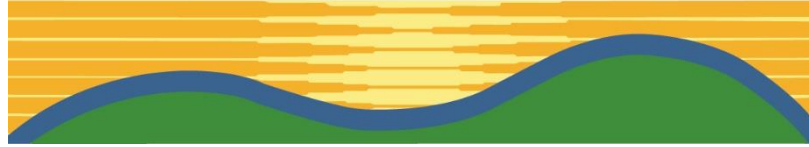


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 18 SEPTEMBER 2017

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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 SEPTEMBER 2017**

THE MEETING OPENED: 7.00pm

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 | (Chairperson) |
| Cr Fiona Stevens | North Ward | |
| | | |
| Cr David Lowe | South Ward | |
| Cr Rob Eldridge | South Ward | |
| Cr Bob Cornish | South Ward | |

OFFICERS PRESENT

| | |
|-------------------|--|
| Mr Laurie Ellis | Acting Chief Executive Officer |
| Mr Nicole Maxwell | Acting Director Governance and Corporate Performance |
| Ms Mary Agostino | Director Advocacy and Community Services |
| Mr Jeff Saker | Director Development and Infrastructure |
| Ms Lidia Harding | Governance and Corporate Accountability Coordinator |

1 GOVERNANCE DECLARATION

The declaration was read by Cr F. Stevens.

2 APOLOGIES AND LEAVE OF ABSENCE

3 DISCLOSURE OF CONFLICTS OF INTEREST

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

CR D ATKINSON DECLARED A CONFLICT OF INTEREST IN ITEM 9.1 SECONDARY CONSENT REQUEST UNDER CONDITION 3 OF PLP112/16 57-59 HIGH STREET, WALLAN AS HE OWNS SHARES IN NORCEN FINANCIAL SERVICES.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. B. CORNISH

THAT the Minutes of the Ordinary Council Meeting held 21 August 2017, as circulated, be confirmed.

CARRIED

A division was called and resulted as follows:

For:

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

Against:

Abstained:

CR. B. HUMM

5 PETITIONS AND JOINT LETTERS

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

CR F. STEVENS TABLED A PETITION WITH 96 SIGNATORIES ON BEHALF OF MRS C. M. LEWIS REQUESTING THAT RESIDENTS OF SEYMOUR AND SURROUNDS WISH TO SUBMIT TO COUNCIL A REQUEST FOR A NEW, IMPROVED VISITOR INFORMATION CENTRE TO BE BUILT IN THE VICINITY OF THE EXISTING STRUCTURE PLAN AT EMILY STREET, SEYMOUR. THIS NEW STRUCTURE SHOULD NOT ONLY BE AN INFORMATION CENTRE, BUT SHOULD INCLUDE FACETS OF SEYMOUR'S OTHER TOURIST ATTRACTIONS, SUCH AS SUBSTANTIAL OFFERING OF MILITARY HISTORY, WHICH INCLUDES THE INCREASINGLY POPULAR VIETNAM VETERANS COMMEMORATIVE WALK, HISTORICAL SOCIETY DOCUMENTATION, ARTS SOCIETY EXHIBITION, SPINNERS AND WEAVERS HANDIWORK, ETC. A SPACE FOR VISITORS AND RESIDENTS ALIKE TO SIT DOWN AND ENJOY A COFFEE AND A PIECE OF CAKE.

6 PRESENTATIONS

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

Nil

7 ADVOCACY AND COMMUNITY SERVICES

7.1 Mitchell Shire Council Social Justice Framework 2017-2021

Author: Buffy Leadbeater - Coordinator Community Development/Youth Services

File No: CS/19/003

Attachments: 1. [Mitchell Shire Social Justice Framework 2017 - 2021](#) ⇨

SUMMARY

The Mitchell Shire Council's first Social Justice Framework aims to promote equal rights and opportunities for all people within Mitchell Shire and to redress the impact that social and economic inequalities have on both the people experiencing it and the wider community.

The Mitchell Shire Social Justice Framework provides a set of guiding principles to support Council, key stakeholders and community members to deliver accessible, equitable and inclusive programs, services and decision-making processes.

It identifies seven social justice priority areas for action and outlines targeted measures to alleviate the barriers faced by disadvantaged individuals and groups in accessing community resources and opportunities.

