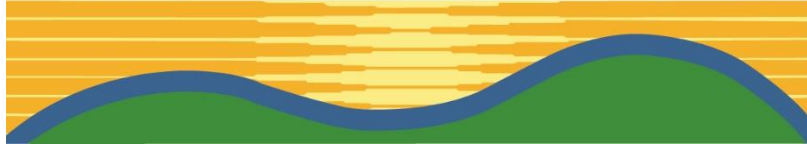


MITCHELL SHIRE COUNCIL



**ORDINARY COUNCIL
MEETING
MINUTES**

MONDAY 15 APRIL 2019

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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
15 APRIL 2019**

THE MEETING OPENED: 7.03pm

COUNCILLORS PRESENT

Cr Annie Goble	Central Ward
Cr David Atkinson	Central Ward
Cr Bob Humm	Central Ward
Cr Bill Chisholm	North Ward (Chairperson)
Cr Rhonda Sanderson	North Ward
Cr David Lowe	South Ward
Cr Rob Eldridge	South Ward
Cr Bob Cornish	South Ward

OFFICERS PRESENT

Mr David Turnbull	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	Governance and Corporate Accountability Coordinator

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. Cornish.

2 APOLOGIES AND LEAVE OF ABSENCE

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. B. CORNISH

THAT the apology for this meeting received from Cr. F Stevens be accepted.

CARRIED UNANIMOUSLY

3 DISCLOSURE OF CONFLICTS OF INTEREST

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

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. A. GOBLE

THAT the Minutes of the Ordinary Council Meeting held 18 March 2019, as circulated, be confirmed.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

MOVED: CR. B. HUMM

SECONDED: CR. D. LOWE

THAT the Minutes of the Special Council Meeting held 1 April 2019, 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

Nil Reports

8 GOVERNANCE AND CORPORATE PERFORMANCE

8.1 DRAFT 2019-2020 BUDGET AND REVISED STRATEGIC RESOURCE PLAN

Author: *Nicole Maxwell - Manager Finance and Assets*

File No: *FN/09/022*

Attachments: *1. Draft Budget 2019-2020 – (under separate cover)*
2. Draft Mitchell Shire Council Strategic – (under separate cover)

SUMMARY

Following several years of focusing on rebuilding Council's financial capacity through a strong and continued focus on growing cash reserves, increasing expenditure on the renewal of assets, seeking external grant funding and minimising levels of operational expenditure, Council's financial position is steadily improving.

This improvement is reflected in the revised Strategic Resource Plan (SRP) and Draft 2019-2020 Budget. Some of the highlights include;

- A return to adequate cash reserves,
- A \$28.9M Capital Works program (exclusive of carry forwards),
- An increase to 72.8% asset renewal funding,
- Reduced aggregate borrowing levels,
- Growth in operational and capital grants, and
- A positive Adjusted Underlying Surplus.

This report recommends that Council resolves to endorse the draft annual review of the SRP and 2019-2020 Budget for public input in accordance with Sections 126 and 127 of the *Local Government Act 1989 (the Act)*. Council is required to give public notice of these documents pursuant to Section 129 of the Act.

DRAFT 2019-2020 BUDGET AND REVISED STRATEGIC RESOURCE PLAN (CONT.)

COUNCIL RESOLUTION**MOVED:** CR. R. SANDERSON**SECONDED:** CR. A. GOBLE**THAT** Council resolves to endorse:

1. The revised Strategic Resource Plan 2020-2023 and Draft 2019-2020 Budget, – circulated separately and annexed to the Minutes, prepared by Council for the purposes of Sections 126(3) and 127(1) of the *Local Government Act 1989*.
2. The Chief Executive Officer be authorised to:
 - (a) Give public notice of the revised Strategic Resource Plan 2020-2023 and the Draft 2019-2020 Budget in accordance with Section 129(1) of the *Local Government Act 1989* noting the dates for public notice are from Thursday, 25 April 2019 to Wednesday, 22 May 2019.
 - (b) Invite submissions on any proposal contained in the revised Strategic Resource Plan 2020-2023 or the Draft 2019-2020 Budget in accordance with Section 129(2) of the *Local Government Act 1989*.
 - (c) Effect any minor administrative changes which may be required to the revised Strategic Resource Plan 2020-2023 or the Draft 2019-2020 Budget.

THAT Council resolves to note:

3. Submissions will be considered at a Hearings Committee meeting of Council to be held on Monday, 3 June 2019 at 7.00pm in the Council Chamber, 113 High Street, Broadford.
4. Subject to changes to either document after consideration of all submissions, the revised Strategic Resource Plan 2020-2023 and the Draft 2019-2020 Budget will be presented for adoption as Council's Strategic Resource Plan 2020-2023 and Budget for 2019-2020, in accordance with Sections 126(3) and 130(1) of the *Local Government Act 1989*, at an Ordinary Meeting of Council to be held on Monday, 24 June 2019 at 7.00pm in the Council Chamber, 113 High Street, Broadford.

