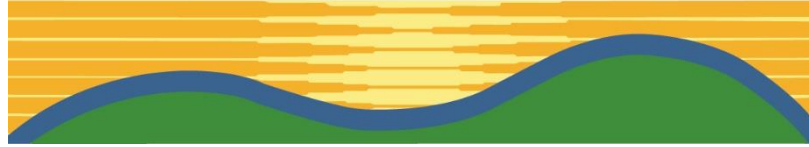


**MITCHELL SHIRE COUNCIL**



**ORDINARY COUNCIL  
MEETING  
MINUTES**

**MONDAY 17 DECEMBER 2018**



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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  
17 DECEMBER 2018**

**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 (Chairperson)  
Cr Rhonda Sanderson North Ward  
Cr Fiona Stevens 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 Tim Partridge Acting Director Development and Infrastructure  
Ms Lidia Harding Governance and Corporate Accountability Coordinator

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**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 her respect to their Elders past and present, and its emerging and future leaders.*

The declaration was read by Cr D.Lowe

## 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 D. Lowe declared an indirect interest as an interested party in item 15.5 Australia Day Awards 2019 of the Confidential Council Meeting Agenda as he nominated two of the candidates for awards.

Cr B. Humm declared an indirect interest by close association in item 15.5 Australia Day Awards 2019 of the Confidential Council Meeting Agenda as he works on the Cemetery Trust in Kilmore with one of the nominated candidates.

## 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### COUNCIL RESOLUTION

**MOVED:** CR. D. ATKINSON

**SECONDED:** CR. A. GOBLE

**THAT** the Minutes of the Ordinary Council Meeting held 19 November 2018, as circulated, be confirmed.

**CARRIED UNANIMOUSLY**

### COUNCIL RESOLUTION

**MOVED:** CR. D. ATKINSON

**SECONDED:** CR. A. GOBLE

**THAT** the Minutes of the Special Council Meeting held 26 November 2018, 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 CUSTOMER SERVICE CHARTER REVIEW 2018

**Author:** Jo Wilson - Manager Community Strengthening

**File No:** GV/10/024

**Attachments:** 1. Customer Service Charter 2019

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#### SUMMARY

A key strategic objective of the Mitchell Shire Council Plan 2017-2021 is to ensure a customer first approach to all service delivery and communication.

The Customer Service Charter 2018 is a statement of our commitment to excellence and continuous improvement in customer service delivery. The Customer Service Charter 2019 (Attachment 1) has reviewed all key standards and levels to ensure that the service we provide to the community is of a high standard and accurately reflects community expectations.

The purpose of the Customer Service Charter is to simply and clearly state our commitment to our customers. As part of this commitment, the Customer Service Charter provides greater transparency to the community and ensures all Council staff deliver excellent service that is responsive, accessible and inclusive.

#### COUNCIL RESOLUTION

**MOVED:** CR. D. ATKINSON

**SECONDED:** CR. R. ELDRIDGE

**THAT** Council endorse Customer Service Charter 2018-2019.

**CARRIED UNANIMOUSLY**

**7.2 NEIGHBOURHOOD SAFER PLACE – BUSHFIRE PLACE OF LAST RESORT  
– DESIGNATION OF HARLEY HAMMOND RESERVE**

**Author:** Bryan McCarthy - Emergency Management and Recovery Coordinator

**File No:** EM/05/013

**Attachments:** Nil

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**SUMMARY**

Mitchell Shire has seven (7) Neighbourhood Safer Place – Bushfire Place of Last Resort (NSP-BPLR) locations which have been assessed and designated in accordance with the guidelines and assessment criteria pursuant to the *Country Fire Authority Act 1958, Part IIIA, Section 50E*.

The Harley Hammond Reserve oval was assessed and approved as an NSP-BPLR November 2014. Annual assessments have confirmed it as an NSP-BPLR. The oval is the designated area of the NSP-BPLR and is identified accordingly.

Mitchell Shire Council (MSC) undertook a major refurbishment of the Harley Hammond Reserve oval, between November 2016 and March 2017. The work included erecting a temporary fence around the oval, effectively preventing its use as an NSP-BPLR. To ensure that an NSP-BPLR was available to the Broadford community, the Country Fire Authority (CFA) assessed the carpark area around the oval as an NSP-BPLR which was deemed as compliant with the CFA NSP Assessment Criteria. Council Designated the carpark as an NSP-BPLR April 2017.