These priority areas are:

- Aboriginal and Torres Strait Islander People
- Cultural Diversity
- LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex)
- Gender Equity
- Equitable Access to Services
- Disability
- Community Connection

Local government has a key role to play in creating a socially just, inclusive and sustainable community. The Mitchell Shire Council Social Justice Framework 2017-2021 affirms Council's human rights obligations under the *Victorian Charter of Human Rights and Responsibilities Act 2006* and actions Council's vision to "to build a richly diverse, equitable and well-connected community, based on the principle of fairness for all".

MITCHELL SHIRE COUNCIL SOCIAL JUSTICE FRAMEWORK 2017-2021 (CONT.)

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. F. STEVENS

THAT Council adopt the Draft Mitchell Shire Council Social Justice Framework 2017-2021 for public consultation.

CARRIED UNANIMOUSLY

7.2 Learning and Library Strategy - Annual Update

Author: Kellie Vise - Manager Active Communities

File No: 2015/5/1

Attachments: 1. Year Four Action Plan Check In [↔](#)

SUMMARY

The Mitchell Shire *Learning and Library Strategy 2014–2024* sets the strategic direction for Council's Library Services. The Strategy was established in 2014 and this is the first review of achievements and progress against the strategic objectives. The attached report provides Council with a summary of actions and achievements for all seven (7) Council Strategies. The traffic lights against each action indicates the following status for each action:

- Green Light – actions that have been completed
- Amber Light – actions that are progressing and will be delivered in the next one to two years
- Red Light – actions under review that may not be delivered depending on relevancy of the action for the benefit of the service and community.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. D. ATKINSON

THAT Council notes the information provided in this report.

CARRIED UNANIMOUSLY

7.3 Domestic Wastewater Management Plan Audit Outcomes

Author: Jo Wilson - Manager Community Strengthening

File No: WW/01/007

Attachments: Nil

SUMMARY

To inform Council of the outcomes of the Domestic Wastewater Management Audit that was completed in June 2017 and future actions required.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. D. LOWE

THAT Council:

1. Note the outcomes of the Domestic Wastewater Management Plan Audit.
2. Support the follow up actions for management of non-compliant systems.

CARRIED UNANIMOUSLY

7.4 Mitchell Health Profile 2017 and MPHWP Year One Annual Action Plan 2017-2018

Author: Jaala Freer - Health and Wellbeing Officer

File No: CS/20/003

Attachments: 1. MPHWP Year One Annual Action Plan 2017-2018 [↗](#)
2. Mitchell Shire Health Profile 2017 [↗](#)

SUMMARY

The Mitchell Shire Municipal Public Health and Wellbeing Plan (MPHWP) 2017-2021 was adopted by Council at the Ordinary Council Meeting on 21 August 2017. To inform the development of the MPHWP, a requirement is to examine data about local health status and health determinants relevant to our local municipality. An updated Health Profile has been developed which will align and support the MPHWP 2017-2021.

A further requirement as part of the legislation for MPHWP development incorporates an Annual Action Plan which includes key initiatives to be undertaken aligned with MPHWP priorities and strategies. This report outlines both new data trends highlighted in the Health Profile 2017, as well as the newly developed initiatives for the Year One Annual Action Plan.

MOVED: CR. D. LOWE

SECONDED: CR. R. ELDRIDGE

THAT Council:

1. Adopt the Mitchell Health Profile 2017, and;
2. Adopt the MPHWP Year One Annual Action Plan 2017-2018.

CARRIED UNANIMOUSLY

8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 Annual Report - Performance Statement and Financial Report

Author: Nicole Maxwell - Manager Finance and Assets

File No: CM/20/015

Attachments: 1. Mitchell Shire Council Annual Report 2016-17 - Under Separate Cover [↗](#)

SUMMARY

Council is required to complete and forward to the Minister for Local Government its Annual Report by 30 September 2017. The Council must not submit the Performance and Financial Statements to its auditor or the Minister unless it has passed a resolution giving its approval in principle to the Performance and Financial Statements.

