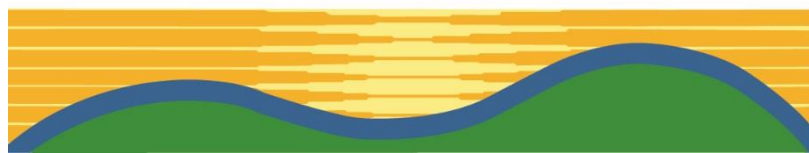


**MITCHELL SHIRE COUNCIL**



**ORDINARY COUNCIL  
MEETING  
MINUTES**

**MONDAY 17 MAY 2021**



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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 MAY 2021**

**THE MEETING OPENED:** 7.00pm

**COUNCILLORS PRESENT**

Cr Nathan Clarke Central Ward

Cr Louise Bannister Central Ward

Cr Bill Chisholm North Ward

Cr Rhonda Sanderson North Ward (Chairperson)

Cr Christine Banks South Ward

Cr Rob Eldridge South Ward

**OFFICERS PRESENT**

Mr Brett Luxford Chief Executive Officer

Mr Laurie Ellis Director Governance and Corporate Performance

Ms Mary Agostino Director Advocacy and Community Services

Mr Travis Conway Acting Director Development and Infrastructure

Ms Lidia Harding Manager Governance and Corporate Accountability

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**1 WELCOME**

The Mayor formally opens the meeting with an acknowledgement of country and welcomes all present.

*Mitchell Shire Council acknowledges the traditional custodians of the land, those of the Taungurung and Wurundjeri People. We pay our respects to their rich cultures and to Elders past, present and future.*

**2 GOVERNANCE DECLARATION**

The declaration was read by Cr L. Bannister.

### 3 APOLOGIES AND LEAVE OF ABSENCE

#### COUNCIL RESOLUTION

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. N. CLARK

**THAT** the apology for this meeting received from Cr A. Goble, Cr B. Cornish and Cr F. Stevens be accepted.

**CARRIED UNANIMOUSLY**

### 4 DISCLOSURE OF CONFLICTS OF INTEREST

*In accordance with Section 130(2)(a) of the Local Government Act 2020.*

Nil.

### 5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

#### COUNCIL RESOLUTION

**MOVED:** CR. N. CLARK

**SECONDED:** CR. R. ELDRIDGE

**THAT** the Minutes of the Ordinary Council Meeting held 19 April 2021, as circulated, be confirmed with the following amendment to Item 10.2 noting that Cr Goble voted in favour of the item.

**CARRIED UNANIMOUSLY**

### 6 PETITIONS AND JOINT LETTERS

Nil.

### 7 PRESENTATIONS

Nil.

## 8 ADVOCACY AND COMMUNITY SERVICES

### 8.1 ABORIGINAL CULTURAL HERITAGE, HISTORIC CULTURAL HERITAGE AND LIVING CULTURES POLICY

**Author:** Karen Watson - Manager Liveable Communities

**File No:** CS/26/002

**Attachments:** 1. Draft Aboriginal Cultural Heritage, Historic Cultural Heritage and Living Cultures Policy

#### 1. Purpose

- 1.1 To introduce and have endorsed the Draft Aboriginal Cultural Heritage, Historic Cultural Heritage and Living Cultures Policy for consultation.

#### COUNCIL RESOLUTION

**MOVED:** CR. C. BANKS

**SECONDED:** CR. R. ELDRIDGE

**THAT** Council endorse the Draft Aboriginal Cultural Heritage, Historic Cultural Heritage and Living Cultures Policy for community consultation.

**CARRIED UNANIMOUSLY**

## 9 GOVERNANCE AND CORPORATE PERFORMANCE

### 9.1 ASSEMBLY OF COUNCIL RECORD

**Author:** Lidia Harding - Manager Governance and Corporate Accountability

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

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

#### 1. Purpose

- 1.1 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. N. CLARK

**SECONDED:** CR. L. BANNISTER

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

**CARRIED UNANIMOUSLY**



**9.2 DELEGATE REPORT - OVERVIEW AND UPDATE ON ACTIVITIES AND DELEGATE DELIBERATIONS**

**Author:** Lidia Harding - Manager Governance and Corporate Accountability

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

**Attachments:** 1. Councillor Delegate Report

**1. Purpose**

- 1.1 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 from 1 April to 30 April 2021 and also other activities attended as a Council representative.

