UNANIMOUSLY

8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 QUARTERLY FINANCE REPORT FOR THE NINE MONTHS ENDING 31 MARCH 2020

Author: *Hannah White - Management Accounting Coordinator*

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

Attachments: 1. *Financial Report for nine months ending 31 March 2020*

SUMMARY

This report along with Attachment 1 allows Council to monitor its financial performance.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. R. SANDERSON

THAT Council note the contents of the Financial Report for the period ending 31 March 2020 and Attachment 1 – Financial Report for the nine months ending 31 March 2020.

CARRIED UNANIMOUSLY

8.2 ASSEMBLY OF COUNCIL RECORD

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: CL/04/013-02

Attachments: 1. Assembly of Council Record

SUMMARY

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. HUMM

SECONDED: CR. R. ELDRIDGE

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

CARRIED UNANIMOUSLY

8.3 LIVESTREAMING, RECORDING AND PUBLISHING OF COUNCIL AND COMMITTEE MEETINGS POLICY

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: GV/10/022

Attachments: 1. *Livestreaming, Recording and Publishing of Council and Committee Meetings Policy*

SUMMARY

The Livestreaming, Recording and Publishing of Council and Committee meetings Policy establishes protocols for virtual meetings, live streaming and subsequent uploading online of Council and Committee meetings. The policy outlines the process for livestreaming, recording and publishing Council and Committee meetings including signage requirements, public notice, equipment and liability.

The virtual meeting component of this policy is applicable for the period 1 May to 1 November 2020 as a result of the COVID-19 pandemic and meetings held by electronic means of communication will be held in accordance with s394 of the *Local Government Act 2020*.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. B. HUMM

THAT Council endorse the Livestreaming, Recording and Publishing of Council and Committee meetings Policy (Attachment 1).

CARRIED UNANIMOUSLY

9 DEVELOPMENT AND INFRASTRUCTURE

9.1 625 & 646 NORTHERN HIGHWAY, WALLAN - AMENDMENT TO SPRINGRIDGE ESTATE DEVELOPMENT PLAN (DPO8)

Author: Sean Greer - Coordinator Strategic Planning

File No: PL/13/071

Attachments: 1. Springridge Estate Amended Development Plan
2. DPO8 Community Submissions Summary

SUMMARY

In accordance with Clause 43.04 (Development Plan Overlay – Schedule 8 Wallan Development Plan) of the *Mitchell Planning Scheme*, an application to amend an approved Development Plan has been received from Veris Australia Pty Ltd on behalf of Synergy Living.

Following a review of the proposal to amend and consideration of submissions, it is recommended that the approved Development Plan be amended as provided in Attachment 1.

625 & 646 NORTHERN HIGHWAY, WALLAN - AMENDMENT TO SPRINGRIDGE ESTATE DEVELOPMENT PLAN (DPO8) (CONT.)

COUNCIL RESOLUTION**MOVED:** CR. R. SANDERSON**SECONDED:** CR. F. STEVENS**THAT** Council:

1. Approve the amended Development Plan pursuant to Clause 43.04 Development Plan Overlay (DPO8) of the *Mitchell Planning Scheme*, as provided within Attachment 1 to this Report.
2. Undertake negotiations to enter into a Section 173 agreement with the applicant pertaining to the delivery of a 3.0m wide trail and contribution to the privacy fence along the Northern Highway.
3. Informs adjoining landowners of the proposed trail and fencing treatment on the western side of the Northern Highway in relation to the detailed design once such plans have been prepared.

Resulted in a vote as follows:

For:

CR. D. LOWE

Against:CR. D. ATKINSON
CR. B. CHISHOLM
CR. B. CORNISH
CR. R. ELDRIDGE
CR. A. GOBLE
CR. B. HUMM
CR. R. SANDERSON
CR. F. STEVENS**Abstained:****LOST**

9.2 PLANNING SCHEME AMENDMENT C139: CORRECTION OF ZONE ANOMALIES - CONSIDERATION OF SUBMISSIONS

Author: Justin Harding - Strategic Planner

File No: PL/05/272

Attachments: 1. Amendment C139 Summary of Submissions

SUMMARY

Proposed Planning Scheme Amendment C139 seeks to correct zoning anomalies in Kilmore, Bylands and Wandong. The proposed zone corrections relate to public zones affecting private land or public land being incorrectly zoned.