Harley Hammond Reserve has two designated NSP-BPLR areas – oval and car park. This has created an administrative anomaly and potential confusion when two (2) NSP-BPLR are located together. Public accessing the NSP-BPLR would assume that the car park and oval are one NSP-BPLR. CFA advised that this anomaly needs to be corrected.

The annual assessment of the Harley Hammond Reserve conducted in August 2017 confirmed that the Harley Hammond Reserve oval and carpark are compliant as NSP-BPLR.

It was proposed that during the 2018 assessment, the Harley Hammond Reserve be reassessed to have one designated NSP-BPLR instead of two separate designations in the same area – the oval and carpark.



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NEIGHBOURHOOD SAFER PLACE – BUSHFIRE PLACE OF LAST RESORT – DESIGNATION OF HARLEY HAMMOND RESERVE (CONT.)

**COUNCIL RESOLUTION****MOVED:** CR. D. ATKINSON**SECONDED:** CR. B. HUMM**THAT** Council:

1. Approves the decommissioning of the Harley Hammond Reserve oval and carpark designated as separate NSP-BPLR areas.
2. Approves the Designation of the Harley Hammond Reserve oval and carpark as a single NSP-BPLR.
3. Note the actions and implementation required once council approval is given for the site to be established as NSP-BPLR.
4. Informs the Country Fire Authority that Harley Hammond Reserve oval and carpark has been decommissioned as separate NSP-BPLR areas, and Harley Hammond Reserve oval and carpark is now Designated as a single NSP-BPLR.

**CARRIED UNANIMOUSLY**

## 8 GOVERNANCE AND CORPORATE PERFORMANCE

### 8.1 ASSEMBLY OF COUNCIL RECORD

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

**File No:** CL/04/013-02

**Attachments:** 1. Assembly of Council Record

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#### 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. D. ATKINSON

**SECONDED:** CR. B. CORNISH

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

**CARRIED UNANIMOUSLY**

## 9 DEVELOPMENT AND INFRASTRUCTURE

### 9.1 COMBINED PLANNING SCHEME AMENDMENT C124 AND PLANNING PERMIT APPLICATION PLP203/17 FOR RE-ZONE AND DEVELOPMENT OF A SUPERMARKET, LIQUOR STORE, SPECIALTY RETAIL AND MEDICAL CENTRE IN KILMORE - CONSIDERATION OF SUBMISSIONS

**Author:** Justin Harding - Strategic Planner

**File No:** PL/05/221

**Attachments:** 1. Summary of Submissions and Council Officer Responses  
2. Draft Planning Permit PLP203/17 (with post submission changes)

---

#### SUMMARY

Proposed Planning Scheme Amendment C124 and Planning Permit Application PLP203/17, in accordance with Section 96A of the *Planning and Environment Act 1987*, seeks to develop land for a supermarket, medical centre and associated ancillary retail stores. The amendment proposes to rezone 80 Clarke Street and 109 Northern Highway, Kilmore from Industrial 1 Zone to Commercial 1 Zone.

The permit application seeks permission to develop land for buildings and works for the construction of a supermarket with retail stores and a medical centre, use of land for the sale of packaged liquor, alteration to a Road Zone Category 1 and removal of native vegetation.

The combined planning scheme amendment and planning permit application was placed on public exhibition between 17 September 2018 and 22 October 2018 in accordance with Council's resolution on 29 January 2018. Exhibition comprised a mailout to affected land owners, newspaper advertising, notice in the Victorian Government Gazette and two drop-in sessions.

In total ten (10) submissions have been received. A summary of the submissions received, and the officer response is provided at Attachment 1 to this report. Of the ten (10) submissions, six (6) support the amendment. Of the four (4) objectors, two (2) support the proposed rezoning and object to the permit application. The remaining two (2) objectors are opposed to both the rezoning and permit.

The proposal is supported by the *Kilmore Structure Plan 2016* which nominates the site as a "key gateway site" and a potential site for a supermarket. The application proposes generally high-quality built form fronting the Clarke Street/Northern Highway intersection and activates a section of Kilmore Creek for community use.

The proposal has an estimated construction cost of \$12.5 million and generate an estimated 210 ongoing jobs for Kilmore.