**COUNCIL RESOLUTION**

**MOVED:** CR. C. BANKS

**SECONDED:** CR. L. BANNISTER

**THAT** Council receive and note the Delegate's Report on Overview and Update on Activities and Delegate Deliberation by Councillors for the period 1 to 30 April 2021.

**CARRIED UNANIMOUSLY**

**9.3 CONDUCT OF THE 2020 MITCHELL SHIRE COUNCIL ELECTION**

**Author:** Lidia Harding - Manager Governance and Corporate Accountability

**File No:** GV/12/007

**Attachments:** 1. Mitchell Shire Council 2020 Election Report

**1. Purpose**

- 1.1 Mitchell Shire Council conducted its Council Election in October 2020 as per legislative requirements. As a follow up to the election services, the Victorian Electoral Commission (VEC) has provided Council with a report on the conduct of the election.

**COUNCIL RESOLUTION**

**MOVED:** CR. B. CHISHOLM

**SECONDED:** CR. N. CLARK

**THAT** Council resolve that the report from the Victorian Electoral Commission regarding the conduct of the Mitchell Shire Council General Elections in October 2020 be received and noted.

**CARRIED UNANIMOUSLY**

**9.4 INSTRUMENT OF APPOINTMENT AND AUTHORISATION - PLANNING AND ENVIRONMENT ACT 1987**

**Author:** Lidia Harding - Manager Governance and Corporate Accountability

**File No:** HR/20/001-02

**Attachments:** 1. Instrument of Authorisation

**1. Purpose**

- 1.1 To seek the appointment of an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act.

**COUNCIL RESOLUTION**

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. C. BANKS

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

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**

**9.5 QUARTERLY FINANCE REPORT FOR THE PERIOD ENDING 31 MARCH 2021**

**Author:** *Hannah White - Management Accounting Coordinator*

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

**Attachments:** 1. *Financial Report for the nine months ending 31 March 2021*

**1. Purpose**

1.1 Attachment 1 represents the third budget review for the financial year and nine months of business ending 31 March 2021.

1.2 This report compares the actual financial performance and financial state with the quarter three forecast and adopted budget.

**COUNCIL RESOLUTION**

**MOVED:** CR. B. CHISHOLM

**SECONDED:** CR. R. ELDRIDGE

**THAT** Council note the contents of this report and Attachment 1 – Financial Report for the period ending 31 March 2021.

**CARRIED UNANIMOUSLY**

## 10 DEVELOPMENT AND INFRASTRUCTURE

### 10.1 DRAFT ROAD MANAGEMENT PLAN 2021

**Author:** Gareth Antrobus - Roads Maintenance Coordinator

**File No:** TR/01/003

**Attachments:** 1. Road Management Plan 2021 - Draft  
2. Draft Road Management Plan 2021 - Proposed Changes

#### 1. Purpose

- 1.1 For Council to endorse the draft Road Management Plan 2021 (Attachment 1), to proceed to community consultation in accordance with the requirements contained within the *Road Management Act 2004*.

#### COUNCIL RESOLUTION

**MOVED:** CR. L. BANNISTER

**SECONDED:** CR. N. CLARK

**THAT** Council:

1. Endorse the draft Road Management Plan 2021 for community consultation in accordance with the requirements contained within the *Road Management Act 2004* for a period no less than four (4) weeks.
2. Receive a report at the July 2021 Ordinary Council meeting summarising feedback received through the public consultation process and presenting the final Road Management Plan 2021 for adoption.