Amendment C139 was placed on public exhibition between 27 September 2019 and 8 November 2019, in accordance with Council's resolution on 18 February 2019. Exhibition comprised a mailout to affected landowners, newspaper advertising and notice in the *Victoria Government Gazette*.

In total 11 submissions have been received. A summary of the submissions received, and officer response is provided in Attachment 1 to this report. Of the 11 submissions, ten (10) support the amendment and one (1) objects.

The objection pertains to the proposed rezoning of former railway land in Bylands from Public Use Zone 4 to Farming Zone. The submission will need to be referred to an Independent Planning Panel as the matters raised in the submission cannot be resolved.

It is recommended that Amendment C139 be referred to the Independent Planning Panel for review and consideration of the unresolved submission.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. R. ELDRIDGE

THAT Council:

1. Request the Minister for Planning to appoint an Independent Planning Panel under Part 8 of the *Planning and Environment Act 1987* to consider Amendment C139.
2. Submit to the Independent Planning Panel Council's response to submissions, as generally outlined in Attachment 1 to this report.

CARRIED UNANIMOUSLY

9.3 PATTERSON STREET BEVERIDGE - APPROVAL TO SECURE LOAN BORROWINGS

Author: Tim Partridge - Manager Engineering and Major Projects

File No: FN/09/026

Attachments: 1. Beveridge Central Precinct Structure Plan 2018 - Extract

SUMMARY

The construction of Patterson Street between Lithgow Street and Plume Street is identified in the 2019/2020 Capital Works Budget to be funded using a combination of Council cash, loan borrowings and a developer contribution.

This report proposes an alternative funding and delivery strategy seeks the approval of Council to utilise loan borrowings to fully fund the construction of Patterson Street (Lithgow Street to Plume Street) in Beveridge to support increased traffic growth in the vicinity of the new Beveridge Primary School (West Campus).

The alternative funding strategy is necessary due to the following changes in available funding sources since the adoption of the 2019/2020 Capital Works Program, namely;

- Developer contributions are no longer available for use on this project;
- The total project costs have been revised from \$1.9M to \$1.2M
- Council cash holdings are being allocated elsewhere within the Capital Works Program and the full contribution is being sought through borrowings.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CHISHOLM

THAT Council:

1. Notes the proposed delivery strategy for the construction of Patterson Street between Lithgow Street and Plume Street utilising the provisions contained within the Beveridge Central Infrastructure Contribution Plan.
2. Endorse an increase of \$413,000 to the planned borrowings, allowing for a maximum draw down of \$1,213,000.
3. Notes the overall Council contribution will be increased by \$3,000 compared to the original budget.

CARRIED UNANIMOUSLY

9.4 PROPOSED MITCHELL ENVIRONMENT ADVISORY COMMITTEE MEMBERSHIP

Author: Elyse Kelly - Environmental Programs Coordinator

File No: ET/03/003

Attachments: Nil

SUMMARY

This report proposes to extend the membership term of the Mitchell Environment Advisory Committee (MEAC) for an additional six (6) months due to difficulties with community engagement and induction during COVID-19.

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. D. ATKINSON

THAT Council endorses the extension of the current membership of the Mitchell Environment Advisory Committee until 23 November 2020 being the date of the November Council meeting.

CARRIED UNANIMOUSLY

9.5 DRAFT MITCHELL SHIRE COUNCIL ENVIRONMENT POLICY

Author: *Elyse Kelly - Environmental Programs Coordinator*

File No: *CM/03/012*

Attachments: 1. *Draft Mitchell Shire Council Environment Policy*
2. *Mitchell Shire Council Environment Policy Consultation Summary*

SUMMARY

The draft Mitchell Shire Council Environment Policy demonstrates Mitchell Shire Council's commitment to the environment and sets long term goals for environmental sustainability.

The Policy sets environmental goals for the delivery of Council's services and applies to all Mitchell Shire Council employees, Councillors, contractors and volunteers, undertaking Council work related duties that impact directly or in-directly on the environment.

The Policy will be supported by a revised Environment Strategy and action plan to ensure an integrated, whole of Council approach to our environmental commitment.

Following consultation with Council, Youth Council, the Mitchell Environment Advisory Committee and internal stakeholders, a draft Mitchell Shire Council Environment Policy has been developed and is tabled for Council's consideration.

DRAFT MITCHELL SHIRE COUNCIL ENVIRONMENT POLICY (CONT.)

