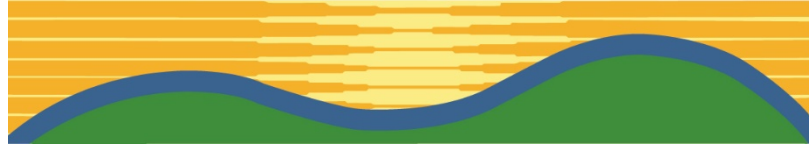


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 20 JULY 2020

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<p style="text-align: center;">MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MITCHELL SHIRE COUNCIL HELD ONLINE ON 20 JULY 2020</p>

THE MEETING OPENED: 7.09pm

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	
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	Acting 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

In accordance with Section 79 of the Local Government Act 1989.

Cr. B Cornish declared an indirect interest in item 9.2 Draft Wallan King and Queen Street Masterplan - Consideration for Community and Stakeholder Consultation as an interested party.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. F. STEVENS

SECONDED: CR. R. ELDRIDGE

THAT the Minutes of the Ordinary Council Meeting held 22 June 2020, as circulated, be confirmed.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. B. HUMM

THAT the Minutes of the Council Meeting held 29 June 2020, as circulated, be confirmed.

CARRIED UNANIMOUSLY

5 PETITIONS AND JOINT LETTERS

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

Nil.

6 PRESENTATIONS

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

Nil.

7 ADVOCACY AND COMMUNITY SERVICES

7.1 MUNICIPAL PUBLIC HEALTH AND WELLBEING PLAN AND SOCIAL JUSTICE FRAMEWORK YEAR THREE REPORTING 2019/2020 AND YEAR FOUR ACTION PLAN 2020/2021

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

File No: *CS/20/003*

Attachments:

1. *MPHWP Year Three Traffic Light Report*
2. *SJF Year Three Traffic Light Report*
3. *MPHWP Year Four Annual Action Plan*
4. *SJF Year Four Annual Action Plan 2020-2021*

SUMMARY

This report outlines the outcomes of the Municipal Public Health and Wellbeing Plan and the Social Justice Framework Year Three Annual Action Plans 2019/2020 and includes the recently developed initiatives for the Year Four Annual Action Plans 2020/2021.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. A. GOBLE

THAT Council note the information contained in this report.

CARRIED UNANIMOUSLY

8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 COUNCILLOR EXIT PROCEDURE

Author: *Rebecca Argent - Governance Advisor*

File No: *GV/10/013*

Attachments: *1. Councillor Exit Procedure*

SUMMARY

This Procedure provides a guideline for the exit process for departing Councillors at a general election or when a Councillor elects to resign during a term of Council. The procedure addresses ongoing obligations, allowances, expenses and the return of Mitchell Shire Council owned equipment and property.

Council endorsed the Exit Procedure Departing Councillors ahead of the last Council election. These procedures have been reviewed to reflect clearer guidelines for exiting Councillors.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. D. ATKINSON

THAT Council endorse the Councillor Exit Procedure.

CARRIED UNANIMOUSLY

8.2 COUNCILLOR MEETING SECURITY PROCEDURE

Author: *Rebecca Argent - Governance Advisor*

File No: *GV/10/013*

Attachments: *1. Council Meeting Security Procedure*

SUMMARY

Council endorsed the Councillor Meeting Security Procedure in December 2016. These procedures have been reviewed to reflect clearer guidelines for handling Council meeting security.

This Procedure outlines Council's proactive risk mitigation steps and responses in the case that a meeting of Council becomes unsafe and is a risk of a security breach by a member of public or another person. The procedural steps apply to meetings held in the Broadford Council Chamber.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. F. STEVENS

THAT Council endorse the Council Meeting Security Procedure.

CARRIED UNANIMOUSLY

8.3 COUNCILLOR IT EQUIPMENT POLICY

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: GV/10/013

Attachments: 1. Councillor IT Equipment Policy

SUMMARY

This policy details the IT Equipment provided to Councillors to enable them to undertake their Councillor duties.

It ensures that:

- Each Councillor is provided with suitable IT equipment to conduct their council business in a productive and efficient manner;
- The equipment provided can be maintained and supported efficiently.

Cr Cornish joined the meeting at 7.22pm.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. D. ATKINSON

THAT Council endorse the Councillor IT Equipment Policy.

CARRIED UNANIMOUSLY

8.4 DRAFT PUBLIC TRANSPARENCY POLICY

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: GV/10/013

Attachments: 1. Draft Public Transparency Policy

SUMMARY

Council must adopt and maintain a Public Transparency Policy under section 57 of the *Local Government Act 2020* (the Act).

This policy aims to formalise Council's commitment to transparent decision-making processes and freely available public access to Council information. It supports and promotes:

- a) increased community confidence and trust in Council through greater understanding and awareness;
- b) improved Council visibility and performance; and
- c) access to information that is current and easily accessible.

This draft policy includes all forms of Council information and how it will be made available to the public and is an integral part of Council's governance framework.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. F. STEVENS

THAT Council endorse the Draft Public Transparency Policy (Attachment 1) for public consultation.

CARRIED UNANIMOUSLY

8.5 DRAFT GOVERNANCE RULES

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: GV/10/013

Attachments: 1. Draft Governance Rules

SUMMARY

Council must develop, adopt and keep in force Governance Rules in accordance with section 60 of the *Local Government Act 2020* (the Act).