The vote resulted in as follows:

<b>For:</b>	<b>Against:</b>
CR. C. BANKS	CR. B. CHISHOLM
CR. L. BANNISTER	
CR. N. CLARK	
CR. R. ELDRIDGE	
CR. R. SANDERSON	

**CARRIED**

**10.2 RESPONSE TO NOTICE OF MOTION 988 – UNDERGROUNDING OF POWERLINES – TALLAROOK ST, SEYMOUR**

**Author:** Andrew Dodd - Manager Operations and Parks

**File No:** EM/05/010

**Attachments:** Nil

**1. Purpose**

To provide a response to Council relating to Notice of Motion 988 – Undergrounding of Powerlines – Tallarook Street, Seymour.

**COUNCIL RESOLUTION**

**MOVED:** CR. L. BANNISTER

**SECONDED:** CR. C. BANKS

**THAT** Council not pursue options to underground powerlines at this location and continue current practices of tree management along Tallarook Street, Seymour.

**CARRIED UNANIMOUSLY**

DRAFT URBAN TREE MANAGEMENT POLICY (CONT.)

### 10.3 DRAFT URBAN TREE MANAGEMENT POLICY

**Author:** Andrew Dodd - Manager Operations and Parks

**File No:** ST/08/016

**Attachments:** 1. Urban Tree Management Policy - Draft

#### 1. Purpose

1.1 To endorse the draft Urban Tree Management Policy (Attachment 1)

1.2 For this policy to go out to community consultation for information purposes only and not to seek feedback, due to the fact it is an internal, operation policy only.

#### COUNCIL RESOLUTION

**MOVED:** CR. B. CHISHOLM

**SECONDED:** CR. R. ELDRIDGE

That this item be deferred.

**CARRIED UNANIMOUSLY**

**10.4 PLANNING PERMIT APPLICATION PL6067/06.02 FOR THE USE OF THE LAND FOR A PLACE OF ASSEMBLY (ANNUAL MUSIC FESTIVAL WITH ANCILLARY USES FOR ACCOMMODATION AND FOOD AND DRINKS PREMISES) AT 210 TALLAROOK PYALONG ROAD TALLAROOK**

**Author:** *Rees May - Statutory Planner*

**File No:** *PL6067/06*

**Attachments:**

1. *Proposed Permit Conditions*
2. *Existing Permit*
3. *Amendment Application Material*
4. *Advertising Map*
5. *Applicable Planning Policies*

<b>Property No.:</b>	104165
<b>Title Details:</b>	CA 26 Section C Parish of Lowry & CA 27 Section C Parish of Lowery
<b>Applicant:</b>	Glossop Town Planning
<b>Zoning:</b>	Farming Zone
<b>Overlays:</b>	Vegetation Protection Overlay – Schedule 1 Erosion Management Overlay Bushfire Management Overlay
<b>Objections Received:</b>	36 submissions were received objecting to the proposed amendments.
<b>Cultural Heritage Management Plan Required:</b>	Not Required. The subject site is not located within an area of Aboriginal Cultural Heritage Significance.
<b>Summary Recommendation</b>	Notice of Decision to Grant an Amended Planning Permit
<b>Reason Reported to Council</b>	The proposal exceeded the number of objections for officer delegation.
<b>Officer Declaration of Conflict of Interest:</b>	No officers involved in the preparation of this report have any direct or indirect interest in this matter



PLANNING PERMIT APPLICATION PL6067/06.02 FOR THE USE OF THE LAND FOR A PLACE OF ASSEMBLY (ANNUAL MUSIC FESTIVAL WITH ANCILLARY USES FOR ACCOMMODATION AND FOOD AND DRINKS PREMISES) AT 210 TALLAROOK PYALONG ROAD TALLAROOK (CONT.)