It is recommended that Amendment C124 and Planning Permit Application PLP203/17 be referred to an Independent Planning Panel for review and consideration of unresolved submissions.

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COMBINED PLANNING SCHEME AMENDMENT C124 AND PLANNING PERMIT APPLICATION PLP203/17 FOR RE-ZONE AND DEVELOPMENT OF A SUPERMARKET, LIQUOR STORE, SPECIALTY RETAIL AND MEDICAL CENTRE IN KILMORE - CONSIDERATION OF SUBMISSIONS (CONT.)

### **COUNCIL RESOLUTION**

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. A. GOBLE

**THAT** Council, upon resolution of the design issues outlined in (3) below to its satisfaction, resolve to:

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 C124 and Planning Permit PLP203/17.
2. Submit to the Independent Planning Panel Council's response to submissions, as generally outlined in Attachments 1 and 2 to this report.
3. Continue mediating with the applicant and submitters to resolve concerns prior to commencement of the Independent Planning Panel including the following:
  - Traffic management, including safe deliveries, quantum of disabled parking bays and dimensions of car spaces;
  - Development setback to the Kilmore Creek and minimal blank wall interface with the creek corridor;
  - Opportunities for additional landscaping, including greater canopy cover within the car park;
  - Development contributions; and
  - Maximise northern aspect and creek frontage in design.

**CARRIED UNANIMOUSLY**

## 9.2 PROPOSED PLANNING SCHEME AMENDMENT C134 - RE-ZONING OF LAND AT 49 EMILY STREET SEYMOUR (PART) AND 17 HIGH STREET SEYMOUR (PART)

**Author:** James Kirby - Senior Strategic Planner

**File No:** PL/05/270

**Attachments:** 1. Proposed Planning Scheme Amendment C134

---

### SUMMARY

Proposed Planning Scheme Amendment C134 seeks to rezone part of the land at 49 Emily Street and 17 High Street, Seymour, from General Residential 1 Zone (GRZ1) to Commercial 2 Zone (C2Z). The subject site is on one land parcel being Lot 1 on PS 808421W.

The subject site is currently being used as a car dealership which has been operating for approximately 38 years. The rezoning will ensure the whole site is within the C2Z, unlike the current situation where a small portion of the site is included in the GRZ1 and 'car sales' is a prohibited use within the GRZ1 under the *Mitchell Planning Scheme*.

The rezoning request was lodged by Ellen Hogan & Associates in September on behalf of Neil Beer.

It is recommended that Council request authorisation from the Minister for Planning to prepare Planning Scheme Amendment C134 as outlined in this report and upon receipt of authorisation, given the relatively minor scale of this proposal it is recommended that Council exhibit Planning Scheme Amendment C134. Attachment 1 to this report provides a draft copy of the proposed amendment documentation.

### COUNCIL RESOLUTION

**MOVED:** CR. D. LOWE

**SECONDED:** CR. R. ELDRIDGE

**THAT** Council:

1. Seek Ministerial Authorisation in accordance with Section 8(a) of the *Planning and Environment Act 1987* for proposed Planning Scheme Amendment C134 which seeks to rezone part of the land at 49 Emily Street and 17 High Street, Seymour, from General Residential 1 Zone (GRZ1) to Commercial 2 Zone (C2Z), being Lot 1 on PS 808421W.
2. Subject to Ministerial Authorisation, Council prepares and exhibits a Planning Scheme Amendment in accordance with the *Planning and Environment Act, 1987*.

**CARRIED UNANIMOUSLY**

**9.3 RESPONSE TO NOTICE OF MOTION NO. 949 - ADVERTISING OF PLANNING MATTERS GUIDELINES**

**Author:** James McNulty - Manager Development Approvals

**File No:** Nil

**Attachments:** 1. Advertising Planning Applications Guideline

---

**SUMMARY**

This report provides an update on the actions that have been taken to address Notice of Motion No. 949 relating to the advertising of planning matters in Mitchell Shire.

**COUNCIL RESOLUTION**

**MOVED:** CR. R. SANDERSON

**SECONDED:** CR. F. STEVENS

**THAT** Council:

1. Receives and notes the information contained in this report, and
2. Endorses the draft Guidelines for Advertising Planning Applications for the purposes of providing direction to applicants and officer's in implementing Section 52 of the *Planning and Environment Act 1987*.