COUNCIL RESOLUTION**MOVED:** CR. B. CHISHOLM**SECONDED:** CR. B. HUMM**THAT** Council defer this item.

Cr D. Atkinson left the meeting at 8.06pm.

Cr D. Atkinson returned to the meeting at 8.08pm.

Resulted in a vote as follows:

For:

CR. B. CHISHOLM
CR. B. CORNISH
CR. B. HUMM

Against:

CR. D. ATKINSON
CR. R. ELDRIDGE
CR. A. GOBLE
CR. D. LOWE
CR. R. SANDERSON
CR. F. STEVENS

Abstained:

LOST

COUNCIL RESOLUTION**MOVED:** CR. A. GOBLE**SECONDED:** CR. B. CHISHOLM**AMENDMENT**

THAT Council put the Draft Mitchell Shire Council Environment Policy out for consultation and a further report be presented to Council.

Resulted in a vote as follows:

For:

CR. B. CORNISH
CR. A. GOBLE

Against:

CR. D. ATKINSON
CR. B. CHISHOLM
CR. R. ELDRIDGE
CR. B. HUMM
CR. D. LOWE
CR. R. SANDERSON
CR. F. STEVENS

Abstained:

The **AMENDMENT** when put was **LOST**

DRAFT MITCHELL SHIRE COUNCIL ENVIRONMENT POLICY (CONT.)

COUNCIL RESOLUTION**MOVED:** CR. A. GOBLE**SECONDED:** CR. R. ELDRIDGE**THAT** Council adopt the Draft Mitchell Shire Council Environment Policy.

Resulted in a vote as follows:

For:CR. D. ATKINSON
CR. B. CORNISH
CR. R. ELDRIDGE
CR. A. GOBLE
CR. B. HUMM
CR. D. LOWE
CR. R. SANDERSON
CR. F. STEVENS**Against:**

CR. B. CHISHOLM

Abstained:

The substantive motion was CARRIED

COUNCIL RESOLUTION**EXTENSION OF TIME****MOVED:** CR. D. ATKINSON**SECONDED:** CR. A. GOBLE

CARRIED UNANIMOUSLY

9.6 KERBSIDE COLLECTION POLICY UPDATE

Author: Narelle Liepa - Waste Management Coordinator

File No: WM/05/001-01

Attachments: 1. Kerbside Collection Policy 2020

SUMMARY

This report outlines the review and update of Council's Kerbside Collection Policy (The Policy).

The Policy was adopted in April 2016 in order to provide strategic guidance for the provision of Council's kerbside collection services. It provides a framework to ensure that kerbside collection services are provided across the Shire in an efficient, effective and sustainable way to achieve best practice service delivery. It defines compulsory collection routes and criteria for extensions and exemptions of services, refusal of services, resident obligations, collection times and the application of the associated waste service charges.

An update of the Kerbside Collection Policy has been undertaken to strengthen the policy's content and ensure that it remains accurate and applicable to kerbside service delivery.

A number of new items such as medical exemptions, pandemic temporary kerbside collection service, multi-unit developments and schools have been included in the updated Policy to provide guidance for these elements of kerbside service delivery.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. HUMM

THAT Council endorse the updated Kerbside Collection Policy.

CARRIED UNANIMOUSLY

9.7 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

SUMMARY

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. SANDERSON

SECONDED: CR. D. ATKINSON

THAT Council receive and note the report on the Victorian Civil and Administrative Tribunal Hearings and Activities carried out under delegation.

CARRIED UNANIMOUSLY

10 EXECUTIVE SERVICES

10.1 COVID-19 PANDEMIC PLAN

Author: Mary Agostino - Director, Advocacy and Community Services

File No: EM/12/012

Attachments: Nil

SUMMARY

This report highlights Mitchell Shire Council's approach to supporting staff, community and business during the current COVID-19 pandemic and presents options for Council to increase support for the recovery process.

Since the breakout of COVID-19 Council has been continually evaluating how we deliver our front-line services to the community, adapting to the new situation, as well as the type of support Council can offer the community including our valued business sector.

The long term, wellbeing, social and economic health of the communities across the Shire, are at the heart of Council's service agility and recommended proposals.

COVID-19 PANDEMIC PLAN (CONT.)