The vote resulted in as follows:

For:

CR. D. ATKINSON
CR. B. CHISHOLM
CR. A. GOBLE
CR. B. HUMM
CR. R. SANDERSON

Against:

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

Abstained:**CARRIED**

DRAFT 2019-2020 BUDGET AND REVISED STRATEGIC RESOURCE PLAN (CONT.)

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. B. CORNISH

THAT an extension of speaking time be granted

The vote resulted in as follows:

For:

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

Against:

CR. B. CHISHOLM
CR. A. GOBLE
CR. R. SANDERSON

Abstained:

CARRIED

8.2 PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE

Author: Teresa Hendy - Property Officer

File No: CP/06/012

Attachments: 1. Outline of the Road and the Land
2. Extension Beyond Southern Title Boundary

SUMMARY

The northern section of Wandong Avenue adjacent to Rail Street is located on land which, on the Certificate of Title, is in private ownership forming part of a lot which is land left over from a 1903 subdivision. The land can be declared by Council for public use for the purposes of a road.

The land under the constructed road vests in Council under legislation, however the ownership and management of the land on both sides of the road needs to be resolved to secure the land for future municipal and public use.

The transfer to Council ownership on title of the land currently vested in private ownership would provide opportunity for future road expansion and improvements, pedestrian infrastructure and would include land which has been developed for community use as part of the Wandong Community Hall.

Previous Council reports of 15 October 2018 and 18 February 2019 discussed these issues around Wandong Road and the surrounding land and the proposed declaration of the road to be a public highway. The subsequent resolutions of those two meetings were as follows:

15 October 2018

THAT Council:

1. Propose to declare the northern section of Wandong Avenue, Wandong (adjacent to Rail Street), and as shown on Attachment 1 of this report, as a public highway.
2. Authorise the giving of Public Notice under Section 223 of the *Local Government Act 1989* of the intention to declare the section of Wandong Avenue, as shown on Attachment 1, a public highway under Section 204(1) of the *Local Government Act 1989*. The Public Notice would be published in a local newspaper and on Council's website.
3. In accordance with Section 223 of the *Local Government Act 1989*, receive written submissions and hear from submitters at a meeting of the Community Questions and Hearings Committee.

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE (CONT.)

18 February 2019

THAT Council:

1. Determine that the area shown in Attachment 1 of this report, being the northern section of Wandong Avenue adjacent to Rail Street, is reasonably required for public use, both for immediate vehicle and pedestrian use and to allow for future planning for public, Council and utility uses and services.
2. Authorise the giving of public notice to give effect to Recommendation 1, by the publication of a notice of declaration of public highway under section 204(1) of the *Local Government Act 1989* of the area shown in Attachment 1 of this report in the *Victoria Government Gazette*.
3. After the giving of public notice, authorise the preparation of a title Plan for the land declared as public highway and application by Council to become the registered proprietor of the land declared as public highway, as shown in Attachment 1 of this report.

Since the Council Meeting of 18 February 2019, it has come to light that Officers inadvertently did not provide all parties the opportunity to be heard in accordance with Section 223 of the *Local Government Act 1989* and that a new resolution on the matter of declaring Part Wandong Road a Public Highway will be required after submitters have been heard at the next Community Questions and Hearings Committee in May. Council must reconsider the matter afresh without an existing resolution in place. A new resolution will be formed following the Community Questions and Hearings Committee meeting.

As it stands the current Council resolution cannot be acted upon without having provided procedural fairness as is required by the Act, requiring Council to consider the proposal anew.

This report discusses this matter as outlined above and proposes a way forward to ensure that the submissions are treated in accordance with the Act and Council can advance to make a new resolution once they have considered all submissions, written and verbal.

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. B. CORNISH

THAT Council:

1. Reconsider the decision made at the Ordinary Council meeting of 18 February 2019, Item 2, which gives effect to the declaration of public highway of part of Wandong Avenue (as shown in Attachment 1), noting that Council cannot proceed with the resolution having not fulfilled its requirements under the *Local Government Act 1989* to provide opportunity for submitters to be heard in accordance with section 223 of

PROPOSED DECLARATION OF PUBLIC HIGHWAY - PART WANDONG AVENUE (CONT.)

the *Local Government Act 1989*.