1. Site Map

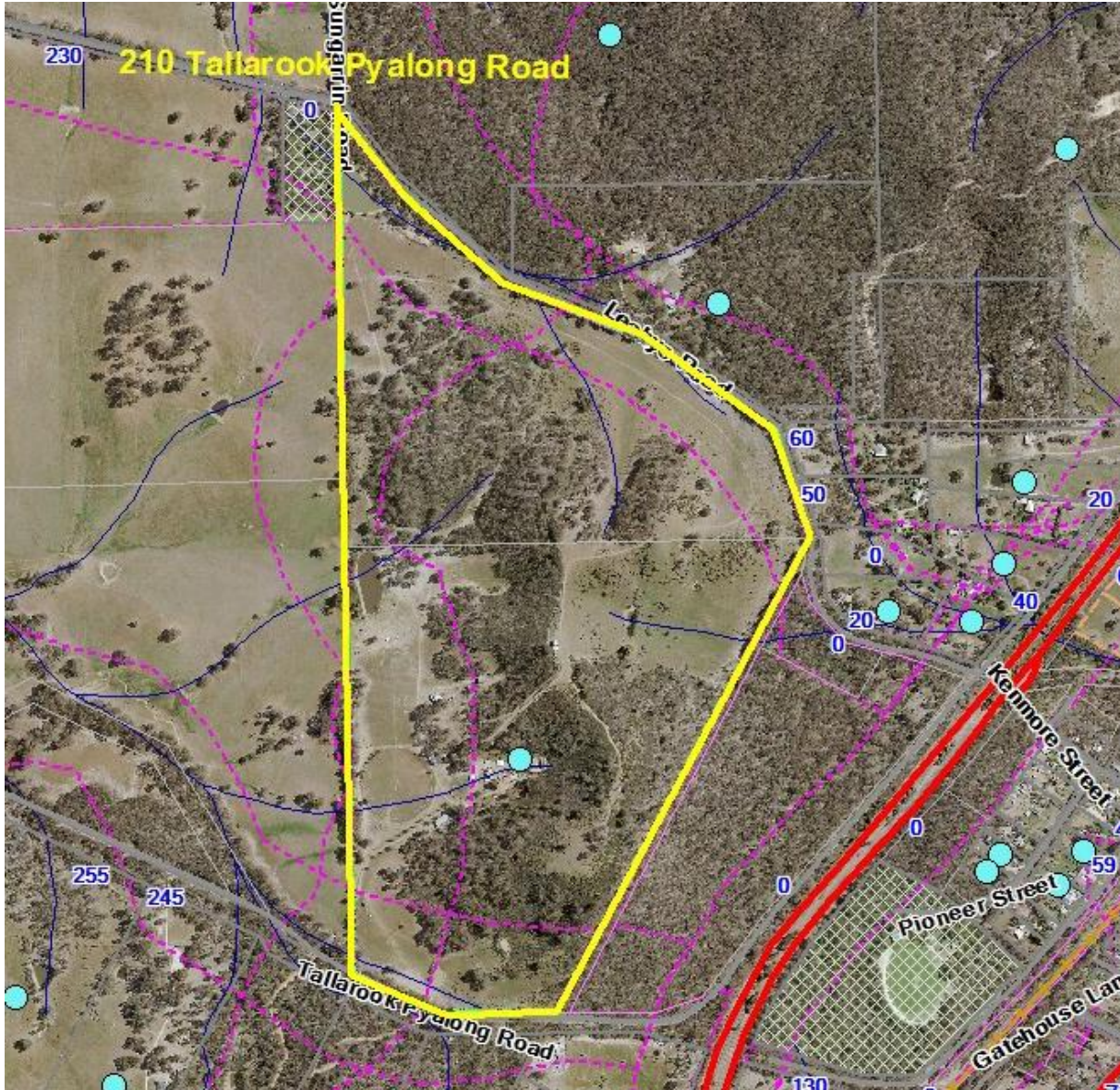


Figure 1: Aerial image of the subject site at 210 Tallarook Pyalong Road Tallarook

PLANNING PERMIT APPLICATION PL6067/06.02 FOR THE USE OF THE LAND FOR A PLACE OF ASSEMBLY (ANNUAL MUSIC FESTIVAL WITH ANCILLARY USES FOR ACCOMMODATION AND FOOD AND DRINKS PREMISES) AT 210 TALLAROOK PYALONG ROAD TALLAROOK (CONT.)