COUNCIL RESOLUTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. D. LOWE

THAT:

1. Council adopts-in-principle the 2016-17 Performance Statement and Financial Report.
2. Council authorises the Principal Accounting Officer to make amendments to the 2016-17 Performance Statement and Financial Report, as agreed with Council's Auditors and in consultation with Council's Audit Committee.
3. Council nominates Cr Atkinson and Cr Lowe to sign the 30 June 2017 Performance Statement and Financial Report in their prescribed form.
4. Council authorises the Chief Executive Officer to sign the 2016-17 Performance Statement and Financial Report in their final form.
5. The Annual Report be forwarded to the Minister for Local Government Victoria by 30 September 2017.
6. Public notice be given of:
 - a) The availability of the report of the auditor under Section 9 of the *Audit Act 1994*.
 - b) A meeting to be held for the purpose of discussing the Annual Report under Section 134 of the *Local Government Act 1989* at 7.00pm on 16 October 2017.

CARRIED UNANIMOUSLY

8.2 Quarterly Financial Report for the 12 months ending 30 June 2017

Author: *Hannah White - Management Accounting Coordinator*

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

Attachments: 1. *Q4 Finance Report for the 12 months ending 30 June 2017* [↗](#)

SUMMARY

This report along with the attachment allows Council to monitor its financial performance.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. CHISHOLM

THAT Council note the contents of the Financial Report for the period ending 30 June 2017 and Attachment 1 – Q4 Finance Report for the 12 months ending 30 June 2017.

CARRIED UNANIMOUSLY

8.3 Assembly of Council Record

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: CL/04/013-02

Attachments: 1. Assembly of Council Record - August 2017 [↗](#)

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. A. GOBLE

SECONDED: CR. B. HUMM

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

CARRIED UNANIMOUSLY

8.4 Appointment of Councillor Representative to Rural Councils Victoria

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: CL/04/001-03

Attachments: Nil

SUMMARY

Rural Councils Victoria has requested that Council appoint a delegate for the 2017-2018 Council year.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. B. CHISHOLM

THAT Council appoint the Mayor, Cr Rhonda Sanderson to Rural Councils Victoria for the 2017-2018 Council year.

CARRIED UNANIMOUSLY

9 DEVELOPMENT AND INFRASTRUCTURE

9.1 Secondary Consent Request Under Condition 3 of PLP112/16 57-59 High Street, Wallan

Author: James McNulty - Statutory Planning Coordinator

File No: PLP112/16

Attachments: Nil

Cr D. Atkinson left the meeting at 7:31pm.

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. R. ELDRIDGE

THAT Council, subject to the permit applicant withdrawing VCAT Appeal P894/2017, supports the request made under Condition 3 of the Notice of Decision for planning Permit Application PLP112/16, to enable the occupation of the proposed building at 57-59 High Street, Wallan prior to vehicle access being obtained to the rear car parks.

CARRIED UNANIMOUSLY

AMENDMENT

PART B

MOVED: CR. B. CHISHOLM

SECONDED: CR. R. ELDRIDGE

THAT Council approves under Secondary Consent the request to occupy the building without vehicle access being provided to the owners, of the land in good faith, and will continue to explore options in securing vehicle access to the rear car parking area and will take appropriate steps in securing this access once a reasonable opportunity is available and that officers in consultation with the land owner will report back to Council every 6 months on the progress of these negotiations.

CARRIED AND BECAME PART OF THE SUBSTANTIVE MOTION

A division was called and resulted in as follows:

For:

CR. B. CHISHOLM

CR. B. CORNISH

CR. R. ELDRIDGE

CR. A. GOBLE

CR. B. HUMM

CR. D. LOWE

CR. R. SANDERSON

Against:

CR. F. STEVENS

Abstained:

SECONDARY CONSENT REQUEST UNDER CONDITION 3 OF PLP112/16 57-59 HIGH STREET, WALLAN
(CONT.)

THE SUBSTANTIVE MOTION WAS CARRIED

A division was called and resulted in as follows:

For:

CR. B. CHISHOLM

CR. B. CORNISH

CR. R. ELDRIDGE

CR. A. GOBLE

CR. B. HUMM

CR. D. LOWE

CR. R. SANDERSON

Against:

CR. F. STEVENS

Abstained:

Cr D. Atkinson returned to the meeting at 7:43pm.