2. Officers invite the submitter and all other objectors who wished to be heard in support of their submission made in regards to the proposed declaration of public highway of part Wandong Avenue to the meeting of the Community Questions and Hearing Committee meeting scheduled for Monday 13 May 2019.
3. Hear the submitters at the Community Questions and Hearings Committee and report back to Council with a full representation of the submitter's views and concerns.
4. Officers prepare a report for the Ordinary Council meeting on 20 May 2019 which makes recommendations in relation to the proposed declaration of public highway of part Wandong Avenue, as shown in Attachment 1, and which takes into consideration the submission to and report from the Community Questions and Hearings Committee.

CARRIED UNANIMOUSLY

8.3 MID-TERM REVIEW OF THE COUNCIL PLAN 2017-2021

Author: Ellen McComish - Corporate Planning and Reporting Officer

File No: CM/15/004

Attachments: 1. Mitchell Shire Council Plan 2017 - 2021 Mid-plan review (tracked) changes

SUMMARY

In accordance with section 125(7) of the *Local Government Act 1989*, the Council Plan has been reviewed. The Council Plan sets out the key directions and main objectives to achieve our vision of a sustainable future. Council has reviewed and updated the Council Plan so that we can deliver on our objectives.

A part of reviewing the plan involves confirming if we are on the right track as well as understanding emerging issues and priorities. This review process ensures that what we do meets community needs, remains relevant and responds to the changing circumstances and environment in which we live.

As a result of this review, there have not been any changes proposed to the themes or strategic objectives. However, there have been some contextual updates, as well as the addition of measures of success linked to the annual Council Customer Satisfaction Survey and Local Government Performance Reporting Framework.

Finally, the Action Plan has been separated from this strategic document as there is a separate process to develop these annually. This allows for a more responsive and agile system for development of annual plans to support achieving our strategic objectives.

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. A. GOBLE

THAT Council endorse the revised Council Plan 2017 – 2021 and make the amendments available for public inspection as required by the *Local Government Act 1989*.

The vote resulted in as follows:

For:

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

Against:

CR. B. CORNISH

Abstained:

CARRIED

8.4 SERVICE PLANNING POLICY

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

File No: *CM15/003*

Attachments: 1. *Draft Mitchell Shire Council Service Planning Policy*

SUMMARY

The Draft Service Planning Policy will provide objectives and guidelines around Service Planning at Mitchell Shire Council.

COUNCIL RESOLUTION

MOVED: CR. R. ELDRIDGE

SECONDED: CR. D. LOWE

THAT Council endorse the attached Service Planning Policy with the addition to dot point 6 under Service Planning Principles to read:

Service planning will drive responsible decisions regarding the renewal, upgrade or the construction of new assets **or rationalisation of assets**. Decisions about assets are first driven by service delivery.

CARRIED UNANIMOUSLY

PLACE NAMING POLICY (CONT.)

8.5 PLACE NAMING POLICY

Author: Lidia Harding - Governance & Corporate Accountability Coordinator

File No: CL/04/001-03

Attachments: 1. Place Naming Policy

SUMMARY

This Place Naming Policy (Attachment 1) documents the proposed approach used by Council in the naming of places and localities across the municipality. It provides a framework to ensure a coordinated, consistent, fair and equitable protocol is followed by Council when investigating and determining naming proposals. This policy does not cover the naming of roads, streets and new subdivisions.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. D. ATKINSON

THAT the Place Naming Policy as at Attachment 1 be adopted.

The vote resulted in as follows:

For:

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

Against:

CR. B. HUMM

Abstained:

CARRIED

8.6 ASSEMBLY OF COUNCIL RECORD

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

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. SANDERSON

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

CARRIED UNANIMOUSLY

**8.7 RURAL COUNCILS TRANSFORMATION PROGRAM - HUME REGION
BUSINESS CASE**

Author: *Laurie Ellis - Director Governance and Corporate Performance*

File No: *LG/04/010*

Attachments: 1. *Rural Councils Transformation Hume Region Business Case*
2. *Hume Regions Cost Spreadsheet*

Following an Expression of Interest process in November 2018, the Hume Region was successful in gaining support from the State Government to develop a business case to provide further justification for investment in 5 planned transformation initiatives to be implemented across 11 municipalities in the Hume Region.

The attached “Hume Region Transformation Program – Business Case” was subsequently developed in collaboration with the 11 municipalities and submitted to Local Government Victoria. It is now being presented to Council for consideration. A Council resolution in the form presented is a mandatory requirement of State Government in order for the project to be potentially approved.

The business case details a number of proposed transformations across five service areas and spanning all eleven councils of the Hume region. Whilst the changes that are proposed in the business case are operational in nature, the scale of this combined proposal is such that Council endorsement is appropriate in this case.

The recommended resolution meets the requirements of the funding body, Local Government Victoria, and Council’s approval is a requirement of the application.

RURAL COUNCILS TRANSFORMATION PROGRAM - HUME REGION BUSINESS CASE (CONT.)