**COUNCIL RESOLUTION**

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. C. BANKS

**THAT** Council having complied with the relevant Sections of the *Planning and Environment Act 1987*, resolve to issue a Notice of Decision to Amend a Planning Permit in respect of Application No. PL6067/06.02 for the use of the land for a Place of assembly (annual music festival with ancillary uses for accommodation and a food and drink premises) in accordance with the endorsed plans at CA 26 Section C Parish of Lowry & CA 27 Section C Parish of Lowery, known as 210 Tallarook Pyalong Road, Tallarook, subject to the conditions outlined in Attachment 1.

**CARRIED UNANIMOUSLY**

### 10.5 PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN

**Author:** Ben Micallef - Principal Planner

**File No:** PLP059/19

**Attachments:**

1. Attachment 1 - Permit Conditions - 8 King Street, Wallan
2. Attachment 2 - Subdivision Plan - 8 King Street, Wallan
3. Attachment 3 - Clause 56 Assessment - 8 King Street, Wallan
4. Attachment 4 - Planning Policy Framework - 8 King Street, Wallan
5. Attachment 5 - Surrounding Development: Annotated Aerial Image - 8 King Street, Wallan

<b>Property No.:</b>	110344
<b>Title Details:</b>	Crown Allotment 1, Section 32 Township of Wallan, Parish of Wallan Wallan
<b>Applicant:</b>	Whiteman Property & Associates Pty Ltd
<b>Zoning:</b>	General Residential Zone – Schedule 1
<b>Overlays:</b>	Floodway Overlay (Partial)
<b>Objections Received:</b>	10
<b>Cultural Heritage Management Plan Required:</b>	Yes, this has been provided and approved.
<b>Summary Recommendation</b>	Recommendation to issue a Notice of Decision to grant a planning permit
<b>Reason Reported to Council</b>	Application received over four objections
<b>Officer Declaration of Conflict of Interest:</b>	No officers involved in the preparation of this report have any direct or indirect interest in this matter



PLANNING PERMIT APPLICATION PLP059/19 FOR MULTI-LOT SUBDIVISION, CREATION OF RESERVES AND REMOVAL OF NATIVE VEGETATION AT 8 KING STREET, WALLAN (CONT.)

1. Site Map



Figure 1 - Aerial of the subject site and surrounding properties

**COUNCIL RESOLUTION**

**Moved:** CR. R. ELDRIDGE

**Seconded:** CR. N. CLARK

That this item be deferred.

**CARRIED UNANIMOUSLY**

**10.6 VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL HEARINGS AND ACTIVITIES CARRIED OUT UNDER DELEGATION**

**Author:** *Ricardo Ramos - Acting Manager Development Approvals*

**File No:** *CL/04/004*

**Attachments:** *Nil*

**1. Purpose**

- 1.1 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. B. CHISHOLM

**THAT** the information in the report be received and noted.

**CARRIED UNANIMOUSLY**

**10.7 RESPONSE TO NOTICE OF MOTION 990 - NOMINATION OF IDENTIFICATION SIGNAGE AND TRAIL EXPERIENCE AT MONUMENT HILL**

**Author:** Elyse Kelly - Environmental Programs Coordinator

**File No:** RE/03/040

**Attachments:** 1. Monument Hill Reserve Track and Signage Upgrade Program

**1. Purpose**

- 1.1 This report responds to Notice of Motion (NoM) 990 - Nomination of Identification Signage and Trail Experience at Monument Hill raised at the 21 September 2020 Council meeting;

*“THAT Council officers provide a report in regard to the location of, costings of and the installation of, signs that identify direction and length of the trails throughout Monument Hill.”*

**COUNCIL RESOLUTION**

**MOVED:** CR. L. BANNISTER

**SECONDED:** CR. N. CLARK

**THAT** Council:

1. Receive and note the information contained in this report regarding signage and trail upgrades for Monument Hill Reserve; and
2. Note that implementation of this project will require additional resources and in some cases consultation approval from third parties including the Department of Environment, Land, Water and Planning, Taungurung Land and Waters Council and/or Heritage Victoria.