**CARRIED UNANIMOUSLY**

**9.4 PLANNING PERMIT APPLICATION PLP206/18 FOR DEVELOPMENT OF THE LAND FOR MULTIPLE DWELLINGS AT 8 EDEN PLACE WALLAN**

**Author:** *Holly Sawyer - Senior Statutory Planner*

**File No:** *PLP206/18*

**Attachments:**

1. *8 Eden Place Wallan - Plans*
2. *Schedule 15 to Clause 43.04*
3. *SPPF and LPPF*

**SUMMARY**

The application is seeking approval for the development of the land for 32 double storey dwellings. The land is located within the General Residential Zone – Schedule 1 and is affected by the Development Plan Overlay – Schedule 15 of the Mitchell Planning Scheme.

The application was advertised by mail to adjoining landowners and occupiers, with a sign displayed fronting Eden Place. A total of four objections have been received at the time of writing this report.

The primary matters discussed later in this report are related to the requirements of the Development Plan Overlay – Schedule 15.

This report recommends that a Notice of Decision to Refuse a Planning Permit be issued for the proposed development of the land, as it is considered that the proposal is at odds with the Mitchell Planning Scheme particularly the lack of consistency with the Development Plan Overlay – Schedule 15. It is considered that the proposal would result in a disorderly planning outcome.

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PLANNING PERMIT APPLICATION PLP206/18 FOR DEVELOPMENT OF THE LAND FOR MULTIPLE DWELLINGS AT 8 EDEN PLACE WALLAN (CONT.)

**COUNCIL RESOLUTION****MOVED:** CR. R. ELDERIDGE**SECONDED:** CR. B. CORNISH

**THAT** Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Refusal to Grant a Planning Permit in respect of Application No. PLP206/18 for the development of the land for multiple dwellings at Lot 8 on Plan of Subdivision 144554 Volume 09549 Folio 735, known as 8 Eden Place, Wallan, on the following grounds:

1. The proposal will prejudice the desired outcomes of the Development Plan Overlay – Schedule 15 pursuant to Clause 43.04 of the Mitchell Planning Scheme, as the requirement for the submission of a Development Plan prior to the lodgement of a planning permit application has not been fulfilled.
2. The proposal does not demonstrate a coordinated development outcome for the entire residential infill area affected by the Development Plan Overlay – Schedule 15 pursuant to Clause 43.04 of the Mitchell Planning Scheme.
3. The absence of an approved Development Plan for the entire development area will result in a disorderly planning outcome for the area.
4. The proposal will detrimentally impact on the amenity of the adjoining residents as the proposal does not respect the preferred character of the surrounding area and prejudices existing and future development on adjoining land.
5. The proposal will detrimentally impact on the amenity of adjoining residents as the development layout will result in poor vehicle movements through the end of Eden Place.
6. The proposal does not meet the requirement of Clause 52.06 of the Mitchell Planning Scheme for the provision of car parking.

**CARRIED UNANIMOUSLY**



**9.5 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*

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**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. A. GOBLE

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

**CARRIED UNANIMOUSLY**

**9.6 RESPONSE TO NOTICE OF MOTION 939 REUSE WATER FOR KILMORE RACETRACK**

**Author:** *Tim Partridge - Manager Engineering and Major Projects*

**File No:** *PL/09/004-01*

**Attachments:** 1. *Kilmore Recycled Water Concept Design Report*

---

**SUMMARY**

This report provides an update on the actions that have been taken to address Notice of Motion No. 939 relating to the re-use of recycled water at the Kilmore Racetrack.

This report also provides a high-level update on some additional work currently underway that will explore the potential for wastewater recycling on a township wide scale.

This project has been named the 'Greening Kilmore Project and has recently secured external funding, via Council's participation in the Goulburn Broken Integrated Water Management (GBIWM) Forum, to progress detailed studies.

**COUNCIL RESOLUTION**

**MOVED:** CR. B. HUMM

**SECONDED:** CR. A. GOBLE

**THAT** Council:

1. Note the information contained in this report.
2. Receive a report at a future date summarising the outcomes of the 'Greening Kilmore' Study.