COUNCIL RESOLUTION

MOVED: CR. D. LOWE

SECONDED: CR. R. SANDERSON

PART A

THAT Council:

1. Notes that Mitchell Shire Council is a participant in a grouping of councils that have made an application for funding under the Victorian Government Rural Councils Transformation Program (RCTP) for the following initiative:
 - (a) Hume Region Councils Transformation Program, in conjunction with Wodonga, Wangaratta, Moira, Towong, Benalla, Strathbogie, Murrindindi, Mansfield, Alpine shires and Indigo Shire Council (lead council)
2. Notes that for an RCTP application to be eligible for consideration, the following criteria must be met:
 - (a) Submission of a joint business case by 31st March 2019.
 - (b) Each Council must pass an accompanying resolution committing to implement the business case, if approved for funding. The resolution must be lodged with Local Government Victoria by 30th April 2019.
3. Approves the submission of the business case by Indigo Shire Council on behalf of Mitchell Shire Council.
4. Approves implementation of projects and initiatives within the submitted business case by Mitchell Shire Council, subject to the application being approved for RCTP funding.

PART B

THAT Council:

As a pre-requisite of its participation, require the subsequent process to include opportunities to consider its ongoing participation if for legitimate business reasons it is not feasible or otherwise appropriate.

CARRIED UNANIMOUSLY

9 DEVELOPMENT AND INFRASTRUCTURE

9.1 DEVELOPMENT PLAN PROPOSAL - 140 STRATH CREEK ROAD, BROADFORD

Author: James Kirby - Senior Strategic Planner

File No: PL/13/081

Attachments: 1. Development Plan - 140 Strath Creek Road, Broadford

SUMMARY

An application for a Development Plan has been received on behalf of Castlegate James Pty Ltd for 140 Strath Creek Road, Broadford.

Schedule 6 to the Development Plan Overlay (DPO6 - Land in the vicinity of the State Motorcycle Sports Complex) requires the approval of a development plan prior to the issue of any planning permit at 140 Strath Creek Road, Broadford. There is no current development plan approved for this site.

Following a review of the Development Plan and consideration of the submissions received, it is recommended that the proposed Development Plan as provided in Attachment 1 is approved.

COUNCIL RESOLUTION

MOVED: CR. A. GOBLE

SECONDED: CR. R. SANDERSON

THAT Council approves the Development Plan pursuant to Clause 43.04 Development Plan Overlay (DPO6) of the Mitchell Planning Scheme, as provided within Attachment 1 to this report.

CARRIED UNANIMOUSLY

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

Author: *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. R. ELDRIDGE

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

Nil Reports

11 NOTICES OF MOTION

11.1 NOTICE OF MOTION: NO. 961 - MAV STATE COUNCIL MOTION - ELECTRONIC GAMING MACHINES SIGNAGE

Author: *Councillor David Atkinson*

File No: *CL/04/001-03*

Attachments: *Nil*

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 15 April 2019.

COUNCIL RESOLUTION

MOVED: CR. D. ATKINSON

SECONDED: CR. A. GOBLE

THAT the Municipal Association of Victoria (MAV) call on the State Government to implement an evidenced based public health approach to reduce gambling harm associated with electronic gaming machines and specifically:

- Mandate the display of signage on all electronic gaming machines with a product health and safety warning – ‘stating the machine is designed to keep you playing and programmed for you to lose money’, emulating the approach taken with the tobacco industry.

CARRIED UNANIMOUSLY

12 DELEGATES REPORTS

12.1 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

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 March 2019 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 March 2019 be received and noted.

CARRIED UNANIMOUSLY

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.

Nil

15 CONFIDENTIAL BUSINESS**COUNCIL RESOLUTION**

MOVED: CR. D. LOWE

SECONDED: CR. B. CORNISH

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 closed to the public at 8.21pm

15.1 Confirmation of Minutes of previous Confidential Meeting**15.2 Council Reserve - Doyle Crescent, Seymour**

s89(2)(b) the personal hardship of any resident or ratepayer.

15.3 Contract extension - Contract 132259 EPA Auditor for Mitchell Landfill Sites

s89(2)(d) contractual matters.

15.4 RFT 132548 Broadford Secondary College Sports Lighting Project

s89(2)(d) contractual matters.

15.5 Re-opening of Meeting to members of the public

COUNCIL RESOLUTION

MOVED: CR. R. SANDERSON

SECONDED: CR. D. ATKINSON

CARRIED UNANIMOUSLY

The meeting was re-opened to members of the public at 8.29pm.

16 DATE OF NEXT MEETING

The next Ordinary meeting of Council is scheduled to be held on Monday 20 May 2019 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

17 CLOSE OF MEETING

The meeting was declared closed at 8.30pm.

Confirmed this Monday, 20 May 2019

.....
Chairperson
Mayor, Cr Bill Chisholm