**CARRIED UNANIMOUSLY**

**11 EXECUTIVE SERVICES**

Nil Reports

## 12 NOTICES OF MOTION

### 12.1 NOTICE OF MOTION: NO. 1004 - CLIMATE EMERGENCY DECLARATION

**Author:** *Councillor Rob Eldridge*

**File No:** *ET/01/008*

**Attachments:** *Nil*

---

I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 17 May 2021.

### COUNCIL RESOLUTION

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. L. BANNISTER

**THAT** Council in preparation for declaring a 'Climate Emergency' receive a report outlining the implications of declaring the emergency and what actions and approach could be taken in response to the declaration.

**CARRIED UNANIMOUSLY**



**12.2 NOTICE OF MOTION: NO. 1005 - KILMORE MEMORIAL RSL BUILDING****Author:** *Louise Bannister - Councillor***File No:** *GV/11/016***Attachments:** *Nil*

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I hereby give notice of my intention to move the following motion at the Ordinary Council Meeting to be held on 17 May 2021.

**COUNCIL RESOLUTION****MOVED:** CR. L. BANNISTER**SECONDED:** CR. B. CHISHOLM**THAT** Council:

1. Conduct further consultation with the Kilmore Wallan RSL sub-branch and the wider community in regards to the future plans of the Kilmore Memorial RSL.
2. Document the consultation in detail.
3. Not finalise any plans for the Kilmore Community Hub and the RSL building until this consultation has taken place.
4. Ensure that any future report to Council details the consultation undertaken with the Kilmore Wallan RSL.

**CARRIED UNANIMOUSLY**

**13 DELEGATES REPORTS**

Nil Reports

**14 GENERAL BUSINESS****14.1 VALE ROSEY PANELLI**

**Author:** *Councillor Rhonda Sanderson*

**File No:** *GV/11/018*

**Attachments:** *Nil*

**COUNCIL RESOLUTION**

**MOVED:** CR. L. BANNISTER

**SECONDED:** CR. N. CLARK

**THAT** a letter of condolence be sent to Goulburn Options on the recent passing of their CEO Rosey Panelli.

**CARRIED UNANIMOUSLY**

**14.2 VALE JOHN SMYTH**

**Author:** *Councillor Rhonda Sanderson*

**File No:** *GV/11/018*

**Attachments:** *Nil*

**COUNCIL RESOLUTION**

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. B. CHISHOLM

**THAT** a letter of condolence be sent to the Smyth family.

**CARRIED UNANIMOUSLY**

## 15 GENERAL BUSINESS

Nil

## 16 URGENT BUSINESS

Nil

## 17 CONFIDENTIAL BUSINESS

### COUNCIL RESOLUTION

**MOVED:** CR. R. ELDRIDGE

**SECONDED:** CR. L. BANNISTER

**THAT** in accordance with Section 66(1) and 66(2)(a) 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.

#### 17.1 Confirmation of Minutes of previous Confidential Meeting

s3(1)h confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)

The Minutes of the previous confidential meeting of Council contain information that has been determined by Council to be confidential in accordance with s3(1) of the Local Government Act 2020.

#### 17.2 RFT132747 Road Maintenance Pavement Patching Truck New Supply & Delivery

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

#### 17.3 Re-opening of Meeting to members of the public

**CARRIED UNANIMOUSLY**

**18 DATE OF NEXT MEETING**

The next Ordinary meeting of Council is scheduled to be held on Monday 28 June 2021 at the Mitchell Civic Centre, 113 High Street Broadford, commencing at 7.00pm.

**19 CLOSE OF MEETING**

The meeting was declared closed at 7.43pm.

Confirmed this Monday, 28 June 2021

.....  
**Chairperson**  
**Mayor, Cr Rhonda Sanderson**