**CARRIED UNANIMOUSLY**

## **10 EXECUTIVE SERVICES**

Nil Reports

## 11 NOTICES OF MOTION

### 11.1 NOTICE OF MOTION: NO. 956 - REQUEST FOR ARBORIST REPORT

**Author:** Councillor Bob Humm

**File No:** GV/10/024

**Attachments:** Nil

---

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 17 December 2018.

### COUNCIL RESOLUTION

**MOVED:** CR. B. HUMM

**SECONDED:** CR. A. GOBLE

**THAT** Council obtain an arborist report with the condition and life expectancy of the large pine tree north side of Clarke Street, Kilmore and east side of the bridge (which noted already has seeds regrowing in the Kilmore Creek Wall) shown in photo below so further consideration can be given to which side the footbridge is placed.

**CARRIED**

The vote resulted in as follows:

**For:**

CR. D. ATKINSON  
CR. B. CHISHOLM  
CR. B. CORNISH  
CR. A. GOBLE  
CR. B. HUMM  
CR. D. LOWE  
CR. F. STEVENS

**Against:**

CR. R. ELDRIDGE  
CR. R. SANDERSON

**Abstained:**



**11.2 NOTICE OF MOTION: NO. 957 - REGIONAL ROADS - LACK OF ROADSIDE LITTER REMOVAL PROGRAM**

**Author:** *Councillor Rhonda Sanderson*

**File No:** *TR/09/002*

**Attachments:** *Nil*

---

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 17 December 2018.

**COUNCIL RESOLUTION**

**MOVED:** CR. R. SANDERSON

**SECONDED:** CR. F. STEVENS

**THAT** Council write to the Minister responsible for rural roads with a copy to the Treasurer, Minister for Regional Development, Minister for Tourism and others, as necessary, to request consideration of a roadside litter removal program to be included in the State Budget to address scattered roadside litter on rural freeways and major roads.

**CARRIED UNANIMOUSLY**

7.52pm Cr Lowe left the meeting

7.52pm Cr Lowe returned to the meeting

7.53pm Cr Lowe left the meeting and did not return

## 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. Delegates 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 November 2018 and also other activities attended as a Council representative.

#### COUNCIL RESOLUTION

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. B. HUMM

**THAT** the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for November 2018 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.*

#### COUNCIL RESOLUTION

**MOVED:** CR. A. GOBLE

**SECONDED:** CR. F. STEVENS

**THAT** the confidential urgent business item 15.9 Wallan Secondary College Oval (Joint Use) be submitted into the agenda for consideration.

**CARRIED UNANIMOUSLY**

### 15 CONFIDENTIAL BUSINESS

#### COUNCIL RESOLUTION

**MOVED:** CR. R. SANDERSON

**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 7.59pm

#### 15.1 Confirmation of Minutes of previous Confidential Meeting

#### 15.2 RFT132503 - Oak Street, Seymour - Road rehabilitation & ancillary works

s89(2)(d) contractual matters.

#### 15.3 RFT132118-Construction of Watson Street Shared Path and Dudley Street Footpath, Wallan

s89(2)(d) contractual matters.

#### 15.4 Road Stabilisation, Reseal/Asphalt and line marking Program 2018-2019

s89(2)(d) contractual matters.

#### 15.5 Australia Day Awards 2019

s89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person.

**15.6 Delegate Report - Audit Committee**

s89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person.

**15.7 Old Goulburn River Bridge - Additional allocation of funding**

s89(2)(d) contractual matters, and s89(2)(g) matters affecting the security of Council property.

**15.8 Wallan Secondary College Oval (Joint Use)**

s89(2)(d) contractual matters.

**15.9 Chief Executive Officer Mid-Year Performance Review**

s89(2)(a) personal matters.

**15.10 Re-opening of Meeting to members of the public**

**COUNCIL RESOLUTION**

**MOVED:** CR. R. ANDERSON

**SECONDED:** CR. B. CORNISH

**CARRIED UNANIMOUSLY**

The meeting was re-opened to members of the public at 8.45pm.

**16 DATE OF NEXT MEETING**

The next Ordinary meeting of Council is scheduled to be held on Monday 18 February 2019 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

**17 CLOSE OF MEETING**

The meeting was declared closed at 8.45pm.

Confirmed this Monday, 18 February 2019

.....  
**Chairperson**  
**Mayor, Cr Bill Chisholm**