These draft Governance Rules must outline:

- the conduct of Council meetings
- the conduct of meetings of delegated committees
- the election of the Mayor, Deputy Mayor and appointment of an Acting Mayor
- Council's Election Period Policy
- conflict of interest procedures for Councillors, Council staff and members of a delegated committee

A draft Governance Rules for public consultation is at Attachment 1. The Governance Rules must be adopted by Council by 1 September 2020.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. R. ELDRIDGE

THAT Council:

1. Endorse the Draft Governance Rules (Attachment 1) for public consultation.
2. Note that the existing Meeting Procedure Local Law No 1 will continue to operate until revoked and a revised version outlining the provisions for use of the common seal and exercise of offences will be presented to the September 2020 council meeting.

CARRIED UNANIMOUSLY

8.6 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. CHISHOLM

SECONDED: CR. D. ATKINSON

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

CARRIED UNANIMOUSLY

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

Author: Lidia Harding - Manager Governance & Corporate Accountability

File No: GV/06/016

Attachments: 1. *Instrument of Appointment and Authorisation*

SUMMARY

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.

The Chief Executive Officer, by authority conferred by instrument of delegation from Council dated 16 October 2017, makes these appointments.

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.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. A. GOBLE

THAT in the exercise of the powers conferred by Section 147(4) of the *Planning and Environment Act 1987* and Section 313 of the *Local Government Act 2020*, Mitchell Shire Council resolves that:

1. The member 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 DEVELOPMENT AND INFRASTRUCTURE

9.1 RESPONSE TO NOTICE OF MOTION 974 - WATER CONSUMPTION

Author: Elyse Kelly - Environmental Programs Coordinator

File No: WW/03/016

Attachments: Nil

Reference: CM20/21

SUMMARY

This report responds to Notice of Motion 974 – Water Consumption made at the 17 February 2019 Council meeting.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. D. ATKINSON

THAT Council receives and notes the information contained in this report.

A vote resulted 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:

CARRIED

COUNCIL RESOLUTION

EXTENSION OF TIME

MOVED: CR. B. CHISHOLM

SECONDED: CR. A. GOBLE

CARRIED UNANIMOUSLY

9.2 DRAFT WALLAN KING AND QUEEN STREET MASTERPLAN - CONSIDERATION FOR COMMUNITY AND STAKEHOLDER CONSULTATION

Author: Justin Harding - Strategic Planner

File No: PL/13/070

Attachments: 1. Draft Wallan King and Queen Street Masterplan

Cr B. Cornish left the meeting at 7.49pm and did not return.

SUMMARY

The purpose of this report is to seek Council endorsement to release the Draft Wallan King and Queen Street Masterplan 2020 (Draft Masterplan, Attachment 1) for community and stakeholder consultation. Consultation will take place for a minimum period of one (1) month.

The purpose of the Draft Masterplan is to assist in coordinating development in the King and Queen Street precinct which is a key infill development area for Wallan. Once completed, the Masterplan will form Council's preferred development outcome for this area.

This project received funding of \$50,000 from the Victorian Planning Authority (VPA) through the Streamlining for Growth 2018/19 program. The funding agreement requires the Masterplan to be finalised by the end of 2020.

The purpose of the Masterplan is to provide a guide for developers/landowners and a decision-making tool for Council when considering future Development Plan and/or Planning Permit applications. The Draft Masterplan proposes an overall strategy for orderly, integrated and sequential development of the King and Queen Street area.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CHISHOLM

RECOMMENDATION

THAT Council:

1. Note and endorse the Draft Wallan King and Queen Street Masterplan 2020 for consultation purposes.
2. In light of the current COVID-19 restrictions, place the Draft Wallan King and Queen Street Masterplan 2020 on public consultation for a minimum eight (8) week period.
3. Seek to be appropriately compensated through the planning and development process for the loss of reserve land as a result of the new north-south road connection into the McCarthy Court intersection, adjacent to Watson Street.

A vote resulted as follows:

DRAFT WALLAN KING AND QUEEN STREET MASTERPLAN - CONSIDERATION FOR COMMUNITY AND STAKEHOLDER CONSULTATION (CONT.)

For:

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

Against:

CR. B. HUMM

Abstained:

CARRIED

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

Author: *James McNulty - Manager Development Approvals
Ricardo Ramos - Statutory Planning Coordinator*

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. B. HUMM

SECONDED: CR. F. STEVENS

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

Nil Reports

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION: NO. 985 - WASTE TO ENERGY FACILITY

Author: *Councillor David Atkinson*

File No: *GT/01/001-03*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 20 July 2020.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. A. GOBLE

THAT Council officers explore grant funding opportunities, that enable the development of a feasibility study exploring opportunity of investing in a waste to energy facility in Mitchell Shire like the one Yarra Valley Water has currently operational in Craigieburn, north of Melbourne

CARRIED UNANIMOUSLY

12 DELEGATES REPORTS

12.1 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

SUMMARY

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 June 2020 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. R. SANDERSON

THAT the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for June 2020 be received and noted.

CARRIED UNANIMOUSLY

13 GENERAL BUSINESS

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

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. A. GOBLE

RECOMMENDATION

THAT Council writes a letter of condolence to the family of Ms Shelley Frawley who passed away in June 2020.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. B. CHISHOLM

RECOMMENDATION

THAT Council writes a letter of condolence to the family of Mr Brian Jones who passed away on 17 July 2020.

CARRIED UNANIMOUSLY

14 URGENT BUSINESS

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

Nil.

15 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. A. GOBLE

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 RFT 132672 - Provision of Environmental Monitoring Services

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

15.3 RFT 132683 - Green Waste Mulching and Associated Services

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

15.4 Re-opening of Meeting to members of the public

CARRIED UNANIMOUSLY

16 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 17 August 2020 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7:00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 8.34pm.

Confirmed this Monday, 17 August 2020

.....
Chairperson
Mayor, Cr David Lowe