9.2 Planning Scheme Amendment C128 - Wallan Town Centre Masterplan Implementation

Author: Simon Williams - Strategic Planner

File No: PL/05

Attachments: 1. [Planning Scheme Amendment Documentation](#)⇒

SUMMARY

The *Wallan Town Centre Masterplan and Urban Design Framework (Masterplan)* was adopted by Council in September 2016. The *Masterplan* is a key guiding document designed to shape the future development of Wallan Town Centre.

The implementation strategy for the *Masterplan* recommends amending the planning scheme to update the local planning policy framework and to apply a Design and Development Overlay to Wallan town centre.

A Planning Scheme Amendment is the most appropriate mechanism to make this change. The amendment proposes to make the *Masterplan* a reference document within the Mitchell Planning Scheme. It also introduces a new Design and Development Overlay, which will provide specific design and built form requirements for Wallan town centre.

It is recommended that Council request Authorisation from the Minister for Planning to prepare Planning Scheme Amendment C128 as outlined in this report and upon receipt of authorisation, it is also recommended that Council exhibit Planning Scheme Amendment C128.

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. A. GOBLE

THAT Council:

1. Seek Ministerial Authorisation in accordance with Section 8(a) of the *Planning and Environment Act 1987* to prepare a Planning Scheme Amendment to implement the recommendations of the *Wallan Town Centre Masterplan and Urban Design Framework*.
2. Subject to Ministerial Authorisation being granted, prepare and exhibit a Planning Scheme Amendment in accordance with the *Planning and Environment Act 1987* and in a form generally consistent with Attachment 1.

CARRIED UNANIMOUSLY

9.3 Victorian Civil and Administrative Tribunal Hearings and Activities Carried Out Under Delegation

Author: James McNulty - 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. A. GOBLE

SECONDED: CR. B. CORNISH

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. 918 - MAV State Council Motion - Induction Program for Councillors

Author: Councillor Rhonda Sanderson

File No: LG/02/001-01

Attachments: Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 18 September 2017.

MOTION

MOVED: CR. D. ATKINSON

SECONDED: CR. F. STEVENS

THAT Council submits the motion below to the Municipal Association of Victoria (MAV) State Council meeting on 20 October 2017.

That the MAV call on the State Government to:

1. Fund a mandated induction program for Councillors;
2. Require all Councillors to participate in the induction program; and
3. Appoint an independent delegated representative to conduct the program.

CARRIED

A division resulted in as follows:

For:

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

Against:

CR. B. CORNISH
CR. R. ELDRIDGE
CR. B. HUMM
CR. D. LOWE

Abstained:

11.2 Notice of Motion: No. 919 - Seymour Flood Levee**Author:** Councillor Bill Chisholm**File No:** WW/03/015-01**Attachments:** Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 18 September 2017.

MOTION**MOVED:** CR. B. CHISHOLM**SECONDED:** CR. D. LOWE**THAT:**

1. Officers prepare a report looking into the prospect of working with the Insurance Council of Australia to do a current evaluation on the cost benefits in terms of reduced insurance premiums that will benefit landowners within the proposed Seymour Flood Levy. As part of this work also look at any potential financial impacts on people residing outside the proposed levy
2. An investigation be undertaken of the issues Strathbogie Shire are currently experiencing with two levies within their Shire and gather any other relevant information that may impact on the proposed Seymour Flood Levy.

CARRIED

A division resulted in as follows:

For:

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

Against:

CR. B. CORNISH
CR. A. GOBLE
CR. F. STEVENS

Abstained:

11.3 Notice of Motion: No. 920 - MAV State Council Meeting - Fire Prevention for Government Agencies**Author:** Councillor Bill Chisholm**File No:** FP/01/001-01**Attachments:** Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 18 September 2017.

MOTION**MOVED:** CR. B. CHISHOLM**SECONDED:** CR. B. CORNISH

THAT Council submits the motion below to the Municipal Association of Victoria (MAV) State Council meeting on 20 October 2017.

That the MAV call on the State Government to remind Government Agencies/Authorities of their obligations and responsibilities under the *Country Fire Authority Act 1958* (still very much current) Section 43.