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. A. GOBLE

THAT Council:

- 1) Support a waiving of fees for the following items in the 2020/2021 Financial Year:
 - Statutory Planning: Pre application planning fees
 - Extension of planning permit fee (business only)
 - Local Laws Fees (for businesses) including A-frames; Outdoor dining; Displaying goods; Roadside trading
 - Environmental Health (for businesses) Food businesses (including mobile), (Cafes, Restaurants, hairdressers, beauty salons, tattooists)
 - Public Land Hire Fees
- 2) Support a tourism activation campaign up to \$50,000.
- 3) Support Great Victorian Rail Trail (GVRT) Strategic Plan Signage Implementation \$20,000.
- 4) Investigates further the opportunity to support an acquisitive sculpture prize of \$5,000.
- 5) Note;
 - Property owners may be provided with payment extensions for all rates charges until 30 September 2020 with no penalty interest applicable.
 - The efforts of front facing staff have put in to continue vital community services including kindergarten programs, waste disposal, maternal and childcare services, environmental health, animal services and school crossing supervisors, library deliveries.
 - Council has been a central point of contact in referring community members to locally based support services;
 - Libraries and leisure services ability to provide on-line services and interactive activities, to ensure the communities stay active and engaged.
 - Council has been successful in attracting \$3.8 million under the Work for Victoria fund to assist the Shire's critical response to the COVID-19 pandemic

CARRIED UNANIMOUSLY

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION: NO. 975 - CYCLING CONSULTATIVE FORUM

Author: *Councillor Rhonda Sanderson*

File No: *TR/01/003*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 18 May 2020.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. B. CHISHOLM

THAT Council:

1. Initiate a Cycling Consultative Forum comprising community members, engineering and community development staff and interested Councillors to explore options to improve the cycling experience in our Shire.
2. That an action plan on options be presented to Council at the December 2020 Ordinary Council meeting with suggested items for consideration in the 2021-2022 budget.

COUNCIL RESOLUTION

EXTENSION OF TIME

MOVED: CR. D. ATKINSON

SECONDED: CR. A. GOBLE

CARRIED UNANIMOUSLY

11.2 NOTICE OF MOTION: NO. 981 - ROAD RENEWAL AND MAINTENANCE

Author: *Councillor Bill Chisholm*

File No: *TR/01/003*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 18 May 2020.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. A. GOBLE

There has been a funding backlog identified in Councils current infrastructure and renewal roads maintenance program, this has existed for many years and the compounding effects will have damaging impact to future generations unless addressed:

MOTION**THAT:**

1. Council Officers prepare a report regarding how Council can implement the findings/recommendations of the Mitchell Shire Roads (March 2018) which is the Mitchell Shire Road Asset Management Report Part B.
2. The Report should outline the Shire's Strategy and possible realistic timeframes to manage the current financial gap. The report where possible should be in plain English.

CARRIED UNANIMOUSLY

11.3 NOTICE OF MOTION: NO. 982 - LETTER TO SUPPORT COMMUNITY INVOLVEMENT FOLLOWING PANDEMIC

Author: *Councillor Bill Chisholm*

File No: *EM/12/012*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 18 May 2020.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. R. SANDERSON

THAT Council:

1. Write to the relevant State and Federal Government Ministers, including the Department of the Prime Minister acknowledging their work so far to protect the community during the current COVID - 19 pandemic. Further that the correspondence should indicate Councils desire to support community involvement in any processes to review the impacts of the pandemic or consider recovery and the future implications from this unprecedented time. We feel there would be substantial benefits for all if such a process took place.
2. Send of copy of the letter to our local representatives.

CARRIED UNANIMOUSLY

12 DELEGATES REPORTS

Nil Reports.

13 GENERAL BUSINESS

In accordance with Clause 30 of the Meeting Procedure Local Law.

Nil.

14 URGENT BUSINESS

In accordance with Clause 31 of the Meeting Procedure Local Law.

The urgent business items listed on this agenda were withdrawn.

15 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. A. GOBLE

Meeting closed to public at 9.05pm.

THAT in accordance with Section 66(2) 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

15.1 Confirmation of Minutes of previous Confidential Meeting

15.2 Contract 132671 - Environmental Auditor Panel for Mitchell Shire Landfill sites

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

15.3 CEO Remuneration

s3(1)(f) Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

15.4 Kilmore Golf Club

s3(1)(g)(ii) Private commercial information, being information provided by a business, commercial or financial undertaking that if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

15.5 Re-opening of Meeting to members of the public

16 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 22 June 2020 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7:00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 9.09pm.

Confirmed this Monday, 22 June 2020

.....
Chairperson
Mayor, Cr David Lowe