1. In the country area of Victoria, it is the duty of every municipal council and public authority to take all practicable steps (including burning) to prevent the occurrence of fires on, and minimise the danger of the spread of fires on and from
 - (a) any land vested in it or under its control or management; and
 - (b) any road under its care or management.
2. That a common standard be applied to all fire hazard inspection and removal, within urban areas or town fringes. It should make no difference who retains ownership or responsibility for any land concerned in relation to potential fire hazards. The State Government should adopt a zero-tolerance approach to potential fire hazards within urban communities or the fringes of such communities.

CARRIED UNANIMOUSLY

11.4 Notice of Motion: No. 921 - Vegetation Buffers**Author:** Councillor Bill Chisholm**File No:** FN17/3211**Attachments:** Nil

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 18 September 2017.

MOTION**MOVED:** CR. B. CHISHOLM**SECONDED:** CR. D. LOWE

THAT Council Officers prepare a report to Council on the background, number, location and maintenance costs associated with the vegetation buffers/screens that Council manages or will manage into the future. The report should also include possible ways with better planning, can we make this type of infrastructure better able to cope with the possible effects of climate change into the future (i.e. Location, usability etc.) and ways in which maintenance can be reduced.

CARRIED

A division resulted in as follows:

For:CR. D. ATKINSON
CR. B. CHISHOLM
CR. B. HUMM
CR. D. LOWE
CR. R. SANDERSON**Against:**CR. B. CORNISH
CR. R. ELDRIDGE
CR. A. GOBLE
CR. F. STEVENS**Abstained:****COUNCIL RESOLUTION****MOVED:** CR. B. CORNISH**SECONDED:** CR. B. HUMM**THAT** an extension of time be granted.**CARRIED UNANIMOUSLY**

DELEGATE REPORT MITCHELL ENVIRONMENT ADVISORY COMMITTEE OVERVIEW AND UPDATE
(CONT.)

12 DELEGATES REPORTS

12.1 Delegate Report Mitchell Environment Advisory Committee Overview and Update

Author: *Elyse Kelly - Environmental Programs Coordinator*

File No: *ET/03/003*

Attachments: *Nil*

SUMMARY

This report provides an overview of the Mitchell Environment Advisory Committee (MEAC) and a summary of *the* discussions held an ordinary meeting on 9 August 2017.

Cr Eldridge chaired the meeting and Council representatives included the Director Development and Infrastructure, Manager Engineering and Major Projects and the Environment Coordinator.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. B. HUMM

THAT Council receive and note the Delegates report, Mitchell Environment Advisory Committee overview and update

CARRIED UNANIMOUSLY

12.2 Delegate Report - Overview and Update on Activities and Delegate Deliberations

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: CL/04/001-03

Attachments: 1. *Councillor Delegate Report - August 2017* [⇒](#)

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 August 2017 and also other activities attended as a Council representative.

COUNCIL RESOLUTION

MOVED: CR. B. CORNISH

SECONDED: CR. D. LOWE

THAT the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for August 2017 be received and noted.

CARRIED UNANIMOUSLY

13 GENERAL BUSINESS

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

MOTION

MOVED: CR. B. CHISHOLM

SECONDED: CR. D. LOWE

THAT Council writes to the Mayor, Cr Ricky Kirkham to extend its condolences on the passing of Cr John Butler.

CARRIED UNANIMOUSLY

14 URGENT BUSINESS

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

15 CONFIDENTIAL BUSINESS

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. D. ATKINSON

THAT in accordance with Section 89(2) of the *Local Government Act 1989*, Council resolves to close the meeting to members of the public to consider the following items which relate to matters specified under Section 89(2), as specified below.

CARRIED UNANIMOUSLY

The meeting was closed to the public at 8.33pm.

15.1 Confirmation of Minutes of previous Confidential Meeting

15.2 Leisure Services Equipment Procurement Tender Evaluation

s89(2)(d) contractual matters.

15.3 Proposed Extension - Contract 132185 - Provision of Security Patrol Service

s89(2)(d) contractual matters.

15.4 Re-opening of Meeting to members of the public

MOVED: CR. B. CORNISH

SECONDED: CR. B. HUMM

THAT the meeting be re-opened to the members of the public.

CARRIED UNANIMOUSLY

The meeting was re-opened too members of the public at 8.38pm.

16 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 16 October 2017 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 8:39pm.

Confirmed this Monday, 16 October 2017

.....
Chairperson
Mayor, Cr Rhonda Sanderson